Journal of the Senate

Number 20—Regular Session **Thursday, May 4, 2006**

CONTENTS

Bills on Third Reading 973, 1081
Call to Order 969, 1102
Co-Introducers 1132
Executive Business, Appointment Reports 1096
House Messages, Final Action 1132
House Messages, Returning 1081
Local Bill Calendar 1068
Motions 1131
Point of Order 1032, 1067
Point of Order Ruling 1032, 1081
Remarks 969, 970, 1130
Reports of Committees 1131
Resolutions 971
Special Order Calendar 972, 1102

CALL TO ORDER

The Senate was called to order by President Lee at 9:47 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	

Excused: Senator Rich after 4:30 p.m.

PRAYER

The following prayer was offered by Father Melvin Gray, Rector, St. John's Episcopal Church, Tallahassee:

Author of the world's joy, bearer of the world's pain, we come to you this morning with grateful hearts for all your blessings.

At the beginning of another day of work, the penultimate day of this legislative session, we pray for renewed blessings on all those entrusted with political office for the great State of Florida—and especially for these Senators. As they debate and deliberate, may they sense your wisdom and courage. As they seek to bring to resolution the remaining issues on their agenda, may they all strive for the common good. As they seek to mold public opinion, may they focus on the people of Florida more than partisan politics.

Help us to remember that our lives depend upon work of many minds and hands. Help us to remember those who are most vulnerable and in need of society's support.

And finally we pray that, by your grace, we might hear you as effectively as you hear us. Amen.

PLEDGE

Senate Pages Praiselynn "Praise" Santos and John Webster of Orlando, son of Senator Webster; Courtney Newsome of Plant City; and Lillian "Lilly" Caldwell of Tallahassee, daughter of Diana Caldwell, Staff Director of the Committee on Communications and Public Utilities, led the Senate in the pledge of allegiance to the flag of the United States of America.

REMARKS

On motion by Senator Pruitt, the following remarks were ordered spread upon the Journal:

Senator Sebesta: Thank you, Mr. President. I've got some support here with me—two of our grandsons, Andrew Sebesta and Will Comber, who are paging this week.

You know how sometimes a melody gets stuck in your head and you walk around with it for several days and whatever you do, you can't get rid of it. That has been happening to me for about the last ten days. One of my all-time favorite singers, Sarah Brightman, has a song, "Time to Say Goodbye" and that has been in my mind for the last several days.

My quest, if you will, for the Senate really began a long time ago, specifically in 1974, over thirty years ago. I was Supervisor of Elections for Hillsborough County, having been elected twice. I was the first Republican ever elected to a Hillsborough County office. I had a lot of fun in those days. As Supervisor of Elections, we did some neat stuff. The little "I Voted" sticker that you get on election day—I invented that back in the mid-seventies.

The other thing that was memorable, although I sometimes would like to forget it, I was the guy that brought the punch card voting machine to Florida. Now you have got to remember, this was back in the dark ages, and the punch-card voting machine was really high-tech in the 1970s, but "chad" is fortunately dead and buried.

In 1974, former Senator Tom Adams—who you all saw here a few weeks ago at the old-timers' get together—was Secretary of State. He announced that he was going to step down and run for Governor. I thought about that for a long time and, of course, as Supervisor of Elections, I thought I knew something about elections. The Secretary of State, as you know, is the chief elections officer of Florida. So it seemed like a natural. So after yakking about it for a while with the family and with some close friends, I threw my hat in the ring and ran for Secretary of State. It was clearly one of the most interesting experiences of my lifetime.

Senator Smith, President Lee, you are going through statewide campaigns right now. You have my blessing, as it is not an easy thing to do. I remember a lot about that campaign because during that time I met a lot of folks—a lot of legislators, a lot of Senators, and I started to really think about the Florida Senate. In that campaign for Secretary of State, I guess my most memorable moment—you guys know by now I'm a very positive person—I really thought I was going to win that campaign. Two days before the election, I was in Miami, staying at the old Everglades Hotel on Biscayne Boulevard, and I went down the next morning and got the paper and I couldn't believe my eyes. I had received the endorsement of the *Miami Herald*. In fact, it was one of 45 endorsements I received in that campaign. But 48 hours later, I was on the tail-end of that campaign. I had an "L" behind my name instead of a "W". I lost the campaign to a Senator. All of this is in my mind you know, if I have a chance, if I have an opportunity, what I really want to do is to serve in the Florida Senate. I realized even then that this was the place to be to have an effect on the citizens of Florida. So that was in my mind. This

was 1974: our six kids were all still little tiny tikes. Jean and I, and more about you in a minute, talked about it and said really, our first responsibility is not politics, with all due respect, our real responsibility is our family—our six kids. So with that in mind, we stayed out of politics. At least, I didn't run for another office.

As time went by, all six became college graduates. All six are married and have children of their own. We have twelve grandchildren. In 1998, that door seemed to open. We were living in St. Petersburg at the time, having lived in Hillsborough for obviously a long time, as well. Now in St. Pete, Charlie Crist, who held this seat before I did, announced that he was going to run for statewide office which opened the Senate seat from then-District 20. Well, I knew it was going to be a battle, but I also knew that this was something that I really wanted to do. So, here we go again.

I ran for the Florida Senate in 1998. Talk about some tough campaigns—I really had a tough primary campaign. The first poll that came out showed Sebesta with less than one-half of one percent. There were four Republicans running and two Democrats. Well, the primary came and people said, "Who is this guy?" He led the primary. I led the primary. Then I won the run-off. Then I got into the general election with a three-term state legislator in a very, very difficult campaign. There was a lot of negativism in that campaign. I absolutely refused to do that, folks. I had never been negative in a campaign and I wasn't going to start then.

I remember Jack Latvala, you know him. He was my campaign manager in that race. He was also my campaign manager when I ran for Secretary of State in 1974. Jack and I go back a long time. Anyway, to that campaign in '98, I was trailing badly. The negatives had piled up against me. I was in a double-digit trail campaign on the Thursday before the Tuesday. I was down about 11 points. I sat around the conference table with my campaign strategists. They said, "You have got to rip her heart out. She is doing it to you. You have got to do it to her." I said, "No, I'm not going to do it." So they said, "Well, what are you going to do?" I said, "I'm going to put my wife on television." That night, Jean produced what became known around the state and, actually, nationally, as "the Jean Commercial;" perhaps the best political commercial ever made. It was produced in our living room at ten o'clock at night; put in a car and driven to Orlando that night, Thursday night; back in Tampa at ten the next morning; on the air by 10:30 Friday morning and by noon, we knew we had a winner. The phones lit up. She did a spectacular job with that commercial—right into your heart. She looked into the camera and said, "That's not my Jim. Here's my Jim." She did it and, darling, you won that campaign for me, clearly.

Well, I've got to start winding this down and I know that. I don't know where to start to say, "Thank you to all of you." You are all my very dear friends and I love you all very much. There's no way I can start naming names because as I look around here, even Smith, I like. Where do I start? Where do I finish? The President said, "three minutes" and I'm probably over that already. I just want you to know that you are very special to me and always will be. There some other folks I want to thank and one of them is right there in the blue dress. Faye Blanton and her wonderful staff—you have saved my lunch so many times, it is unbelievable. There is no way I can thank you enough. You are very precious to both Jean and me, and we thank you for everything.

Don Severance and his cast of characters, you are great, my friend. You have helped Jean and me make our stay in the Senate so much more comfortable and we thank you very much.

I've got a great district staff—David Winialski, Sue Berfield and Cheri Engala have been with me all eight years from the very first day. David is up here full-time and he is a piece of work. There's no two ways about it. He is clearly the smartest person I have ever known. He has total recall. He has never forgotten anything; so if you don't want him to remember it, don't tell him. He will pop it back at you ten years later, probably in spades. David, you are great. We've done, I think, some good stuff, and I thank you very much for that. Sue, you are always there when I need you. You have been a wonderful anchor to our organization. Cheri, you are carrying the freight down in St. Pete, and I appreciate that very much, too.

There is another staff I want to talk about. That's the Transportation staff with Reynold Meyer and his gang. I'm going to name them all—Kurt Eichin, Niki Davis, Shirlyne Everette, Jarrett Woods, and Daniel Smith. You know, we get the credit, obviously, and everybody says that. We get the credit; well, big deal. I know we don't deserve it. It's the staff that should be on television. It's the staff whose picture should be in the paper. Reynold Meyer is just one of the most wonderful people I've ever known. He is smart. He's an attorney, but besides that fact, Reynold has helped me so much in crafting legislation on so many things. He is calm, cool, and collected. He is virtually always right. Reynold and guys, wherever you are, I thank you very, very much.

My thanks to my constituents back home. They send me enough e-mails, so I thank them for that. My supporters who helped get me here in '98 and in '02.

I can't start mentioning names, but there's a couple I do have to mention. The first is Ken Pruitt—one of my true friends here in the Senate. You are a great guy and one of the disappointments in my life is that I will not be able to serve under you when you are Senate President. You are a truly great leader and Senator. Godspeed.

Mr. President, your friendship goes back to '98 or earlier. You know I knew your mom and dad before I knew you. They are wonderful people and so are you. It has been a great honor and privilege to not only work with you in the Senate, but work under you in the Presidency. Now I'll tell you a little story that you probably don't know. The day you came to talk to me about your running for the Presidency, I had in my pocket a list of 12 Republicans here in the Senate. I was going to run. Those were the first 12 I was going to talk to that day. When you talked to me, I thought, "Tom is going to be such a better President than I ever would be." I ripped up the list and joined your team. I have never looked back. It was a great honor being with you.

Finally, the guys with Sebesta behind their name or something else that's close to Sebesta, that's our family—26 strong. All six children are married. They all have kids—as I mentioned, 12 grandchildren and during this week, they will all be here off and on during the week, just as they were all here when I took office back in '98. Some of them are here and I want you to please stand up again. My wonderful wife, Jean, our daughter, Anne, on her right and Mary Beth on her left and a couple of the kids.

I can't say goodbye. There's no way I can say goodbye. So instead, I'll say, "*auf Wiedersehen*—until we meet again." Thank you Mr. President.

REMARKS

Senator Smith: Thank you, Mr. President. Thank you very much, folks. It is great to realize we are down to our last two days. What happens in the session as you get down to the last couple of weeks, everything gets tense. Everybody gets mad. Everybody gets angry. Everybody gets up tight. But you've got to look back and remember the good times.

First of all, I want to thank my family. All I'm going to do today is thank people. My wife, my children, I wouldn't be here without them. I want to thank my staff. I inherited a staff of Tanya and Mike and Nancy and Becky. I took the staff of Senator Kirkpatrick who, I think, took the staff of Senator Barron. I had a staff when I got here that collectively knew so much more than I knew, that it was amazing to me.

I was actually trying a case when I was notified. I was finishing up a death penalty case. I was notified that there was a select committee because they couldn't figure out who was president and I needed to come up. I got up here and I didn't know how to get in the building. Then when I got in the building, I was going to my first meeting. Senator Carlton—nobody chairs a meeting better than Senator Carlton. I don't know how much she knows, but she makes it look like she knows a lot. I didn't know what I was supposed to do, and at some point I tried to raise my hand. I guess there was a procedural thing, and Senator Carlton said, "Senator Smith, for what purpose?" I said, "Well, I want to say something." She said, "Well, Senator Smith, for what purpose?" I said, "I'd like to say something." And finally she bypassed me. I went to her, and basically said to her, "Senator Carlton, I wanted to say something." She explained that she needed me to state my purpose because I had the ability to stand up and say, "We rise," and she wanted to prevent that. I said, "Senator Carlton, I don't even know where the bathroom is in this building, so how would I have known that rule?"

I have had a great time here. I have been here shorter than everybody else who is leaving. I have nothing profound to say. But I want to thank the staff of the Senate. They have been great friends to me.

I want to thank Senator Kirkpatrick. Some of you don't remember him; some of you do. He was a real character. He not only left me a great staff, he gave me great advice. He was a mentor. On the last day he lived, he had just been in my office to give me a Gator tie. The next thing I knew, they said he'd had a heart attack. I want to thank Senator Kirkpatrick because he really did help the transition. He was from the other side. He was from the other party. But he really did help the transition. That makes such a difference when you become a Senator.

I want to thank the State Attorney's office. You know, I've had two public jobs, the Senate and the State Attorney's office. I have to tell you, as much as I've loved the Senate, I loved the State Attorney's office immensely. I think chasing bad guys was not unlike what we do here, but I want to thank the State Attorney's office. They were just great friends, and without them I wouldn't be here. They remain and will always have a special place in my heart. There are some special individuals, and I've listed them. It would take too long to list everybody. It would be like Senator Sebesta naming his children and grandchildren; it would take all day. But I want to just tell you a few people that have really made a difference here. I want to thank them specifically.

I want to, first of all, thank Al Lawson. He has been a great friend. "Too-tall," there isn't anybody, when they give their word, that's better than you. Unfortunately, it isn't always my way. But when you give your word, there isn't anybody that can move "Too-tall" from his word. He is the best. We shared a common experience. It's not like combat; it's probably worse. We have both shared the marriage of our daughters. I have to tell you, as we were going through it together—and some of you haven't married off a daughter yet, and I extend to each of you my condolences for that, because what's coming you won't believe.

The woman you're currently married to and love so much will go crazy. The daughter you think is the apple of your eye will become a vicious person with a credit card. But I did not have the control of my family that Senator Lawson had. Senator Lawson had such control that he came in the first day and told me that he and Delores had talked about it, and he wasn't going to have one of these unlimited weddings. They were going to have 200 people. I said, "I wish I could get DeeDee to agree to something like that." He said, "I'm telling her tonight." The next morning, Senator Lawson said they'd decided not to have a limit on the number of people at the wedding. But Senator Lawson told me, "I'll tell you one thing, we're not having an open bar. We're going to set a limit on that. I'm going to tell her tonight." The next day, they had an unlimited bar. He told me the final thing. He said, "Well, I'll tell you one thing, we're going to have the bridal shower and it's going to be in our sunroom." I said, "That's going to save you some money." He said, "Well, Smith, look here, right now we don't have a sunroom."

Senator King is absolute proof of what I've been told all my life—that the smartest people are the funniest. I have laughed so hard with Senator King, I have had to leave the Senate. I've literally had to leave meetings because I could not retain the decorum of a Senator because Senator King had me laughing so hard. But behind him is a tremendous intellect and a tremendous ability to see both sides of an issue, and frankly, to take it all in stride. Friar Tuck, you have been my model. I will leave here always admiring you. You gave me great opportunities and had great faith, but you also, really were a person who believed, no matter how tough the issue, it could always be solved with a joke, a smile and vitamins. I want to say that my memories will always be that he cost me seven years of my liver.

Senator Crist has been, for folks who don't know Victor Crist like I have gotten to know him since I've been here, a guy who will stand with you when you need him. He is a great friend. We used to laugh, half the time we'd swap votes on the other side of the aisle. We're both pretty independent souls. He has been a great friend, and I am so happy that you've found a wife in your life. It's made such an improvement.

I want to thank Senator Argenziano. She has been my delegation partner in many of our rural counties. When I first heard she was running, I thought a person with that many vowels could not be elected in rural Florida. But I have to tell you, she has shown a fierce independence and a fighting spirit. They love her in Taylor County, and not one can say her name.

To JD Alexander, he has been a great friend to me and I want to thank him. I was asked this morning, as I was walking in, by a young man, I guess he was doing a term paper, "If you weren't a Senator and a lawyer, what would you like to be?" I said, "I'd like to be a farmer." It's how I was raised, number one, but number two, I have always thought farmers had a special pragmatism about them. In the end, they are about, "You plow straight and you either do it right or you have to do it over." That's a great lesson in life we share together and I've enjoyed it.

Senator Campbell has shown me the reason we have rules on amendments to amendments to amendments, without which we'd be on the first bill. It would be Senator Campbell's amendment to the seventh power. I have to tell you that of all the things I've watched since I have been here, the single greatest act of conscience was Senator Campbell's vote on the Terri Schiavo bill. A lot of you don't know, he's a very religious man. That was a tough vote. I had tears in my eyes then; I have tears in my eyes now. It said more to me about Skip Campbell than anything else in the world. When it was over, he turned to me and he was crying, and he said, "I've got to follow the Constitution." That's a great man.

I'll wrap it up with a couple more. Senator Geller walks into a room like nobody ever walks into a room. I never appreciated the term "bull in a china shop" until I met him. But I have to tell you, believe it or not, the biggest part of Senator Geller is his heart. He is the kindest man you'll ever meet.

Senator Wise, thank you. You took over Criminal Justice, something I care so much about. You knew absolutely nothing about it and you did a tremendous job. I've never seen a chairman be more inclusive.

Senator Dockery, I want to thank you for being a great friend, a great advisor and, frankly, a person who, I think, has a fierce independence that I admire so much.

Senator Peaden, I want to thank you for teaching me something about how to introduce a bill. You just mumble it, where not a soul knows what you said. I believe I've voted for six years for Durell Peaden's bills and I don't know yet, that he's ever told me what one of them did.

Senator Aronberg, I want to thank you for being the heir for the mainstream Democrats. There's a role for mainstreamers and I hope you stay there. It's very important to us.

I'll wrap up with Senator Posey. Senator Posey, I want to thank you for the way you exited the Ethics and Elections meeting with Senator Cowin a few years ago. It's still the high point of my career.

I want to finish with this. I sold my house the other day here in Tallahassee. I've wrapped it up, sold my house. DeeDee and I have seen another house we're looking at and, if things work out the way it's supposed to, you're all invited. Thank you so much.

ADOPTION OF RESOLUTIONS

At the request of Senator Pruitt—

By Senator Pruitt—

SR 2854—A resolution honoring F.K. Sweet Elementary School for achieving the highest 2006 FCAT writing score in the State of Florida.

WHEREAS, the 4th-grade class of F.K. Sweet Elementary School in St. Lucie County, Florida, was tested in the subject of writing by the 2006 Florida Comprehensive Assessment Test, and

WHEREAS, the outstanding teachers and professional staff at F.K. Sweet diligently helped the young students to prepare for this test, and

WHEREAS, the 4th-grade class scored a combined average of 4.9 per student, raising the school's student average score for 2005 from 4.1, and

WHEREAS, of the 98 students taking the examination, a remarkable 15 attained perfect scores of 6, and

WHEREAS, the students at F.K. Sweet Elementary were awarded 99 percent proficiency and F.K. Sweet Elementary has been named the highest-scoring elementary school in the State of Florida in the subject of writing, NOW, THEREFORE,

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

That the Senate congratulates F.K. Sweet Elementary School for its outstanding accomplishment on the 2006 Florida Comprehensive Assessment Test in the subject of writing.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Principal Debra Snyder on behalf of F.K. Sweet Elementary School as a token of the sentiments of the Florida Senate.

—**SR 2854** was introduced, read and adopted by publication.

At the request of Senator Klein—

By Senator Klein—

SR 2856—A resolution recognizing November 2006 as "Lung Cancer Awareness Month."

WHEREAS, lung cancer is the leading cause of cancer death in the state of Florida, and

WHEREAS, nearly 12,370 Floridians will die from lung cancer in 2006 and more than 13,280 Floridians will be diagnosed with the disease, and

WHEREAS, cigarette smoking and other tobacco use is the leading cause of lung cancer, with more than 87 percent of all lung cancer attributed to smoking tobacco products, and

WHEREAS, early detection of lung cancer is very difficult, costly, and has not yet been proven to improve survival rates, and

WHEREAS, the 5-year survival rate for lung cancer is only 15 percent, and

WHEREAS, smoking-related diseases, such as lung cancer, cost Florida nearly $6 billion in directly related health costs and another $6.17 billion in smoking-caused productivity losses, and

WHEREAS, the best-known way to prevent lung cancer, the premature deaths associated with lung cancer, and the costs related to this disease is to prevent youth from starting to use tobacco and helping current smokers to quit, and

WHEREAS, the American Cancer Society, in partnership with the Florida Department of Health, helps adult and youth smokers to stop smoking through the proven cessation support of the toll-free Quit-For-Life-Line, 1-877-U-CAN-NOW, and

WHEREAS, the Florida Division of the American Cancer Society is committed to preventing youth use of and addiction to tobacco through all scientifically proven methods, including the measures detailed in the Centers for Disease Control and Prevention's recommendations for a fully comprehensive statewide youth tobacco-prevention and cessation program, NOW, THEREFORE,

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

That the Florida Senate recognizes the month of November 2006 as "Lung Cancer Awareness Month" in Florida and urges all Floridians to understand the risks associated with lung cancer, to take preventive steps to minimize those risks, and to join the American Cancer Society in promoting better health and lung-cancer prevention through the cessation of current smoking and prevention of future tobacco use.

—**SR 2856** was introduced, read and adopted by publication.

At the request of Senator Aronberg—

By Senator Aronberg—

SR 2858—A resolution recognizing March 2006 as "Colon Cancer Awareness Month."

WHEREAS, colon cancer is one of the most prevalent cancers, yet in most cases it is preventable, and

WHEREAS, among cancer cases in Florida, colon cancer is the second most common cause of death among adult men and women, and

WHEREAS, it is possible to have colon or rectal cancer yet not to have any cancer symptoms, and

WHEREAS, the American Cancer Society estimates that 9,970 new cases of colon cancer will be diagnosed among Floridians during the year 2006, and that 3,700 will die from the disease, and

WHEREAS, the risk for colon cancer is highest among older adults, with more than 90 percent of all colon and rectal cancers diagnosed in adults aged 50 or older, and

WHEREAS, Floridians can significantly lower the number of incidents of colon cancer and consequent deaths by complying with the American Cancer Society's screening guidelines for colon and rectal cancer, which include beginning testing at age 50, and

WHEREAS, approximately 44 percent of Floridians age 50 and older report never having received a sigmoidoscopy or colonoscopy examination, which are two of the screening examinations recommended by the American Cancer Society, and

WHEREAS, regular screenings may lower death rates by detecting the disease at its earliest and most treatable stages, and may also prevent some cancers by detecting and enabling the removal of precancerous polyps, NOW, THEREFORE,

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

That the month of March 2006 is recognized as "Colon Cancer Awareness Month" in Florida and all men and women are urged to understand the risks associated with colon cancer, take preventive steps to minimize those risks, and undergo early-detection procedures in compliance with the American Cancer Society's recommended screening guidelines for colon cancer.

—**SR 2858** was introduced, read and adopted by publication.

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

SPECIAL ORDER CALENDAR

Consideration of **CS for CS for SB 1980** was deferred.

On motion by Senator Fasano—

CS for SB 286—A bill to be entitled An act relating to sinkhole insurance; amending s. 627.706, F.S.; allowing a deductible amount applicable to sinkhole losses in a policy for residential property insurance; defining the term "professional engineer"; amending s. 627.707, F.S.; revising references to certain engineers; authorizing insurers to make direct payment for certain repairs; excluding insurers from liability for repairs under certain circumstances; amending s. 627.7072, F.S.; revising references to certain engineers; amending s. 627.7073, F.S.; revising requirements for sinkhole reports by professional engineers and professional geologists; providing for the recording of sinkhole reports by the clerk of court rather than the property appraiser; creating s. 627.7074, F.S.; prescribing an alternative method for resolving disputed sinkhole insurance claims; providing definitions; prescribing procedures for invoking the alternative method; providing that a recommendation by a neutral evaluator is not binding on any party; providing for payments of costs; requiring the insurer to pay attorney's fees of the policyholder up to a specified amount under certain conditions; providing that an insurer is not liable for attorney's fees or for certain damages under certain conditions; providing for judicial review; amending s. 877.02, F.S.; prohibiting certain solicitations by contractors and other persons providing sinkhole remediation services; providing penalties; providing effective dates.

—was read the second time by title.

An amendment was considered and failed and amendments were considered and adopted to conform **CS for SB 286** to **HB 217**.

Pending further consideration of **CS for SB 286** as amended, on motion by Senator Fasano, by two-thirds vote **HB 217** was withdrawn

from the Committees on Banking and Insurance; Judiciary; Regulated Industries; and Ways and Means.

On motion by Senator Fasano—

HB 217—A bill to be entitled An act relating to sinkhole insurance; amending s. 627.706, F.S.; allowing a deductible amount applicable to sinkhole losses in a policy for residential property insurance; defining the term "professional engineer"; amending s. 627.707, F.S.; revising references to certain engineers; authorizing insurers to make direct payment for certain repairs; excluding insurers from liability for repairs under certain circumstances; amending s. 627.7072, F.S.; revising references to certain engineers; eliminating the requirement for certain testing compliance; amending s. 627.7073, F.S.; revising requirements for sinkhole reports by professional engineers and professional geologists; revising requirements with respect to the required filing of a report and certification by an insurer that has paid a claim for a sinkhole loss; providing for the recording of a report and certification with the clerk of court rather than the property appraiser; limiting the effect of the recording of the report and certification; creating s. 627.7074, F.S.; prescribing an alternative method for resolving disputed sinkhole insurance claims; providing definitions; prescribing procedures for invoking the alternative method; providing that a recommendation by a neutral evaluator is not binding on any party but mandatory if requested by either party; providing for payments of costs; requiring the insurer to pay attorney's fees of the policyholder up to a specified amount under certain conditions; providing that an insurer is not liable for attorney's fees or for certain damages under certain conditions; amending s. 877.02, F.S.; prohibiting certain solicitations by contractors and other persons providing sinkhole remediation services; providing penalties; requiring the Office of Insurance Regulation to calculate a certain presumed factor on residential property insurance rates; providing requirements and procedures for determining such calculation; requiring the office to provide notice of such rate factor to insurers; requiring insurers to include such rate factor in certain rate filings; providing appropriations and authorizing additional positions and salary rates; providing effective dates.

—a companion measure, was substituted for **CS for SB 286** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 217** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano, by two-thirds vote **HB 415** was withdrawn from the Committees on Commerce and Consumer Services; Government Efficiency Appropriations; Transportation and Economic Development Appropriations; and Ways and Means.

On motion by Senator Fasano—

HB 415—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.052, F.S.; deleting an exception to an exemption from the tax for research or development costs; amending s. 212.08, F.S.; deleting provisions providing an exemption on account of use for machinery and equipment used for research and development; revising provisions for application for the exemption; specifying the term of validity of an exemption certification; providing for biennial renewal of certifications; providing criteria; deleting a limitation on number of exemption applications by a business in a year; exempting machinery and equipment used predominantly for research and development activities; providing definitions; authorizing the Department of Revenue to adopt rules administering and implementing the exemption; providing requirements and procedures for claiming the exemption; requiring an affidavit to be given by a taxpayer claiming entitlement to the exemption; providing penalties for fraudulently claiming the exemption; providing recordkeeping requirements; providing an effective date.

—a companion measure, was substituted for **CS for SB 962** and read the second time by title.

Pursuant to Rule 4.19, **HB 415** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 2380** was deferred.

On motion by President Lee, the rules were waived and the Senate reverted to—

BILLS ON THIRD READING

SENATOR PRUITT PRESIDING

CS for CS for SB 2234—A bill to be entitled An act relating to education; creating s. 1008.3455, F.S.; expressing the intent of the Legislature to create a program to enhance failing schools; requiring the Commissioner of Education to develop and submit such a program to the Legislature; prescribing elements of the program; requiring the creation of an advisory committee; requiring consultation with specified entities; requiring an annual report; amending s. 220.187, F.S.; clarifying that the tax credit program applies to students in families having limited financial resources; providing scholarship eligibility to students receiving opportunity scholarships during the 2005-2006 school year for a limited amount of time; providing that a scholarship funding organization may be approved to provide scholarships under two tax credit programs; requiring separate accounting; authorizing scholarship funding organizations to transfer surplus funds between two programs under specified circumstances; creating s. 220.1875, F.S.; providing a purpose; defining terms; prescribing obligations of school districts to inform parents about failing schools; authorizing students at such schools to attend a high-performing school in the same district; providing a credit against the corporate income tax for contributions to nonprofit scholarship-funding organizations; providing limitations; providing for use of such contributions for scholarships for students attending certain failing schools to attend nonpublic schools or public schools in adjacent districts; providing requirements and limitations with respect to scholarships; providing for payment; establishing eligibility for nonpublic school participation; providing for administration by the Department of Revenue and the Department of Education; providing for rules; providing requirements for deposit of eligible contributions; amending s. 213.053, F.S.; conforming provisions to the creation of the tax credit scholarship program for families of students in failing schools; authorizing the Department of Revenue to share certain tax information with the Department of Education; amending s. 220.02, F.S.; revising legislative intent with respect to the order in which corporate income tax credits are applied to conform to the creation of the tax credit scholarship program for families of students in failing schools; amending s. 220.13, F.S.; revising the definition of the term "adjusted federal income" to account for the creation of the tax credit scholarship program for families of students in failing schools; providing for the credit to be an addition to taxable income; amending s. 220.701, F.S.; directing the Department of Revenue to deposit moneys received through the corporate income tax into the Corporate Income Tax Trust Fund rather than the General Revenue Fund; providing for unencumbered trust fund balances to be transferred into the General Revenue Fund; prescribing how transferred funds may be expended; amending s. 1001.10, F.S.; conforming provisions to the repeal of the Opportunity Scholarship Program; authorizing the Commissioner of Education to prepare and publish reports related to specified tax credit programs; amending ss. 1001.42 and 1002.20, F.S.; conforming provisions to the repeal of the Opportunity Scholarship Program and the creation of the tax credit program for families of students attending schools failing to make adequate progress; repealing s. 1002.38, F.S., which authorizes the Opportunity Scholarship Program; amending s. 1002.39, F.S., to conform to the repeal of the Opportunity Scholarship Program; providing an effective date.

—as amended May 2 was read the third time by title.

On motion by Senator Webster, **CS for CS for SB 2234** as amended was passed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Haridopolos	Rich
Bennett	Hill	Saunders
Bullard	Jones	Villalobos
Carlton	King	Webster
Clary	Lawson	Wise
Constantine	Lynn	
Diaz de la Portilla	Margolis	

Nays—4

Campbell	Klein	Miller
Geller		

Vote after roll call:

Yea—Alexander, Baker, Crist, Sebesta, Siplin

Nay—Smith, Wilson

Yea to Nay—Rich

CS for SB 2406—A bill to be entitled An act relating to trust funds; creating s. 220.7015, F.S.; creating the Corporate Income Tax Trust Fund within the Department of Revenue; providing for sources of funds and purposes; providing for future review and termination or re-creation of the trust fund; specifying the uses of funds transferred from the Corporate Income Tax Trust Fund; providing a contingent effective date.

—as amended May 2 was read the third time by title.

On motion by Senator Webster, **CS for SB 2406** as amended was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—26

Mr. President	Diaz de la Portilla	Margolis
Argenziano	Dockery	Peaden
Atwater	Fasano	Posey
Bennett	Haridopolos	Pruitt
Bullard	Hill	Saunders
Carlton	Jones	Villalobos
Clary	King	Webster
Constantine	Lawson	Wise
Crist	Lynn	

Nays—7

Aronberg	Klein	Rich
Campbell	Miller	Wilson
Geller		

Vote after roll call:

Yea—Alexander, Baker, Sebesta, Siplin

Nay—Smith

CS for CS for SB 256—A bill to be entitled An act relating to scholarship program accountability; amending s. 1002.39, F.S., relating to the John M. McKay Scholarships for Students with Disabilities Program; revising the definition of the term "students with disabilities"; revising student eligibility requirements for receipt of a scholarship and restricting eligibility therefor; providing for the term of a scholarship; revising and adding school district obligations and clarifying parental options; revising and adding Department of Education obligations, including verification of eligibility of private schools and establishment of a process for notification of violations, subsequent inquiry or investigation, and certification of compliance by private schools; 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; authorizing the Department of Education's Office of the Inspector General to release student records under certain conditions; revising private school eligibility and obligations, including compliance with specified laws and academic accountability to the parent; revising parent and student responsibilities for scholarship program participation; prohibiting power of attorney for endorsing a scholarship warrant; revising provisions relating to scholarship funding and payment; providing funding and payment requirements for former Florida School for the Deaf and the Blind students and for students exiting a Department of Juvenile Justice program; providing for the Department of Education to request a sample of endorsed warrants from the Department of Financial Services; amending s. 220.187, F.S., relating to credits for contributions to nonprofit scholarship-funding organizations; revising and providing definitions; naming the Corporate Income Tax Credit Scholarship Program; providing student eligibility requirements for receipt of a corporate income tax credit scholarship and restricting eligibility therefor; revising provisions relating to tax credits for small businesses; providing for rescindment of tax credit allocation; revising and adding obligations of eligible nonprofit scholarship-funding organizations, including compliance with requirements for background checks of owners and operators, scholarship-funding organization ownership or operation, carryforward and transfer of funds, audits, and reports; specifying background screening requirements and procedures; requiring that certain information remain confidential in accordance with s. 213.053, F.S.; revising and adding parent and student responsibilities for scholarship program participation, including compliance with a 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; revising and adding private school eligibility requirements and obligations, including compliance with specified laws and academic accountability to parents; revising and adding Department of Education obligations, including verification of eligibility of program participants, establishment of a process for notification of violations, subsequent inquiry or investigation, 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; authorizing the Department of Education's Office of the Inspector General to release student records under certain circumstances; revising and adding provisions relating to scholarship funding and payment, including the amount of a scholarship and the payment process; requiring adoption of rules; creating s. 1002.421, F.S., relating to accountability 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 a scholarship warrant and prohibiting power of attorney for endorsing a warrant; requiring employment of qualified teachers and background screening of employees and contracted personnel having direct student contact; specifying background screening requirements and procedures; providing scope of authority; requiring adoption of rules; providing effective dates.

—as amended May 2 was read the third time by title.

MOTION

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

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

Amendment 1 (564246)—On page 26, line 29, delete "~~each state fiscal year~~" and insert: each state fiscal year

On motion by Senator King, **CS for CS for SB 256** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	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	Smith
Carlton	King	Villalobos
Clary	Klein	Webster
Constantine	Lawson	Wise
Crist	Lynn	
Dawson	Margolis	

Nays—None

Vote after roll call:

Yea—Alexander, Siplin, Wilson

Consideration of **CS for CS for SJR 1436** and **CS for CS for SB 1226** was deferred.

HB 75—A bill to be entitled An act relating to the John M. McKay Scholarships for Students with Disabilities Program; amending s. 1002.39, F.S.; revising definition of the term "students with disabilities"; revising student eligibility requirements for receipt of a scholarship; revising provisions relating to scholarship funding and payment; providing funding and payment requirements for former Florida School for the Deaf and the Blind students and for students exiting a Department of Juvenile Justice program; providing an effective date.

—was read the third time by title.

On motion by Senator Haridopolos, **HB 75** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Argenziano, Margolis, Pruitt

HB 1363—A bill to be entitled An act relating to affordable housing; creating s. 125.379, F.S.; providing for disposition of county property for affordable housing; amending s. 163.31771, F.S., relating to accessory dwelling units; revising legislative findings and definitions; conforming cross-references; creating s. 163.31772, F.S.; providing legislative findings and intent relating to changes in land use affecting mobile home parks; providing definitions; providing requirements for local governments and community redevelopment agencies regarding specified funding sources to provide financial assistance to certain mobile home owners; providing requirements for mobile home owners to qualify for financial assistance; authorizing local governments to permit and approve rezoning of property for the development of new mobile home parks; providing that a local government or redevelopment agency may enter into a development agreement with the owner of a mobile home park to encourage its continued use for affordable housing; providing rulemaking authority; limiting the length of certain development agreements; amending s. 163.3187, F.S.; revising a limitation relating to small scale comprehensive plan amendments involving the construction of affordable housing units; creating s. 166.0451, F.S.; providing for disposition of municipal property for affordable housing; amending s. 189.4155, F.S.; authorizing independent special districts to provide for housing and housing assistance; amending s. 191.006, F.S.; authorizing independent special fire control districts to provide employee housing and housing assistance; creating s. 193.018, F.S.; creating the Manny Diaz Affordable Housing Property Tax Relief Initiative; providing criteria for assessing just valuation of affordable housing properties serving persons of low, moderate, very-low, and extremely-low incomes; amending s. 196.1978, F.S.; specifying what constitutes a nonprofit entity for purposes of affordable housing property tax exemption; conforming cross-references; amending s. 253.034, F.S.; providing for the disposition of state lands for affordable housing; amending s. 253.0341, F.S.; authorizing local governments to request state lands be declared surplus for the purpose of affordable housing; providing for use of lands that are declared surplus; amending s. 295.16, F.S.; expanding the disabled veteran exemption from certain license and permit fees relating to dwelling improvements; amending s. 376.30781, F.S; providing tax credits for eligible applicants; amending s. 380.06, F.S.; providing a greater substantial deviation threshold for the provision of affordable housing in a development of regional impact; conforming cross-references; amending s. 380.0651, F.S.; providing a statewide guidelines and standards bonus for the provision of workforce housing; amending s. 420.0004, F.S.; defining the term "extremely-low-income persons"; conforming cross-references; amending s. 420.37, F.S., relating to additional powers of the Florida Housing Finance Corporation; providing for additional powers of the Florida Department of Community Affairs; amending s. 420.503, F.S.; revising the definition of the term "farmworker" under the Florida Housing Finance Corporation Act; providing rulemaking authority; amending s. 420.5061, F.S.; conforming a cross-reference; amending s. 420.507, F.S.; revising and expanding the powers of the Florida Housing Finance Corporation relating to mortgage loan interest rates, loans, loan relief, uses of loan funds, subsidiary business entities, and data reporting; providing rulemaking authority; amending s. 420.5087, F.S.; increasing the population criteria for the State Apartment Incentive Loan Program; revising criteria for loans; conforming cross-references; amending s. 420.5088, F.S.; expanding the scope of the Florida Homeownership Assistance Program; revising loan requirements; deleting a provision reserving program funds for certain borrowers; repealing s. 420.530, F.S., relating to the State Farm Worker Housing Pilot Loan Program; amending s. 420.9071, F.S.; conforming a cross-reference; amending s. 420.9072, F.S.; conforming cross-references; amending s. 420.9075, F.S.; requiring local housing assistance plans to define essential service personnel for the county or eligible municipality and to contain a strategy for the recruitment and retention of such personnel; amending s. 420.9076, F.S.; conforming a cross-reference; amending s. 420.9079, F.S.; revising the maximum appropriation the Florida Housing Finance Corporation may request each state fiscal year; conforming a cross-reference; amending s. 1001.43, F.S.; authorizing district school boards to use certain school sites to provide sites for affordable housing for teachers and other district personnel; amending s. 723.0612, F.S.; requiring local governments to allow the owner of a mobile home or a recreational vehicle park to change the use of park land to a single-family residential or multi-family land use under certain conditions; creating the Community Workforce Housing Innovation Pilot Program; provides legislative findings; providing definitions; providing the Florida Housing Finance Corporation with certain powers and responsibilities relating to the program; requiring the program to target certain entities; providing application requirements; authorizing an applicant to use a nonprofit or public entity to manage its housing program; providing incentives for program applicants; providing rulemaking authority; requires a report to the Governor and Legislature; authorizing local governments to provide density bonus incentives to landowners who donate fee simple interest in real property to the local government for the purpose of assisting the local government in providing affordable housing; providing definitions and requirements governing such donations and density bonuses; requiring the Department of Community Affairs to establish a Home Retrofit Hardening Program and establishing requirements for the program; requiring the Department of Community Affairs to establish a Disaster Recovery Assistance Program and establishing requirements for the program; authorizing the Florida Housing Finance Corporation to provide funds to eligible entities for affordable housing recovery in areas of the state sustaining hurricane damage due to hurricanes during 2004 and 2005; providing legislative findings and emergency rulemaking authority; providing appropriations; providing effective dates.

—as amended May 2 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Bennett, the rules were waived and the Senate reconsidered the vote by which **Amendment 1 (460562)** by Senator Bennett was adopted May 2.

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**:

Amendment 1A (052570)(with title amendment)—On page 49, before line 1, insert:

Section 26. Subsection (12) is added to section 723.0612, Florida Statutes, to read:

723.0612 Change in use; relocation expenses; payments by park owner.—

(12) If the owner of a mobile home or a recreational vehicle park applies to a local government to change the use of the land to a single-family residential or multi-family land use and the existing park has a density of 10 mobile homes or recreational vehicles or more per acre, the local government must allow at least 10 residential units per acre if:

(a) The proposed change in the use of the land is otherwise consistent with the local comprehensive plan; and

(b) The initial sales price of all residential units in the proposed project is less than 80 percent of the county median sales price for a single-family home.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 64, line 28, following the first semicolon (;) insert: amending s. 723.0612, F.S.; requiring local governments to allow the owner of a mobile home or recreational vehicle park to change the use of park land to a single-family residential or multi-family land use under certain conditions;

On motion by Senator Bennett, further consideration of **HB 1363** with pending **Amendment 1 (460562)** and **Amendment 1A (052570)** was deferred.

Consideration of **HB 7031** was deferred.

HB 7017—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding economic development agencies; amending s. 288.075, F.S., which provides an exemption from public records requirements for information held by an economic development agency concerning plans, intentions, or interests of a private corporation, partnership, or person to locate, relocate, or expand any of its business activities in this state; reorganizing provisions; making editorial changes; removing superfluous provisions; removing the scheduled expiration of the exemption under the Open Government Sunset Review Act; providing an effective date.

—as amended May 2 was read the third time by title.

On motion by Senator Fasano, **HB 7017** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Alexander, King, Margolis

Consideration of **HB 561** was deferred.

HB 7121—A bill to be entitled An act relating to disaster preparedness response and recovery; providing legislative findings with respect to the coordination of emergency response capabilities; directing the Division of Emergency Management to conduct a feasibility study relating to the supply and distribution of essential commodities by nongovernmental and private entities; creating s. 526.143, F.S.; providing that each motor fuel terminal facility and wholesaler that sells motor fuel in the state must be capable of operating its distribution loading racks using an alternate generated power source for a specified period by a certain date; providing requirements with respect to the operation of such equipment following a major disaster; providing requirements with respect to the installation of specified components; requiring specified documentation; requiring newly constructed or substantially renovated motor fuel retail outlets to be capable of operation using an alternate generated power source; defining "substantially renovated"; providing requirements with respect to required documentation; requiring certain motor fuel retail outlets located within a specified distance from an interstate highway or state or federally designated evacuation route to be capable of operation using an alternate generated power source by a specified date; providing requirements with respect to the installation of specified components; requiring specified documentation; providing applicability; creating s. 526.144, F.S.; creating the Florida Disaster Motor Fuel Supplier Program within the Department of Community Affairs; providing that participation in the program shall be at the option of each county; providing for administration of the program; providing purpose of the program; providing requirements for and authority of retail motor fuel outlets doing business in participating counties that choose to become members of the program; providing a restriction on nonparticipating motor fuel retail outlets; authorizing counties that choose to participate in the program to charge a fee to cover specified costs; providing for deposit of such fees; providing procedures and requirements with respect to operation under the program; providing that the regulation of and requirements for the siting and placement of an alternate power source and any related equipment at motor fuel terminal facilities, wholesalers, and retail sales outlets shall be exclusively controlled by the state; providing for review of the program; providing a report; amending s. 501.160, F.S.; providing that the prohibition against the rental or sale of essential commodities during a declared state of emergency at unconscionable prices shall remain in effect for a specified period of time; providing for renewal thereof; amending s. 553.509, F.S., relating to requirements with respect to vertical accessibility under pt. II of ch. 553, F.S., the "Florida Americans With Disabilities Accessibility Implementation Act"; requiring specified existing and newly constructed residential multifamily dwellings to have at least one public elevator that is capable of operating on an alternate power source for emergency purposes; providing requirements with respect to the alternate power source; providing for verification of compliance by specified dates; providing requirements with respect to emergency operations plans and inspection records; providing requirements with respect to compliance with the act for specified multistory affordable residential dwellings; requiring the development of an evacuation plan for such a dwelling in the absence of compliance with the act; providing additional inspection requirements under ch. 399, F.S., the "Elevator Safety Act"; amending s. 252.35, F.S.; expanding the duty of the Division of Emergency Management to conduct a public educational campaign on emergency preparedness issues; providing an additional duty of the division with respect to educational outreach concerning disaster preparedness; requiring the Division of Emergency Management to complete and maintain specified inventories of emergency generators; providing legislative findings with respect to minimum criteria for county emergency operations centers; specifying criteria for county emergency operations centers; providing priority and restrictions for funding; providing an appropriation to the Department of Community Affairs to establish a competitive award process; providing an appropriation to the Department of Community Affairs for logistical improvements and technology; providing uses of appropriated funds; providing an appropriation to the Department of Community Affairs to update regional hurricane evacuation plans; providing for use of appropriated funds; providing that the procurement of technologies with appropriated funds is subject to competitive bid requirements; providing an appropriation to the Department of Community Affairs to conduct a feasibility study; providing an appropriation to the Department of Community Affairs for the Division of Emergency Management's public awareness campaign; providing severability; providing an effective date.

—as amended May 2 was read the third time by title.

On motion by Senator Diaz de la Portilla, **HB 7121** as amended was passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Alexander, Bennett, King, Lawson, Siplin

Consideration of **HB 1567** was deferred.

HJR 1569—A joint resolution proposing an amendment to Section 6 of Article X of the State Constitution relating to eminent domain.

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

That the following amendment to Section 6 of Article X of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE X
MISCELLANEOUS

Section 1. Eminent domain.—

(a) No private property shall be taken except for a public purpose and with full compensation therefor paid to each owner or secured by deposit in the registry of the court and available to the owner.

(b) Provision may be made by law for the taking of easements, by like proceedings, for the drainage of the land of one person over or through the land of another.

(c) If a petition is filed on or after January 2, 2007, to initiate eminent domain proceedings regarding a parcel of real property in this state, ownership or control of property acquired pursuant to such petition shall not be conveyed by the condemning authority or any other entity to a natural person or private entity, except that ownership or control of property acquired pursuant to such petition may be conveyed to:

(1) A natural person or private entity for use in providing common carrier services or systems;

(2) A natural person or private entity for use as a road or other right-of-way or means open to the public for transportation, whether at no charge or by toll;

(3) A natural person or private entity that is a public or private utility for use in providing electricity services or systems, natural or manufactured gas services or systems, water and wastewater services or systems, stormwater or runoff services or systems, sewer services or systems, pipeline facilities, telephone services or systems, or similar services or systems;

(4) A natural person or private entity for use in providing public infrastructure;

(5) A natural person or private entity that occupies, pursuant to a lease, an incidental part of a public property or a public facility for the purpose of providing goods or services to the public;

(6) A natural person or private entity if the property was owned and controlled by the condemning authority or a governmental entity for at least 5 years after the condemning authority acquired title to the property; or

(7) A natural person or private entity in accordance with subsection (d).

(d) If ownership of property is conveyed to a natural person or private entity pursuant to any of paragraphs (c)(1)-(5), and that natural person or private entity retains ownership and control of the property for at least 5 years after acquiring title, the property may subsequently be transferred to another natural person or private entity without restriction.

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

CONSTITUTIONAL AMENDMENT
ARTICLE X, SECTION 6

EMINENT DOMAIN.—Proposing an amendment to the State Constitution to prohibit the transfer of ownership or control of private real property taken by eminent domain pursuant to a petition filed on or after January 2, 2007, to any natural person or private entity, except that:

(a) Ownership or control of such property may be conveyed to:

(1) A natural person or private entity for use in providing common carrier services or systems;

(2) A natural person or private entity for use as a road or other right-of-way or means open to the public for transportation, whether at no charge or by toll;

(3) A natural person or private entity that is a public or private utility for use in providing electricity services or systems, natural or manufactured gas services or systems, water and wastewater services or systems, stormwater or runoff services or systems, sewer services or systems, pipeline facilities, telephone services or systems, or similar services or systems;

(4) A natural person or private entity for use in providing public infrastructure;

(5) A natural person or private entity that occupies, pursuant to a lease, an incidental part of a public property or a public facility for the purpose of providing goods or services to the public;

(6) A natural person or private entity if the property was owned and controlled by the condemning authority or a governmental entity for at least 5 years after the condemning authority acquired title to the property; or

(7) A natural person or private entity in accordance with subsection (b).

(b) If ownership of property is conveyed to a natural person or private entity pursuant to any of paragraphs (a)(1)-(5), and that natural person or private entity retains ownership and control of the property for at least 5 years after acquiring title, the property may subsequently be transferred to another natural person or private entity without restriction.

—as amended May 2 was read the third time in full.

RECONSIDERATION OF AMENDMENT

On motion by Senator Saunders, the rules were waived and the Senate reconsidered the vote by which **Amendment 1 (030536)** by Senator Saunders was adopted May 2.

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

Amendment 1A (193190)—On page 2, lines 1-14, delete those lines and insert:

(c) Private property taken by eminent domain pursuant to a petition to initiate condemnation proceedings filed on or after January 2, 2007,

may not be conveyed to a natural person or private entity except as provided by general law passed by a three-fifths vote of the membership of each house of the Legislature.

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

CONSTITUTIONAL AMENDMENT
ARTICLE X, SECTION 6

EMINENT DOMAIN.—Proposing an amendment to the State Constitution to prohibit the transfer of private property taken by eminent domain to a natural person or private entity; providing that the Legislature may by general law passed by a three-fifths vote of the membership of each house of the Legislature permit exceptions allowing the transfer of such private property; and providing that this prohibition on the transfer of private property taken by eminent domain is applicable if the petition of taking that initiated the condemnation proceeding was filed on or after January 2, 2007.

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

On motion by Senator Saunders, **HJR 1569** as amended, was shown in full as follows:

HJR 1569—A joint resolution proposing an amendment to Section 6 of Article X of the State Constitution relating to eminent domain.

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

That the following amendment to Section 6 of Article X of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE X
MISCELLANEOUS

Section 1. Eminent domain.—

(a) No private property shall be taken except for a public purpose and with full compensation therefor paid to each owner or secured by deposit in the registry of the court and available to the owner.

(b) Provision may be made by law for the taking of easements, by like proceedings, for the drainage of the land of one person over or through the land of another.

(c) Private property taken by eminent domain pursuant to a petition to initiate condemnation proceedings filed on or after January 2, 2007, may not be conveyed to a natural person or private entity except as provided by general law passed by a three-fifths vote of the membership of each house of the Legislature.

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

CONSTITUTIONAL AMENDMENT
ARTICLE X, SECTION 6

EMINENT DOMAIN.—Proposing an amendment to the State Constitution to prohibit the transfer of private property taken by eminent domain to a natural person or private entity; providing that the Legislature may by general law passed by a three-fifths vote of the membership of each house of the Legislature permit exceptions allowing the transfer of such private property; and providing that this prohibition on the transfer of private property taken by eminent domain is applicable if the petition of taking that initiated the condemnation proceeding was filed on or after January 2, 2007.

—and **HJR 1569** as amended was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

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

Nays—2

Argenziano	Miller

The Senate resumed consideration of—

HB 1363—A bill to be entitled An act relating to affordable housing; creating s. 125.379, F.S.; providing for disposition of county property for affordable housing; amending s. 163.31771, F.S., relating to accessory dwelling units; revising legislative findings and definitions; conforming cross-references; creating s. 163.31772, F.S.; providing legislative findings and intent relating to changes in land use affecting mobile home parks; providing definitions; providing requirements for local governments and community redevelopment agencies regarding specified funding sources to provide financial assistance to certain mobile home owners; providing requirements for mobile home owners to qualify for financial assistance; authorizing local governments to permit and approve rezoning of property for the development of new mobile home parks; providing that a local government or redevelopment agency may enter into a development agreement with the owner of a mobile home park to encourage its continued use for affordable housing; providing rulemaking authority; limiting the length of certain development agreements; amending s. 163.3187, F.S.; revising a limitation relating to small scale comprehensive plan amendments involving the construction of affordable housing units; creating s. 166.0451, F.S.; providing for disposition of municipal property for affordable housing; amending s. 189.4155, F.S.; authorizing independent special districts to provide for housing and housing assistance; amending s. 191.006, F.S.; authorizing independent special fire control districts to provide employee housing and housing assistance; creating s. 193.018, F.S.; creating the Manny Diaz Affordable Housing Property Tax Relief Initiative; providing criteria for assessing just valuation of affordable housing properties serving persons of low, moderate, very-low, and extremely-low incomes; amending s. 196.1978, F.S.; specifying what constitutes a nonprofit entity for purposes of affordable housing property tax exemption; conforming cross-references; amending s. 253.034, F.S.; providing for the disposition of state lands for affordable housing; amending s. 253.0341, F.S.; authorizing local governments to request state lands be declared surplus for the purpose of affordable housing; providing for use of lands that are declared surplus; amending s. 295.16, F.S.; expanding the disabled veteran exemption from certain license and permit fees relating to dwelling improvements; amending s. 376.30781, F.S; providing tax credits for eligible applicants; amending s. 380.06, F.S.; providing a greater substantial deviation threshold for the provision of affordable housing in a development of regional impact; conforming cross-references; amending s. 380.0651, F.S.; providing a statewide guidelines and standards bonus for the provision of workforce housing; amending s. 420.0004, F.S.; defining the term "extremely-low-income persons"; conforming cross-references; amending s. 420.37, F.S., relating to additional powers of the Florida Housing Finance Corporation; providing for additional powers of the Florida Department of Community Affairs; amending s. 420.503, F.S.; revising the definition of the term "farmworker" under the Florida Housing Finance Corporation Act; providing rulemaking authority; amending s. 420.5061, F.S.; conforming a cross-reference; amending s. 420.507, F.S.; revising and expanding the powers of the Florida Housing Finance Corporation relating to mortgage loan interest rates, loans, loan relief, uses of loan funds, subsidiary business entities, and data reporting; providing rulemaking authority; amending s. 420.5087, F.S.; increasing the population criteria for the State Apartment Incentive Loan Program; revising criteria for loans; conforming cross-references; amending s. 420.5088, F.S.; expanding the scope of the Florida Homeownership Assistance Program; revising loan requirements; deleting a provision reserving program funds for certain borrowers; repealing s. 420.530, F.S., relating to the State Farm Worker Housing Pilot Loan Program; amending s. 420.9071, F.S.; conforming a cross-reference; amending s. 420.9072, F.S.; conforming cross-references; amending s.

420.9075, F.S.; requiring local housing assistance plans to define essential service personnel for the county or eligible municipality and to contain a strategy for the recruitment and retention of such personnel; amending s. 420.9076, F.S.; conforming a cross-reference; amending s. 420.9079, F.S.; revising the maximum appropriation the Florida Housing Finance Corporation may request each state fiscal year; conforming a cross-reference; amending s. 1001.43, F.S.; authorizing district school boards to use certain school sites to provide sites for affordable housing for teachers and other district personnel; amending s. 723.0612, F.S.; requiring local governments to allow the owner of a mobile home or a recreational vehicle park to change the use of park land to a single-family residential or multi-family land use under certain conditions; creating the Community Workforce Housing Innovation Pilot Program; provides legislative findings; providing definitions; providing the Florida Housing Finance Corporation with certain powers and responsibilities relating to the program; requiring the program to target certain entities; providing application requirements; authorizing an applicant to use a nonprofit or public entity to manage its housing program; providing incentives for program applicants; providing rulemaking authority; requires a report to the Governor and Legislature; authorizing local governments to provide density bonus incentives to landowners who donate fee simple interest in real property to the local government for the purpose of assisting the local government in providing affordable housing; providing definitions and requirements governing such donations and density bonuses; requiring the Department of Community Affairs to establish a Home Retrofit Hardening Program and establishing requirements for the program; requiring the Department of Community Affairs to establish a Disaster Recovery Assistance Program and establishing requirements for the program; authorizing the Florida Housing Finance Corporation to provide funds to eligible entities for affordable housing recovery in areas of the state sustaining hurricane damage due to hurricanes during 2004 and 2005; providing legislative findings and emergency rulemaking authority; providing appropriations; providing effective dates.

—which was previously considered this day with pending **Amendment 1 (460562)** by Senator Bennett and **Amendment 1A (052570)** by Senator Fasano. Pending **Amendment 1A** was withdrawn.

The question recurred on **Amendment 1** which was adopted by two-thirds vote.

On motion by Senator Bennett, **HB 1363** 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	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Rich
Baker	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Hill

HB 7163—A bill to be entitled An act relating to environmental permitting; reenacting and amending s. 373.4145, F.S.; requiring the Northwest Florida Water Management District and the Department of Environmental Protection to jointly develop rules for the regulation of certain activities related to stormwater management systems and the management and storage of surface waters; requiring the district and the department to streamline federal and state wetland permitting programs and to implement such measures; requiring certain exemptions and provisions for rules relating to certain dwellings; requiring the department and district to incorporate certain exemptions and general permits in joint rules; exempting certain activities and structures from permitting requirements; requiring the department and the district to enter into an operating agreement for the implementation of certain provisions; requiring the district to be responsible for the regulation and local delegation of certain activities; providing for continuing operation of certain earlier law; repealing certain provisions upon the adoption of rules; providing effect for failure to fund in any given fiscal year; requiring the department to negotiate with local governments in the district by a certain date for delegation of responsibility for certain permitting; requiring the department to report to the Legislature by a certain date; providing an appropriation for operational expenses of the district; repealing s. 4 of ch. 2005-273, Laws of Florida, and s. 32 of ch. 2005-71, Laws of Florida, which specified dates certain for the repeal of certain provisions relating to permitting in the district; prohibiting limitation or restriction on the protections from duplication contained in certain provisions of law; providing an effective date.

—as amended May 2 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Clary, the rules were waived and the Senate reconsidered the votes by which **Amendment 1 (751060)**, **Amendment 2 (774252)**, and **Amendment 3 (352524)** by Senator Clary were adopted May 2. **Amendment 1**, **Amendment 2**, and **Amendment 3** were withdrawn.

On motion by Senator Clary, **HB 7163** 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 1237—A bill to be entitled An act relating to special postsecondary education programs; creating s. 1004.226, F.S.; creating the 21st Century Technology, Research, and Scholarship Enhancement Act; providing legislative findings and intent; providing definitions; creating the Florida Technology, Research, and Scholarship Board within the Board of Governors of the State University System; providing for members of the board; providing for terms; providing for board members to be reimbursed for per diem and expenses incurred in the performance of their duties; requiring that the Board of Governors of the State University System provide staff support and other support for the board; requiring that the board provide recommendations for the 21st Century World Class Scholars Program and the Centers of Excellence Program; authorizing the board to form committees and consult with certain other entities; providing for the 21st Century World Class Scholars Program to provide matching funds to state universities; providing guidelines for the board in the development of criteria for recommendation to the Board of Governors; requiring a minimum investment of funds; specifying the purposes of the Centers of Excellence; specifying entities eligible to submit proposals; requiring the board to recommend to the Board of Governors criteria for approving proposals to create or expand a Center of Excellence, to solicit proposals, and to recommend proposals that meet such criteria; requiring documentation if funds are approved for a Center of Excellence in excess of a specified amount; requiring reports by Centers of Excellence and the Board of Governors; providing for expiration of the act; creating s. 1004.635, F.S.; creating the State University System Research and Economic Development Investment Program to provide matching funds to institutions to construct and acquire facilities

and equipment to support research programs and foster economic development; providing for administration by the Board of Governors of the State University System; specifying eligibility criteria for state university participation; providing for the matching of appropriated funds; providing appropriations; creating s. 1004.384, F.S.; authorizing a College of Medicine at the University of Central Florida; creating s. 1004.385, F.S.; authorizing a College of Medicine at Florida International University; providing an effective date.

—as amended May 2 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Alexander, the rules were waived and the Senate reconsidered the vote by which **Amendment 1 (963452)** by Senator Alexander as amended was adopted May 2.

MOTION

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

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

Amendment 1B (334446)—On page 10, between lines 3 and 4, insert:

Section 2. *For the 2006-2007 fiscal year, the sum of $8 million is appropriated from general revenue funds to the University of South Florida for the purpose of enhancing graduate programs.*

(Redesignate subsequent sections.)

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

On motion by Senator Alexander, **HB 1237** as amended 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 795—A bill to be entitled An act relating to student financial assistance; creating s. 1009.701, F.S.; creating the First Generation Matching Grant Program to provide financial aid to undergraduate students with financial need whose parents have not earned a baccalaureate degree; providing for appropriation, allocation, and distribution of funds; providing student eligibility requirements; providing the basis for the amount of awards; providing duties of institutions participating in the program; creating s. 1009.255, F.S.; providing an out-of-state fee exemption; providing eligibility criteria; providing for distribution of the exemption; limiting participation in the program; requiring the Department of Education to administer the exemption program; prohibiting use of the exemption for certain purposes; providing an appropriation; providing an effective date.

—as amended May 2 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Lawson, the rules were waived and the Senate reconsidered the vote by which **Amendment 1 (433840)** by Senator Lawson was adopted May 2.

MOTION

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

Senators Wilson, Lawson, and Alexander offered the following amendment to **Amendment 1** which was moved by Senator Alexander and adopted by two-thirds vote:

Amendment 1A (105090)(with title amendment)—On page 4, between lines 21 and 22, insert:

Section 4. Subsection (5) of section 1011.85, Florida Statutes, is amended to read:

1011.85 Dr. Philip Benjamin Matching Grant Program for Community Colleges.—

(5) The matching ratio for donations that are specifically designated to support scholarships, *including scholarships for first-generation-in-college students,* student loans, or need-based grants shall be $1 of state funds to $1 of local private funds.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 14, after the semicolon (;) insert: amending s. 1011.85, F.S.; specifying that the matching ratio for donations for scholarships includes scholarships for students who are the first generation in college;

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

On motion by Senator Lawson, **HB 795** as amended 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 265—A bill to be entitled An act relating to hunting lands; creating s. 372.0025, F.S.; providing definitions; requiring certain lands owned, managed, or leased by the Fish and Wildlife Conservation Commission to be used for the purpose of hunting; requiring the commission to support, promote, and enhance hunting opportunities; requiring the commission to provide comparable acreage for any loss of existing hunting lands; providing requirements for location and use of replacement lands; requiring state agencies and water management districts to allow certain lands to be used for the purpose of hunting; providing an exemption for lands within the state park system; authorizing the Department of Environmental Protection to make certain determinations relating to such lands; requiring annual reports to the commission and Legislature; providing an effective date.

—was read the third time by title.

On motion by Senator Argenziano, **HB 265** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Argenziano	Atwater
Alexander	Aronberg	Baker

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

Nays—None

HB 7031—A bill to be entitled An act relating to the Department of State; amending s. 265.285, F.S.; clarifying terms of appointment to the Florida Arts Council; removing obsolete language; amending s. 265.606, F.S.; deleting a requirement for local sponsoring organizations to submit an annual postaudit to the Division of Cultural Affairs under certain circumstances; providing for deposit of the state's matching share of cultural endowment to the Florida Fine Arts Trust Fund rather than reversion to the General Revenue Fund; requiring that authority to disburse funds is subject to notice and review procedures; providing for reversion of funds to the General Revenue Fund under certain circumstances; amending s. 267.174, F.S.; changing the dates for the first meeting of the Discovery of Florida Quincentennial Commemoration Commission, the completion of the initial draft of a specified master plan, and the submission of the completed master plan; amending s. 272.129, F.S.; transferring responsibility for the Florida Historic Capitol from the Department of State to the Legislature; providing for allocation of certain space for preservation, museum, and cultural programs of the Legislature; requiring the maintenance of the Florida Historic Capitol pursuant to certain historic preservation standards and guidelines; removing responsibility of the Department of Management Services for security of the Historic Capitol and adjacent grounds; amending s. 272.135, F.S.; requiring the Capitol Curator to be appointed by the President of the Senate and the Speaker of the House of Representatives; deleting rulemaking authority of the Department of State to conform; amending s. 607.193, F.S.; correcting references to repealed sections of Florida Statutes within provisions relating to the annual supplemental corporate fee imposed on each business entity authorized to transact business in this state; amending s. 257.05, F.S.; requiring that each state official, agency, board, and court provide to the Division of Library and Information Services of the Department of State an annual list of public documents issued by the official, agency, board, or court; amending s. 283.31, F.S.; defining the term "publication" for purposes of a requirement that an executive agency maintain records of certain publication costs; amending s. 283.55, F.S.; revising the form used by each state agency for the purpose of purging publication mailing lists; providing an effective date.

—as amended May 2 was read the third time by title.

MOTION

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

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

Amendment 2 (162770)(with title amendment)—On page 2, line 29, insert:

Section 1. Paragraph (n) of subsection (1) of section 101.56062, Florida Statutes, is amended to read:

101.56062 Standards for accessible voting systems.—

(1) Notwithstanding anything in this chapter to the contrary, each voting system certified by the Department of State for use in local, state, and federal elections must include the capability to install accessible voter interface devices in the system configuration which will allow the system to meet the following minimum standards:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The functionalities required in this paragraph for certification may be satisfied by either the voting device or by the entire voting system.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: amending s. 101.56062, F.S.; prescribing methods of satisfying required functionalities with respect to audio ballot systems;

On motion by Senator Dockery, **HB 7031** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

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

Villalobos	Wilson	Wise
Webster		

Nays—None

HB 7173—A bill to be entitled An act relating to the welfare of children; amending s. 39.001, F.S.; providing additional purposes of ch. 39, F.S.; revising legislative intent; creating the Office of Child Abuse Prevention within the Executive Office of the Governor; directing the Governor to appoint a director of the office; providing duties and responsibilities of the director; providing procedures for evaluation of child abuse prevention programs; requiring a report to the Governor, Legislature, secretaries of certain state agencies, and certain committees of the Legislature; providing for information to be included in the report; providing for the development and implementation of a state plan for the coordination of child abuse prevention programs and services; establishing a Child Abuse Prevention Advisory Council; providing for membership, duties, and responsibilities; requiring requests for funding to be based on the state plan; providing for review and revision of the state plan; granting rulemaking authority to the Executive Office of the Governor; requiring the Legislature to evaluate the office by a specified date; amending s. 39.0014, F.S.; providing responsibilities of the office under ch. 39, F.S.; amending s. 39.01, F.S.; providing and revising definitions; amending s. 39.202, F.S.; providing access to records for agencies that provide early intervention and prevention services; amending ss. 39.0015, 39.013, and 39.302, F.S.; conforming cross-references and terminology; amending s. 39.701, F.S.; requiring the court to issue an order that is separate from other judicial review orders; amending s. 402.164, F.S.; establishing legislative intent for the statewide and local advocacy councils; revising a definition; amending s. 402.165, F.S.; providing for termination of members of the statewide council; providing guidelines for selection of the executive director of the Florida Statewide Advocacy Council; establishing a process for investigating reports of abuse; revising council meeting requirements; providing requirements for interagency agreements; requiring interagency agreements to be renewed annually and submitted to the Governor by a specified date; providing additional requirements for the statewide council to petition the circuit court for access to certain records; amending s. 409.1451, F.S., relating to independent living transition services; revising eligibility requirements for certain young adults; revising duties of the Department of Children and Family Services regarding independent living transition services; including additional parties in the review of a child's academic performance; requiring the department or a community-based care lead agency under contract with the department to develop a plan for delivery of such services; requiring additional aftercare support services; providing additional qualifications to receive an award under the Road-to-Independence Program; deleting certain time restrictions for submitting applications; providing procedures for the payment of awards; requiring collaboration between certain parties in the development of a plan regarding the provision of transitional services; requiring a community-based care lead agency to develop a plan for purchase and delivery of such services and requiring department approval prior to implementation; requiring the department to submit a report annually to the Legislature on performance, oversight, and rule development; permitting the Independent Living Services Advisory Council to have access to certain data held by the department and certain agencies; amending s. 409.175, F.S.; revising the definition of the term "boarding school" to require such schools to meet certain standards within a specified timeframe; amending s. 409.903, F.S.; providing eligibility criteria for certain persons to qualify for medical assistance payments; creating s. 743.045, F.S.; removing the disability of nonage for certain youth in the legal custody of the Department of Children and Family Services; amending s. 1009.25, F.S.; providing additional criteria for a student to qualify for an exemption from certain tuition and fees; providing a contingent effective date.

—as amended May 2 was read the third time by title.

On motion by Senator Rich, **HB 7173** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

HB 1443—A bill to be entitled An act relating to liens; amending s. 679.705, F.S.; extending the effective date of a financing statement filed under previous law; 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 application requirement exemptions; prohibiting issuing authorities from requiring recordation of a notice of commencement for certain purposes; authorizing fees for furnishing copies of certain statements; authorizing authorities issuing building permits to accept permit applications electronically; requiring an electronic submission statement on building permit applications; requiring provision of Internet access; amending s. 713.18, F.S.; providing for electronic evidence of delivery of notices required by the Construction Lien Law; amending s. 713.35, F.S.; revising provisions relating to the making or furnishing of false statements on certain construction documents; providing penalties; providing effective dates.

—was read the third time by title.

On motion by Senator Constantine, **HB 1443** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Margolis
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

Nays—None

Vote after roll call:

Yea—Miller

HB 5043—A bill to be entitled An act relating to trust funds; terminating certain specified trust funds within the Department of Agriculture and Consumer Services and transferring the funds to other trust funds in the department; renaming trust funds within the Department of Agriculture and Consumer Services, the Department of the Lottery, and the Division of Administrative Hearings of the Department of Management Services; transferring certain accounts within the Grants and Donations Trust Fund of the Department of Management Services to the Operating Trust Fund of the Department of Management Services; amending ss. 215.20, 550.2625, 550.2633, 570.382, 215.22, 589.277, 24.114, 24.120, 24.121, 403.518, 403.5365, 403.9421, 552.40, 282.22, 287.042, 287.057, and 287.1345, F.S.; conforming provisions to changes made by the act; reenacting s. 550.0351(4), F.S., relating to charity racing days, to incorporate the amendments made to s. 550.2625, F.S., in a reference thereto; reenacting ss. 43.16(1) and 570.07(41), F.S., relating to exempting the Justice Administrative Commission from certain fees and authorizing the use of the on-line procurement system of the Department of Agriculture and Consumer Services, respectively, to incorporate the amendments made to s. 287.057, F.S., in references

thereto; amending s. 794.055, F.S.; revising and providing definitions; requiring the Department of Health to contract with a statewide nonprofit association to provide assistance to rape crisis centers; providing for distribution of funds; amending s. 794.056, F.S.; providing for funds to be credited to the Rape Crisis Program Trust Fund; providing effective dates.

—was read the third time by title.

On motion by Senator Clary, **HB 5043** 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	Klein	Webster
Constantine	Lawson	Wilson
Crist	Lynn	Wise

Nays—None

Vote after roll call:

Yea—Margolis

HB 1449—A bill to be entitled An act relating to brain tumor research; creating s. 381.853, F.S.; providing legislative findings and intent; requiring the Evelyn F. and William L. McKnight Brain Institute of the University of Florida to develop and maintain a brain tumor registry; providing that individuals may choose not to be listed in the registry; establishing the Florida Center for Brain Tumor Research within the Evelyn F. and William L. McKnight Brain Institute of the University of Florida; providing purpose and goal of the center; providing for a competitive grant process for awarding certain funds; requiring the center to hold an annual brain tumor biomedical technology summit; providing for clinical trials and collaboration between certain entities; requiring the center to submit an annual report to the Governor, Legislature, and Secretary of Health; providing for funding; establishing a scientific advisory council and providing for membership, terms of office, meetings, and compensation; providing an appropriation; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Atwater, **HB 1449** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Dockery, Hill

HB 1451—A bill to be entitled An act relating to public records; creating s. 381.8531, F.S.; providing an exemption from public records requirements for an individual's medical record or information received from an individual from another state or nation or the Federal Government that is otherwise confidential or exempt that is held by the Florida Center for Brain Tumor Research; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Atwater, **HB 1451** 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

Mr. President	Dawson	Miller
Alexander	Dockery	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—None

Vote after roll call:

Yea—Diaz de la Portilla

HB 7103—A bill to be entitled An act relating to charter schools; amending s. 1002.33, F.S.; revising charter school purposes; modifying provisions relating to duties of sponsors, the application process, denial of an application, and review of appeals; requiring the Department of Education to provide technical assistance to charter school applicants; providing requirements relating to charter contracts; providing procedures when a state of financial emergency exists; revising provisions relating to charter terms and renewal; revising nonrenewal and termination provisions, including procedures for immediate termination; revising provisions relating to the reversion of funds; revising duties of a charter school governing body relating to audits; requiring the department to develop a uniform accountability report; providing procedures with respect to charter schools with deficiencies; requiring a school improvement plan to raise student achievement; providing for probation and corrective actions; requiring consultation with respect to conversion charter school attendance zones; revising provisions relating to payment and reimbursement to a charter school by a school district; requiring conversion charter schools to comply with certain facility requirements under specific situations; authorizing certain zoning and land use designations for certain charter school facilities; revising exemption from assessment of fees; authorizing the department to recommend that school districts make certain space available to charter schools; providing for additional services to charter schools and revising administrative fee requirements; requiring the department to develop a standard format for applications, charters, and charter renewals; requiring legislative review of charter schools in 2010; amending s. 218.39, F.S.; requiring the governing body of a charter school to be notified of certain deteriorating financial conditions; amending s. 218.50, F.S.; modifying a short title; amending s. 218.501, F.S.; including charter schools in the statement of purpose relating to financial management; amending s. 218.503, F.S.; providing for charter schools to be subject to provisions governing financial emergencies; providing procedures; amending s. 218.504, F.S.; providing for cessation of state action related to a state of financial emergency; amending s. 11.45, F.S.; conforming provisions; amending s. 1003.05, F.S.; modifying the list of special academic programs for transitioning students from military families; amending s. 1011.71, F.S.; clarifying the use of funds generated through additional millage; providing an effective date.

—was read the third time by title.

On motion by Senator Webster, **HB 7103** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	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	Wise
Dawson	Margolis	

Nays—1

Wilson

Vote after roll call:

Yea—Crist

HB 1567—A bill to be entitled An act relating to eminent domain; creating s. 73.013, F.S.; restricting certain transfers of property taken by eminent domain to certain natural persons or private entities; amending s. 163.335, F.S.; providing legislative findings and declarations; amending s. 163.355, F.S.; requiring disclosure of eminent domain authority in resolutions finding slum or blight conditions; providing for notice to property owners and business owners or lessees and requirements therefor; providing for hearings and advertising requirements therefor; amending s. 163.358, F.S.; providing that the power of eminent domain does not vest in a community redevelopment agency but rather with the governing body of a county or municipality; amending s. 163.360, F.S.; requiring disclosure of eminent domain authority in community redevelopment plans; amending s. 163.370, F.S.; revising powers of community redevelopment agencies with respect to the acquisition of real property; amending s. 163.375, F.S.; revising eminent domain authority and procedures, including notice, hearings, and challenge; amending ss. 127.01 and 127.02, F.S.; requiring county compliance with eminent domain limitations; amending ss. 166.401 and 166.411, F.S.; requiring municipal compliance with eminent domain limitations; providing application; providing an effective date.

—as amended May 2 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Webster, the rules were waived and the Senate reconsidered the vote by which **Amendment 1 (243254)** by Senator Webster was adopted May 2.

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 1A (182032)—On page 25, between lines 26 and 27, insert:

Section 15. *Notwithstanding any other provision of law, a condemnation proceeding instituted before January 2, 2007, may be continued.*

(Redesignate subsequent sections.)

The question recurred on **Amendment 1** which was adopted by two-thirds vote.

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

Yeas—37

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

Nays—3

Dawson	Siplin	Wilson

Consideration of **CS for CS for SB 1766** was deferred.

HB 7063—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute; amending s. 1004.445, F.S., which provides an exemption from public records requirements for personal identifying information relating to clients of programs created or funded through the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute and held by the institute, the University of South Florida, or the State Board of Education, medical or health records relating to patients held by the institute, materials that relate to methods of manufacture or production, potential trade secrets, potentially patentable material, actual trade secrets, or proprietary information received, generated, ascertained, or discovered during the course of research conducted by or through the institute and business transactions resulting from such research, personal identifying information of a donor or prospective donor to the institute who wishes to remain anonymous, and any information received by the institute from a person from another state or nation or the Federal Government that is otherwise confidential or exempt pursuant to the laws of that state or nation or pursuant to federal law; narrowing the exemption; making editorial changes; removing superfluous language; removing the scheduled repeal of the exemption; providing an effective date.

—was read the third time by title.

On motion by Senator Lynn, **HB 7063** 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 391—A bill to be entitled An act relating to community associations; creating s. 712.11, F.S.; providing for the revival of certain covenants that have lapsed; amending s. 718.106, F.S.; prohibiting local governments from limiting the access of certain persons to beaches adjacent to or adjoining condominium property; amending s. 718.110, F.S.;

revising provisions relating to the amendment of declarations; providing legislative findings and a finding of compelling state interest; providing criteria for consent to an amendment; requiring notice regarding proposed amendments to mortgagees; providing criteria for notification; providing for voiding certain amendments; amending s. 718.112, F.S.; revising the implementation date for retrofitting of common areas with a sprinkler system; amending s. 718.114, F.S.; providing that certain leaseholds, memberships, or other possessory or use interests shall be considered a material alteration or substantial addition to certain real property; amending s. 718.404, F.S.; providing retroactive application of provisions relating to mixed-use condominiums; amending s. 719.103, F.S.; providing a definition; amending s. 719.507, F.S.; prohibiting laws, ordinances, or regulations that apply only to improvements that are or may be subjected to an equity club form of ownership; amending s. 720.302, F.S.; revising governing provisions relating to corporations that operate residential homeowners' associations; amending s. 720.303, F.S.; revising application to include certain meetings; requiring the association to provide certain information to prospective purchasers or lienholders; authorizing the association to charge a reasonable fee for providing certain information; requiring the budget to provide for annual operating expenses; authorizing the budget to include reserve accounts for capital expenditures and deferred maintenance; providing a formula for calculating the amount to be reserved; authorizing the association to adjust replacement reserve assessments annually; authorizing the developer to vote to waive the reserves or reduce the funding of reserves for a certain period; revising provisions relating to financial reporting; revising time periods in which the association must complete its reporting; repealing s. 720.303(2), F.S., as amended, relating to board meetings, to remove conflicting versions of that subsection; creating s. 720.3035, F.S.; providing for architectural control covenants and parcel owner improvements; authorizing the review and approval of plans and specifications; providing limitations; providing rights and privileges for parcel owners as set forth in the declaration of covenants; amending s. 720.305, F.S.; providing that, where a member is entitled to collect attorney's fees against the association, the member may also recover additional amounts as determined by the court; amending s. 720.306, F.S.; providing that certain mergers or consolidations of an association shall not be considered a material or adverse alteration of the proportionate voting interest appurtenant to a parcel; amending s. 720.307, F.S.; requiring developers to deliver financial records to the board in any transition of association control to members; requiring certain information to be included in the records and for the records to be prepared in a specified manner; amending s. 720.308, F.S.; providing circumstances under which a guarantee of common expenses shall be effective; providing for approval of the guarantee by association members; providing for a guarantee period and extension thereof; requiring the stated dollar amount of the guarantee to be an exact dollar amount for each parcel identified in the declaration; providing payments required from the guarantor to be determined in a certain manner; providing a formula to determine the guarantor's total financial obligation to the association; providing that certain expenses incurred in the production of certain revenues shall not be included in the operating expenses; amending s. 720.311, F.S.; revising provisions relating to dispute resolution; providing that the filing of any petition for arbitration or the serving of an offer for presuit mediation shall toll the applicable statute of limitations; providing that certain disputes between an association and a parcel owner shall be subject to presuit mediation; revising provisions to conform; providing that temporary injunctive relief may be sought in certain disputes subject to presuit mediation; authorizing the court to refer the parties to mediation under certain circumstances; requiring the aggrieved party to serve on the responding party a written offer to participate in presuit mediation; providing a form for such offer; providing that service of the offer is effected by the sending of such an offer in a certain manner; providing that the prevailing party in any subsequent arbitration or litigation proceedings is entitled to seek recovery of all costs and attorney's fees incurred in the presuit mediation process; requiring the mediator or arbitrator to meet certain certification requirements; removing a requirement relating to development of an education program to increase awareness of the operation of homeowners' associations and the use of alternative dispute resolution techniques; providing effective dates.

—was read the third time by title.

On motion by Senator Bennett, **HB 391** 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 841—A bill to be entitled An act relating to supersedeas bond; creating s. 45.045, F.S.; limiting the amount of supersedeas bond required for certain appellants; providing that a party may move the court to reduce the supersedeas bond; providing an exception to limits if an appellant engages in certain conduct for the purpose of avoiding payment of the judgment; providing applicability; providing an effective date.

—was read the third time by title.

On motion by Senator Webster, **HB 841** 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

SB 512—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 119.0712, F.S., relating to an exemption from public records requirements for personal identifying information, bank account numbers, and debit, charge, and credit card numbers contained in certain records held by the Department of Health which relate to an individual's personal health or eligibility for health services; excluding bank account numbers and debit, charge, and credit card numbers contained in such records from the exemption; saving the exemption from repeal under the Open Government Sunset Review Act; deleting provisions that provide for the repeal of the exemption; providing an effective date.

—was read the third time by title.

On motion by Senator Peaden, **SB 512** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Atwater	Campbell
Alexander	Baker	Carlton
Argenziano	Bennett	Clary
Aronberg	Bullard	Constantine

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

Nays—None

HB 7087—A bill to be entitled An act relating to education; amending s. 11.90, F.S.; authorizing the Legislative Budget Commission to review a state plan to implement federal requirements; amending s. 20.15, F.S.; establishing the Division of Accountability, Research, and Measurement in the Department of Education; amending s. 411.227, F.S.; conforming provisions relating to student progress monitoring plans; amending s. 1000.03, F.S.; revising the mission of the state's K-20 education system; repealing s. 1000.041, F.S., to conform provisions relating to the 2005 repeal of the BEST Florida Teaching salary career ladder program; amending s. 1001.02, F.S.; requiring legislative review of a revised state plan to implement certain federal requirements; amending s. 1001.03, F.S.; requiring periodic review of Sunshine State Standards subject areas and an annual status report; requiring rules for certain teachers to earn a reading credential equivalent; requiring the maintenance of a uniform school district personnel classification system; amending s. 1001.10, F.S.; requiring legislative review of a revised state plan to implement certain federal requirements; creating s. 1001.215, F.S.; creating the Just Read, Florida! Office in the Department of Education; providing duties; amending s. 1001.33, F.S.; conforming provisions relating to the 2005 repeal of the BEST Florida Teaching salary career ladder program; amending s. 1001.41, F.S.; requiring district school boards to adopt standards and policies to provide each student a complete education program; amending s. 1001.42, F.S.; providing a district school board requirement relating to the opening date of the school year; conforming provisions relating to the 2005 repeal of the BEST Florida Teaching salary career ladder program; providing requirements for each school district's system of school improvement and student progression; revising requirements for school improvement plans; requiring alignment with the Sunshine State Standards; revising format and content of public disclosure reports; conforming provisions relating to deletion of a rigorous reading requirement and the designation of school grades; requiring measures for reducing paperwork, data collection, and reporting requirements; requiring a school district task force to reduce paper and electronic reporting requirements; repealing s. 1001.51(24), F.S., and amending s. 1001.54, F.S.; conforming provisions relating to the 2005 repeal of the BEST Florida Teaching salary career ladder program; revising provisions relating to duties of school principals; amending s. 1002.20, F.S.; conforming provisions relating to student progress monitoring plans; amending s. 1003.01, F.S.; revising definition of the term "special education services"; amending s. 1003.03, F.S.; authorizing use of co-teaching or team teaching as an option to meet the constitutional class size maximums and to determine the teacher-to-student ratio per classroom under certain circumstances; 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; revising programs defined as "special academic programs" for purposes of such preference; amending s. 1003.21, F.S.; requiring student exit interviews prior to terminating school enrollment; creating s. 1003.413, F.S., relating to secondary school reform; providing intent and guiding principles; requiring district school boards to establish policies to implement requirements for middle grades promotion, revised requirements for high school graduation, and requirements for career and professional academies; requiring policy approval and department support for implementation; directing the Commissioner of Education to create and implement the Secondary School Improvement Award Program; repealing s. 1003.415, F.S., the Middle Grades Reform Act; creating s. 1003.4156, F.S.; providing general course requirements for middle grades promotion; requiring intensive reading and mathematics courses in certain circumstances; authorizing rulemaking and enforcement; amending s. 1003.42, F.S.; providing for required instruction for middle grades promotion; creating s. 1003.428, F.S.; establishing revised general requirements for high school graduation; providing applicability beginning with 2007-2008 first-year high school students; requiring completion of specified credits or a specified curriculum; requiring strategies for exceptional students to meet graduation requirements; requiring standards for graduation; requiring rules for test accommodations and modifications in certain cases; providing requirements for standard diplomas and certificates of completion with exceptions; authorizing rulemaking and enforcement; amending s. 1003.437, F.S.; including middle grades in the uniform grading system; repealing s. 1003.492(3) and (4), F.S., relating to department studies of student performance in industry-certified career education programs; creating s. 1003.493, F.S.; defining career and professional academies and specifying goals of the academies; providing requirements of academies relating to curriculum, partnerships, instruction, career education certification, and evaluation; amending s. 1003.51, F.S.; conforming provisions relating to student progress monitoring plans; amending s. 1003.52, F.S.; conforming provisions relating to student progress monitoring plans; 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; providing responsibilities of residential facilities that educate exceptional students with disabilities; providing applicability; creating s. 1003.576, F.S.; requiring the department to develop 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.; correcting a cross-reference; amending s. 1003.62, F.S.; conforming provisions relating to the designation of school grades and differentiated pay for school administrators and instructional personnel; creating s. 1004.99, F.S., the Florida Ready to Work Certification Program to enhance student workplace skills; providing for program implementation and requirements; authorizing rulemaking; amending s. 1006.09, F.S.; conforming provisions relating to differentiated pay; amending s. 1007.2615, F.S.; revising provisions for certification of American Sign Language teachers; amending s. 1008.22, F.S.; specifying FCAT grade level and subject area testing requirements; requiring documentation of procedures that ensure test difficulty under certain circumstances; providing that FCAT nonallowable accommodations may be used as instructional accommodations during classroom instruction if included in the individual education plan of a student with a disability; authorizing waiver of the FCAT under certain circumstances; requiring certain opportunities for demonstrating student performance; requiring the development of assessments for measuring the academic competency of students with disabilities; requiring the Commissioner of Education to adopt scores concordant to FCAT scores required for high school graduation; authorizing use of concordant scores for additional purposes; clarifying eligibility to use such scores to satisfy requirements for a diploma; requiring an annual report on student performance; repealing s. 1008.221, F.S., relating to alternative assessments for dependent children of military personnel, to conform; amending s. 1008.25, F.S.; replacing student academic improvement plans with progress monitoring plans; authorizing district school boards to require low-performing students to attend remediation programs outside of regular school hours or during the summer; 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.; revising intent, goals, and measures of the K-20 performance accountability system and requiring data quality improvements; requiring adoption of rules; amending s. 1008.33, F.S.; conforming a cross-reference and provisions relating to the designation of school grades; authorizing principals to recommend corrective actions for low-performing faculty and staff at "F" graded schools and publication of a school's grade; amending s. 1008.34, F.S.; revising terminology and provisions relating to designation and determination of school grades; providing for school grading of feeder pattern schools; defining a feeder pattern school; providing for school grading for alternative schools and specifying requirements related thereto; defining the term "home school" for purposes of assessment; requiring an annual school report card to be published by the department and distributed by school districts; creating s. 1008.341, F.S.; providing for school 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 student learning gains, and eligibility for school recognition awards; requiring the development and distribution of an annual school report card; authorizing adoption of rules; amending s. 1008.345, F.S.; conforming a cross-reference and provisions relating to the designation of school grades; providing conditions for determination of a school district or a governing board with a school in a state of educational

emergency; providing procedures to resolve the educational emergency, including state assistance; authorizing establishment of an educational emergency board and providing duties thereof; providing for an action plan to implement recommendations; amending s. 1008.36, F.S.; authorizing certain feeder pattern schools and alternative schools to participate in the Florida School Recognition Program; modifying procedures for determination and use of school recognition awards; amending s. 1011.62, F.S.; providing FTE funding for juveniles enrolled in specified education programs; 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 a cross-reference; amending s. 1011.67, F.S.; requiring district school board approval of a staff development plan relating to use of instructional materials; amending s. 1011.685, F.S.; conforming provisions relating to the 2005 repeal of the BEST Florida Teaching salary career ladder program and implementation of differentiated pay; amending s. 1011.71, F.S.; correcting a cross-reference; amending s. 1012.21, F.S.; requiring department reporting relating to school district collectively bargained contracts and the salary and benefits of certain personnel; amending s. 1012.22, F.S.; revising a district school board deadline for acting on certain personnel nominations; requiring each district school board to adopt a salary schedule with differentiated pay for instructional personnel and school-based administrators beginning with the 2007-2008 academic year; creating s. 1012.2315, F.S.; providing school district requirements for the assignment of teachers and providing procedures for noncompliance; requiring reporting by certain schools; amending s. 1012.27, F.S.; conforming provisions relating to the 2005 repeal of the BEST Florida Teaching salary career ladder program and implementation of differentiated pay; amending s. 1012.28, F.S.; conforming provisions relating to differentiated pay; amending s. 1012.34, F.S.; conforming provisions relating to deletion of a rigorous reading requirement; amending s. 1012.56, F.S.; encouraging school districts to provide mechanisms for teachers to obtain subject area coverage for middle grades; creating s. 1012.986, F.S.; establishing the William Cecil Golden Professional Development Program for School Leaders; defining the term "school leader"; providing for school leader designations; providing program requirements and delivery systems; requiring adoption of rules; repealing s. 1012.987, F.S., which requires the State Board of Education to adopt rules through which school principals may earn a leadership designation; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Lynn, **HB 7087** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Margolis
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

Nays—1

Miller

Votes Recorded:

May 5, 2006: Yea to Nay—Campbell, Hill, Smith

HB 1009—A bill to be entitled An act relating to real estate profession regulation; amending s. 475.161, F.S.; providing for broker associate or sales associate licensure as a professional limited liability company; amending s. 475.181, F.S.; revising and adding conditions for licensure; amending s. 475.183, F.S.; providing continuing education requirements for certain license renewal; requiring the Florida Real Estate Commission to prescribe certain continuing education courses; amending s. 475.25, F.S.; increasing a maximum disciplinary administrative fine; providing additional grounds for discipline for brokers; providing filing limitations for administrative complaints against sales associates; requiring the Department of Business and Professional Regulation or the commission to provide notification to certain persons upon the department's or commission's filing of a formal complaint against a licensee; amending s. 475.278, F.S.; revising the required information on a transaction broker notice, a single agent notice, and a no brokerage relationship notice; amending s. 475.42, F.S.; removing a cross-reference to conform to changes made by the act; amending s. 475.451, F.S.; requiring schools teaching real estate practice to keep certain records and documents and make them available to the department; requiring certain personnel of schools teaching real estate practice to deliver course rosters to the department by a certain date; specifying the information required in a course roster; amending s. 475.453, F.S.; revising a provision relating to rental information given by a broker or sales associate to a prospective tenant; amending s. 475.701, F.S.; revising definitions; amending s. 475.707, F.S.; revising a provision relating to commission notice recording; amending s. 475.709, F.S.; clarifying provisions relating to claim of commission; amending s. 475.711, F.S.; clarifying provisions relating to actions involving disputed reserved proceeds; amending s. 475.713, F.S.; revising the award of costs and attorney's fees in civil actions concerning commission; amending s. 475.715, F.S.; revising the method by which an owner's net proceeds are computed; amending s. 475.719, F.S.; removing an exception from a buyer's broker provision shielding the rights and remedies available to an owner, a buyer, or a buyer's broker; amending s. 475.807, F.S.; revising a provision relating to the recordation of lien notices; providing that the recording of a broker's lien notice or any extension thereof and any lis pendens shall not constitute notice of the existence of any lease; amending s. 721.20, F.S.; removing a cross-reference to conform to changes made by the act; repealing s. 475.452, F.S., relating to advance fees, deposit, accounting, penalty, and damages; providing an effective date.

—was read the third time by title.

On motion by Senator Posey, **HB 1009** 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 1077—A bill to be entitled An act relating to motor vehicle dealers; amending s. 320.27, F.S.; revising education requirements for licensure to provide for a full-time, management-level employee of the applicant or licensee; exempting certain applicants for a new franchised motor vehicle dealer license from certain training requirements; amending s. 320.60, F.S.; revising the definition of "demonstrator" for purposes of provisions relating to manufacturing, importing, and distributing motor vehicles; amending s. 320.64, F.S.; prohibiting specified licensees from failing to pay certain compensation amounts to a motor vehicle dealer after termination of the dealer's franchise agreement; providing exceptions; providing procedures for payment of the compensation amounts; providing for certain remedies, procedures, and rights of recovery; amending s. 320.642, F.S.; deleting a requirement that certain notices be sent by certified mail; revising conditions under which an opening or

reopening of the same or a successor dealer within 12 months is not considered an additional dealer subject to protest; prohibiting for a certain time proposals for a dealer of the same line-make after the opening or reopening of the dealer; providing criteria for measurements of distance between dealer locations; providing that the Department of Highway Safety and Motor Vehicles is not obligated to determine the accuracy of any distance submitted in a notice; providing for resolution of disputed distances by a hearing in accordance with specified provisions; providing an effective date.

—was read the third time by title.

On motion by Senator Haridopolos, **HB 1077** 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

CS for SJR 1918—A joint resolution proposing the revision of the whole State Constitution to correct spelling errors, punctuation errors, inconsistent use of capitalization, and other technical issues; to require the legislature to provide by law effective by July 1, 2008, for a process by which citizens may propose statutes; to repeal obsolete provisions; to repeal portions of Article VI, section 4, which provide for term limits on certain federal officeholders and which have been held to be unconstitutional; to repeal Article X, section 1, which pertains to the ratification of amendments to the U.S. Constitution and has been held to be unconstitutional; to repeal Article X, section 5, which pertains to the property rights of married persons and authorizes dower and curtesy to be established by law; to require the attorney general, if directed by law, to request an advisory opinion from the Supreme Court on the validity of a statutory initiative; to repeal Article I, section 26, which pertains to a claimant's right to compensation in medical liability claims, and to provide for its codification as a statute; to repeal Article X, section 21, which pertains to the confinement of pregnant pigs, and to provide for its codification as a statute; to repeal Article X, section 25, which pertains to a patient's right to know about adverse medical incidents, and to provide for its codification as a statute; to repeal Article X, section 26, which pertains to a prohibition on having a medical license after repeated medical malpractice, and to provide for its codification as a statute; to prohibit the modification, repeal, or acts inconsistent with constitutional provisions codified as statutes, except upon a supermajority vote of both houses of the Legislature for a certain period of time; to correct the date by which the Taxation and Budget Reform Commission must file proposed constitutional amendments with the custodian of state records; and to provide for the incorporation of amendments adopted during the 2006 general election.

—as amended May 2 was read the third time by title.

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

Amendment 1 (204152)—On page 11, lines 1-13, delete those lines and insert:

SECTION 26. Claimant's right to fair compensation.—

~~(a) Article I, Section 26 is created to read "Claimant's right to fair compensation."~~ In any medical liability claim involving a contingency fee, the claimant is entitled to receive no less than *70 percent* ~~70%~~ of the first *$250,000* ~~$250,000.00~~ in all damages received by the claimant, exclusive of reasonable and customary costs, whether received by judgment, settlement, or otherwise, and regardless of the number of defendants. The claimant is entitled to *90 percent* ~~90%~~ of all damages in excess of *$250,000* ~~$250,000.00~~, exclusive of reasonable and customary costs and regardless of the number of defendants. This provision is self-executing and does not require implementing legislation.

Amendment 2 (985432)(with title amendment)—On page 34, line 22 through page 43, line 2, delete those lines and insert:

ARTICLE IV
EXECUTIVE

SECTION 1. Governor.—

(a) The supreme executive power shall be vested in a governor, who shall be commander-in-chief of all military forces of the state not in active service of the United States. The governor shall take care that the laws be faithfully executed, commission all officers of the state and counties, and transact all necessary business with the officers of government. The governor may require information in writing from all executive or administrative state, county, or municipal officers upon any subject relating to the duties of their respective offices. The governor shall be the chief administrative officer of the state responsible for the planning and budgeting for the state.

(b) The governor may initiate judicial proceedings in the name of the state against any executive or administrative state, county, or municipal officer to enforce compliance with any duty or restrain any unauthorized act.

(c) The governor may request in writing the opinion of the justices of the supreme court as to the interpretation of any portion of this constitution upon any question affecting the governor's executive powers and duties. The justices shall, subject to their rules of procedure, permit interested persons to be heard on the questions presented and shall render their written opinion not earlier than ten days from the filing and docketing of the request, unless in their judgment the delay would cause public injury.

(d) The governor shall have power to call out the militia to preserve the public peace, execute the laws of the state, suppress insurrection, or repel invasion.

(e) The governor shall by message at least once in each regular session inform the legislature concerning the condition of the state, propose such reorganization of the executive department as will promote efficiency and economy, and recommend measures in the public interest.

(f) When not otherwise provided for in this constitution, the governor shall fill by appointment any vacancy in *a* state or county office for the remainder of the term of an appointive office, and for the remainder of the term of an elective office if less than twenty-eight months, otherwise until the first Tuesday after the first Monday following the next general election.

SECTION 2. Lieutenant governor.—There shall be a lieutenant governor, who shall perform such duties pertaining to the office of governor as shall be assigned by the governor, except when otherwise provided by law, and such other duties as may be prescribed by law.

SECTION 3. Succession to office of governor; acting governor.—

(a) Upon vacancy in the office of governor, the lieutenant governor shall become governor. Further succession to the office of governor shall be prescribed by law. A successor shall serve for the remainder of the term.

(b) Upon impeachment of the governor and until completion of trial thereof, or during the governor's physical or mental incapacity, the lieutenant governor shall act as governor. Further succession as acting governor shall be prescribed by law. Incapacity to serve as governor may be determined by the supreme court upon due notice after docketing of a written suggestion thereof by three cabinet members, and in such case restoration of capacity shall be similarly determined after docketing of written suggestion thereof by the governor, the legislature, or three cabinet members. Incapacity to serve as governor may also be established by certificate filed with the custodian of state records by the

governor declaring incapacity for physical reasons to serve as governor, and in such case restoration of capacity shall be similarly established.

SECTION 4. Cabinet.—

(a) There shall be a cabinet composed of an attorney general, a chief financial officer, and a commissioner of agriculture. In addition to the powers and duties specified herein, they shall exercise such powers and perform such duties as may be prescribed by law. In the event of a tie vote of the governor and cabinet, the side on which the governor voted shall be deemed to prevail.

(b) The attorney general shall be the chief state legal officer. There is created in the office of the attorney general the position of statewide prosecutor. The statewide prosecutor shall have concurrent jurisdiction with the state attorneys to prosecute violations of criminal laws occurring or having occurred, in two or more judicial circuits as part of a related transaction, or when any such offense is affecting or has affected two or more judicial circuits as provided by general law. The statewide prosecutor shall be appointed by the attorney general from not *fewer* ~~less~~ than three persons nominated by the judicial nominating commission for the supreme court, or as otherwise provided by general law.

(c) The chief financial officer shall serve as the chief fiscal officer of the state, ~~and~~ shall settle and approve accounts against the state, and shall keep all state funds and securities.

(d) The commissioner of agriculture shall have supervision of matters pertaining to agriculture except as otherwise provided by law.

(e) The governor as chair, the chief financial officer, and the attorney general shall constitute the state board of administration, which shall succeed to all the power, control, and authority of the state board of administration established pursuant to Article IX, section 16 of the constitution of 1885, and which shall continue as a body at least for the life of Article XII, section *7(c)* ~~9(c)~~.

(f) The governor as chair, the chief financial officer, the attorney general, and the commissioner of agriculture shall constitute the trustees of the internal improvement trust fund and the land acquisition trust fund as provided by law.

(g) The governor as chair, the chief financial officer, the attorney general, and the commissioner of agriculture shall constitute the agency head of the Department of Law Enforcement.

SECTION 5. Election of governor, lieutenant governor, and cabinet members; qualifications; terms.—

(a) At a *statewide* ~~state-wide~~ general election in each calendar year the number of which is even but not a multiple of four, the electors shall choose a governor and a lieutenant governor and members of the cabinet each for a term of four years beginning on the first Tuesday after the first Monday in January of the succeeding year. In primary elections, candidates for the office of governor may choose to run without a lieutenant governor candidate. In the general election, all candidates for the offices of governor and lieutenant governor shall form joint candidacies in a manner prescribed by law so that each voter shall cast a single vote for a candidate for governor and a candidate for lieutenant governor running together.

(b) When elected, the governor, lieutenant governor, and each cabinet member must be an elector not less than thirty years of age who has resided in the state for the preceding seven years. The attorney general must have been a member of the bar of Florida for the preceding five years. No person who has, or but for resignation would have, served as governor or acting governor for more than six years in two consecutive terms shall be elected governor for the succeeding term.

SECTION 6. Executive departments.—All functions of the executive branch of state government shall be allotted among not more than twenty-five departments, exclusive of those specifically provided for or authorized in this constitution. The administration of each department, unless otherwise provided in this constitution, shall be placed by law under the direct supervision of the governor, the lieutenant governor, the governor and cabinet, a cabinet member, or an officer or board appointed by and serving at the pleasure of the governor, except:

(a) When provided by law, confirmation by the senate or the approval of three members of the cabinet shall be required for appointment to or removal from any designated statutory office.

(b) Boards authorized to grant and revoke licenses to engage in regulated occupations shall be assigned to appropriate departments and their members appointed for fixed terms, subject to removal only for cause.

SECTION 7. Suspensions; filling office during suspensions.—

(a) By executive order stating the grounds and filed with the custodian of state records, the governor may suspend from office any state officer not subject to impeachment, any officer of the militia not in the active service of the United States, or any county officer, for malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform official duties, or commission of a felony, and may fill the office by appointment for the period of suspension. The suspended officer may at any time before removal be reinstated by the governor.

(b) The senate may, in proceedings prescribed by law, remove from office or reinstate the suspended official and for such purpose the senate may be convened in special session by its president or by a majority of its membership.

(c) By order of the governor, any elected municipal officer indicted for *a* crime may be suspended from office until acquitted and the office filled by appointment for the period of suspension, not to extend beyond the term, unless these powers are vested elsewhere by law or the municipal charter.

SECTION 8. Clemency.—

(a) Except in cases of treason and in cases where impeachment results in conviction, the governor may, by executive order filed with the custodian of state records, suspend collection of fines and forfeitures, grant reprieves not exceeding sixty days and, with the approval of two members of the cabinet, grant full or conditional pardons, restore civil rights, commute punishment, and remit fines and forfeitures for offenses.

(b) In cases of treason, the governor may grant reprieves until adjournment of the regular session of the legislature convening next after the conviction, at which session the legislature may grant a pardon or further reprieve; otherwise the sentence shall be executed.

(c) There may be created by law a parole and probation commission with power to supervise persons on probation and to grant paroles or conditional releases to persons under sentences for crime. The qualifications, method of selection and terms, not to exceed six years, of members of the commission shall be prescribed by law.

SECTION 9. Fish and wildlife conservation commission.—There shall be a fish and wildlife conservation commission, composed of seven members appointed by the governor, subject to confirmation by the senate for staggered terms of five years. The commission shall exercise the regulatory and executive powers of the state with respect to wild animal life and *freshwater* ~~fresh water~~ aquatic life, and shall also exercise regulatory and executive powers of the state with respect to marine life, except that all license fees for taking wild animal life, *freshwater* ~~fresh water~~ aquatic life, and marine life and penalties for violating regulations of the commission shall be prescribed by general law. The commission shall establish procedures to ensure adequate due process in the exercise of its regulatory and executive functions. The legislature may enact laws in aid of the commission, not inconsistent with this section, except that there shall be no special law or general law of local application pertaining to hunting or fishing. The commission's exercise of executive powers in the area of planning, budgeting, personnel management, and purchasing shall be as provided by law. Revenue derived from license fees for the taking of wild animal life and *freshwater* ~~fresh water~~ aquatic life shall be appropriated to the commission by the legislature for the purposes of management, protection, and conservation of wild animal life and *freshwater* ~~fresh water~~ aquatic life. Revenue derived from license fees relating to marine life shall be appropriated by the legislature for the purposes of management, protection, and conservation of marine life as provided by law. The commission shall not be a unit of any other state agency and shall have its own staff, which includes management, research, and enforcement. Unless provided by general law, the commission shall have no authority to regulate matters relating to air and water pollution.

SECTION 10. Attorney General.—The attorney general shall, as directed by general law, request the opinion of the justices of the supreme court as to the validity of any initiative petition circulated pursuant to *Article XI,* section 3 ~~of Article XI~~. The justices shall, subject to their rules of procedure, permit interested persons to be heard on the questions presented and shall render their written opinion no later than April 1 of the year in which the initiative is to be submitted to the voters pursuant to *Article XI,* section 5 ~~of Article XI~~.

And the title is amended as follows:

On page 1, line 6 through page 2, line 10, delete those lines and insert: technical issues; to repeal obsolete provisions; to repeal portions of Article VI, section 4, which provide for term limits on certain federal officeholders and which have been held to be unconstitutional; to repeal Article X, section 1, which pertains to the ratification of amendments to the U.S. Constitution and has been held to be unconstitutional; to repeal Article X, section 5, which pertains to the property rights of married persons and authorizes dower and curtesy to be established by law; to repeal Article X, section 21, which pertains to the confinement of pregnant pigs, and to provide for its codification as a statute; to prohibit the modification, repeal, or acts inconsistent with a constitutional provision codified as a statute, except upon a supermajority vote of each house of the Legislature for a certain

Amendment 3 (342424)—On page 122, line 22 through page 124, line 19, delete those lines and insert:

SECTION *21* ~~25~~. Patients' right to know about adverse medical incidents.—

(a) In addition to any other similar rights provided herein or by general law, patients have a right to have access to any records made or received in the course of business by a health care facility or provider relating to any adverse medical incident.

(b) In providing such access, the identity of patients involved in the incidents shall not be disclosed, and any privacy restrictions imposed by federal law shall be maintained.

(c) For purposes of this section, the following terms have the following meanings:

(1) The phrases "health care facility" and "health care provider" have the meaning given in general law related to a patient's rights and responsibilities.

(2) The term "patient" means an individual who has sought, is seeking, is undergoing, or has undergone care or treatment in a health care facility or by a health care provider.

(3) The phrase "adverse medical incident" means medical negligence, intentional misconduct, and any other act, neglect, or default of a health care facility or health care provider that caused or could have caused injury to or death of a patient, including, but not limited to, those incidents that are required by state or federal law to be reported to any governmental agency or body, and incidents that are reported to or reviewed by any health care facility peer review, risk management, quality assurance, credentials, or similar committee, or any representative of any such committees.

(4) The phrase "have access to any records" means, in addition to any other procedure for producing such records provided by general law, making the records available for inspection and copying upon formal or informal request by the patient or a representative of the patient, provided that current records which have been made publicly available by publication or on the Internet may be "provided" by reference to the location at which the records are publicly available.

SECTION *22* ~~26~~. Prohibition of medical license after repeated medical malpractice.—

(a) No person who has been found to have committed three or more incidents of medical malpractice shall be licensed or continue to be licensed by the State of Florida to provide health care services as a medical doctor.

(b) For purposes of this section, the following terms have the following meanings:

(1) The phrase "medical malpractice" means both the failure to practice medicine in Florida with that level of care, skill, and treatment recognized in general law related to health care providers' licensure, and any similar wrongful act, neglect, or default in other states or countries which, if committed in Florida, would have been considered medical malpractice.

(2) The phrase "found to have committed" means that the malpractice has been found in a final judgment of a court of law, final administrative agency decision, or decision of binding arbitration.

MOTION

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

Senators Webster and Campbell offered the following amendment which was moved by Senator Webster and adopted by two-thirds vote:

Amendment 4 (133876)—On page 149, line 11 through page 155, line 30, delete those lines and insert:

SECTION *8* ~~10~~. *Preservation of constitutional provision as statute.—Article X, section 21 of the State Constitution as it existed on November 6, 2006, shall become a statute. The Division of Statutory Revision shall codify the provision in the manner described in s. 11.242, Florida Statutes (2005). The Division of Statutory Revision may make alterations to the provision to reflect its status as statutory law, but the effect of the provision must be preserved. Until January 2, 2015, the legislature may not modify, repeal, or act inconsistent with the provision made statutory law except by a three-fourths vote of the membership of each house.* ~~Preservation of existing government.—All provisions of Articles I through IV, VII and IX through XX of the Constitution of 1885, as amended, not embraced herein which are not inconsistent with this revision shall become statutes subject to modification or repeal as are other statutes.~~

SECTION *9* ~~11~~. Deletion of obsolete schedule items.—The legislature shall have power, by joint resolution, to delete from this *article* ~~revision~~ any section ~~of this Article XII~~, including this section, when all events to which the section to be deleted is or could become applicable have occurred. A legislative determination of fact made as a basis for application of this section shall be subject to judicial review.

SECTION *10* ~~12~~. Senators.—The requirements of staggered terms of senators in *Article III,* section 15(a), ~~of Article III of this revision~~ shall apply only to senators elected in November~~,~~ 1972, and thereafter.

SECTION *11* ~~13~~. Legislative apportionment.—The requirements of legislative apportionment in *Article III,* section 16*,* ~~of Article III of this revision~~ shall apply only to the apportionment of the legislature following the decennial census of 1970, and thereafter.

SECTION *12* ~~14~~. Representatives; terms.—The legislature at its first regular session following the ratification of this revision, by joint resolution, shall propose to the electors of the state for ratification or rejection in the general election of 1970 an amendment to Article III, section 15(b), ~~of the constitution~~ providing staggered terms of four years for members of the house of representatives.

SECTION *13* ~~15~~. Special district taxes.—Ad valorem taxing power vested by law in special districts existing when this revision becomes effective shall not be abrogated by *Article VII,* section 9(b) ~~of Article VII herein~~, but such powers, except to the extent necessary to pay outstanding debts, may be restricted or withdrawn by law.

~~SECTION 16. Reorganization.—The requirement of Section 6, Article IV of this revision shall not apply until July 1, 1969.~~

SECTION *14* ~~17~~. Conflicting provisions.—This schedule is designed to effect the orderly transition of government from the constitution of 1885, as amended, to this revision and shall control in all cases of conflict with any part of Article I through IV, VII, and IX through XI herein.

~~SECTION 18. Bonds for housing and related facilities.—Section 16 of Article VII, providing for bonds for housing and related facilities, shall take effect upon approval by the electors.~~

~~SECTION 19. Renewable energy source property.—The amendment to Section 3 of Article VII, relating to an exemption for a renewable~~

~~energy source device and real property on which such device is installed, if adopted at the special election in October 1980, shall take effect January 1, 1981.~~

~~SECTION 20. Access to public records.—Section 24 of Article I, relating to access to public records, shall take effect July 1, 1993.~~

SECTION *15* ~~21~~. State revenue limitation.—The amendment to *Article VII,* section 1*,* ~~of Article VII~~ limiting state revenues shall take effect January 1, 1995, and shall first be applicable to state fiscal year 1995-1996.

SECTION *16* ~~22~~. Historic property exemption and assessment.—The amendments to *Article VII,* Sections 3 and 4*,* ~~of Article VII~~ relating to ad valorem tax exemption for, and assessment of, historic property shall take effect January 1, 1999.

SECTION *17* ~~23~~. Fish and wildlife conservation commission.—

(a) The initial members of the commission shall be the members of the game and fresh water fish commission and the marine fisheries commission who are serving on those commissions on the effective date of this amendment, who may serve the remainder of their respective terms. New appointments to the commission shall not be made until the retirement, resignation, removal, or expiration of the terms of the initial members results in fewer than seven members remaining.

(b) The jurisdiction of the marine fisheries commission as set forth in statutes in effect on March 1, 1998, shall be transferred to the fish and wildlife conservation commission. The jurisdiction of the marine fisheries commission transferred to the commission shall not be expanded except as provided by general law. All rules of the marine fisheries commission and game and fresh water fish commission in effect on the effective date of this amendment shall become rules of the fish and wildlife conservation commission until superseded or amended by the commission.

(c) On the effective date of this amendment, the marine fisheries commission and game and fresh water fish commission shall be abolished.

(d) This amendment shall take effect July 1, 1999.

SECTION *18* ~~24~~. Executive branch reform.—

(a) The amendments contained in this revision shall take effect January 7, 2003, but shall govern with respect to the qualifying for and the holding of primary elections in 2002. The office of chief financial officer shall be a new office as a result of this revision.

(b) In the event the secretary of state is removed as a cabinet office in the 1998 general election, the term "custodian of state records" shall be substituted for the term "secretary of state" throughout *this* ~~the~~ constitution and the duties previously performed by the secretary of state shall be as provided by law.

~~SECTION 25. Schedule to Article V amendment.—~~

~~(a) Commencing with fiscal year 2000-2001, the legislature shall appropriate funds to pay for the salaries, costs, and expenses set forth in the amendment to Section 14 of Article V pursuant to a phase-in schedule established by general law.~~

~~(b) Unless otherwise provided herein, the amendment to Section 14 shall be fully effectuated by July 1, 2004.~~

SECTION 19. Amendments adopted during the 2006 General Election.—Any amendment to the State Constitution adopted during the 2006 General Election shall be incorporated into this revision as if the amendment originally had been included in this revision.

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

CONSTITUTIONAL AMENDMENT AND REVISIONS
ARTICLE X, SECTION 21

CRUEL AND INHUMANE CONFINEMENT OF PREGNANT PIGS.—Proposing an amendment to the State Constitution to remove from the constitution and transfer to the Florida Statutes the provision that makes it unlawful to confine a pig during pregnancy in such a way that the pig is prevented from turning around freely; and to prohibit the Legislature from modifying, repealing, or acting inconsistently with this statute until January 2, 2015, except upon a three-fourths vote of each house of the Legislature.

MULTIPLE ARTICLES

OBSOLETE, ERRONEOUS, AND UNCONSTITUTIONAL PROVISIONS.—Proposing a revision of the State Constitution to correct spelling errors, punctuation errors, and grammatical errors, repeal obsolete provisions, repeal provisions that violate the United States Constitution, and make technical changes; and to correct an erroneous filing date in Article XI, section 6(e), which relates to the Taxation and Budget Reform Commission.

On motion by Senator Webster, **CS for SJR 1918** as amended was shown in full as follows:

CS for SJR 1918—A joint resolution proposing the revision of the whole State Constitution to correct spelling errors, punctuation errors, inconsistent use of capitalization, and other technical issues; to require the legislature to provide by law effective by July 1, 2008, for a process by which citizens may propose statutes; to repeal obsolete provisions; to repeal portions of Article VI, section 4, which provide for term limits on certain federal officeholders and which have been held to be unconstitutional; to repeal Article X, section 1, which pertains to the ratification of amendments to the U.S. Constitution and has been held to be unconstitutional; to repeal Article X, section 5, which pertains to the property rights of married persons and authorizes dower and curtesy to be established by law; to require the attorney general, if directed by law, to request an advisory opinion from the Supreme Court on the validity of a statutory initiative; to repeal Article I, section 26, which pertains to a claimant's right to compensation in medical liability claims, and to provide for its codification as a statute; to repeal Article X, section 21, which pertains to the confinement of pregnant pigs, and to provide for its codification as a statute; to repeal Article X, section 25, which pertains to a patient's right to know about adverse medical incidents, and to provide for its codification as a statute; to repeal Article X, section 26, which pertains to a prohibition on having a medical license after repeated medical malpractice, and to provide for its codification as a statute; to prohibit the modification, repeal, or acts inconsistent with constitutional provisions codified as statutes, except upon a supermajority vote of both houses of the Legislature for a certain period of time; to correct the date by which the Taxation and Budget Reform Commission must file proposed constitutional amendments with the custodian of state records; and to provide for the incorporation of amendments adopted during the 2006 general election.

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

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

PREAMBLE

We, the people of the State of Florida, being grateful to Almighty God for our constitutional liberty, in order to secure its benefits, perfect our government, *ensure* ~~insure~~ domestic tranquility, maintain public order, and guarantee equal civil and political rights to all, do ordain and establish this constitution.

ARTICLE I
DECLARATION OF RIGHTS

SECTION 1. Political power.—All political power is inherent in the people. The enunciation herein of certain rights shall not be construed to deny or impair others retained by the people.

SECTION 2. Basic rights.—All natural persons, female and male alike, are equal before the law and have inalienable rights, among which are the right to enjoy and defend life and liberty, to pursue happiness, to be rewarded for industry, and to acquire, possess*,* and protect property; except that the ownership, inheritance, disposition*,* and possession of real property by aliens ineligible for citizenship may be regulated or prohibited by law. No person shall be deprived of any right because of race, religion, national origin, or physical disability.

SECTION 3. Religious freedom.—There shall be no law respecting the establishment of religion or prohibiting or penalizing the free exercise thereof. Religious freedom shall not justify practices inconsistent with public morals, peace, or safety. No revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution.

SECTION 4. Freedom of speech and press.—Every person may speak, write, and publish sentiments on all subjects but shall be responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions and civil actions for defamation, the truth may be given in evidence. If the matter charged as defamatory is true and was published with good motives, the party shall be acquitted or exonerated.

SECTION 5. Right to assemble.—The people shall have the right peaceably to assemble, to instruct their representatives, and to petition for redress of grievances.

SECTION 6. Right to work.—The right of persons to work shall not be denied or abridged on account of membership or *nonmembership* ~~nonmembership~~ in any labor union or labor organization. The right of employees, by and through a labor organization, to bargain collectively shall not be denied or abridged. Public employees shall not have the right to strike.

SECTION 7. Military power.—The military power shall be subordinate to the civil.

SECTION 8. Right to bear arms.—

(a) The right of the people to keep and bear arms in defense of themselves and of the lawful authority of the state shall not be infringed, except that the manner of bearing arms may be regulated by law.

(b) There shall be a mandatory period of three days, excluding weekends and legal holidays, between the purchase and delivery at retail of any handgun. For the purposes of this section, "purchase" means the transfer of money or other valuable consideration to the retailer, and "handgun" means a firearm capable of being carried and used by one hand, such as a pistol or revolver. Holders of a concealed weapon permit as prescribed in Florida law shall not be subject to the provisions of this *subsection* ~~paragraph~~.

(c) The legislature shall enact legislation implementing subsection (b) ~~of this section, effective no later than December 31, 1991~~, which shall provide that anyone violating the provisions of subsection (b) *commits* ~~shall be guilty of~~ a felony.

(d) This restriction shall not apply to a trade in of another handgun.

SECTION 9. Due process.—No person shall be deprived of life, liberty, or property without due process of law, or be twice put in jeopardy for the same offense, or be compelled in any criminal matter to be a witness against oneself.

SECTION 10. Prohibited laws.—No bill of attainder, ex post facto law, or law impairing the obligation of contracts shall be passed.

SECTION 11. Imprisonment for debt.—No person shall be imprisoned for debt, except in cases of fraud.

SECTION 12. Searches and seizures.—The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, and against the unreasonable interception of private communications by any means, shall not be violated. No warrant shall be issued except upon probable cause, supported by affidavit, particularly describing the place or places to be searched, the person or persons *or*~~,~~ thing or things to be seized, the communication to be intercepted, and the nature of evidence to be obtained. This right shall be construed in conformity with the *Fourth* ~~4th~~ Amendment to the United States Constitution, as interpreted by the United States Supreme Court. Articles or information obtained in violation of this right shall not be admissible in evidence if such articles or information would be inadmissible under decisions of the United States Supreme Court construing the *Fourth* ~~4th~~ Amendment to the United States Constitution.

SECTION 13. Habeas corpus.—The writ of habeas corpus shall be grantable of right, freely and without cost. It shall be returnable without delay, and shall never be suspended unless, in case of rebellion or invasion, suspension is essential to the public safety.

SECTION 14. Pretrial release and detention.—Unless charged with a capital offense or an offense punishable by life imprisonment and the proof of guilt is evident or the presumption is great, every person charged with a crime or violation of municipal or county ordinance shall be entitled to pretrial release on reasonable conditions. If no conditions of release can reasonably protect the community from risk of physical harm to persons, *ensure* ~~assure~~ the presence of the accused at trial, or *ensure* ~~assure~~ the integrity of the judicial process, the accused may be detained.

SECTION 15. Prosecution for crime; offenses committed by children.—

(a) No person shall be tried for capital crime without presentment or indictment by a grand jury, or for other felony without such presentment or indictment or an information under oath filed by the prosecuting officer of the court, except persons on active duty in the militia when tried by *courts-martial* ~~courts martial~~.

(b) When authorized by law, a child as therein defined may be charged with a violation of law as an act of delinquency instead of crime and tried without a jury or other requirements applicable to criminal cases. Any child so charged shall, upon demand made as provided by law before a trial in a juvenile proceeding, be tried in an appropriate court as an adult. A child found delinquent shall be disciplined as provided by law.

SECTION 16. Rights of accused and of victims.—

(a) In all criminal prosecutions the accused shall, upon demand, be informed of the nature and cause of the accusation~~,~~ and shall be furnished a copy of the charges. *The accused*~~, and~~ shall have the right to have compulsory process for witnesses*;*~~,~~ to confront at trial adverse witnesses*;*~~,~~ to be heard in person, by counsel, or both~~,~~; and to have a speedy and public trial by impartial jury in the county where the crime was committed. If the county is not known, the indictment or information may charge venue in two or more counties conjunctively and proof that the crime was committed in that area shall be sufficient; but before pleading the accused may elect in which of those counties the trial will take place. Venue for prosecution of crimes committed beyond the boundaries of the state shall be fixed by law.

(b) Victims of crime or their lawful representatives, including the next of kin of homicide victims, are entitled to the right to be informed, to be present, and to be heard when relevant, at all crucial stages of criminal proceedings, to the extent that these rights do not interfere with the constitutional rights of the accused.

SECTION 17. Excessive punishments.—Excessive fines, cruel and unusual punishment, attainder, forfeiture of estate, indefinite imprisonment, and unreasonable detention of witnesses are forbidden. The death penalty is an authorized punishment for capital crimes designated by the legislature. The prohibition against cruel or unusual punishment, and the prohibition against cruel and unusual punishment, shall be construed in conformity with decisions of the United States Supreme Court *that* ~~which~~ interpret the prohibition against cruel and unusual punishment provided in the Eighth Amendment to the United States Constitution. Any method of execution shall be allowed, unless prohibited by the United States Constitution. Methods of execution may be designated by the legislature, and a change in any method of execution may be applied retroactively. A sentence of death shall not be reduced on the basis that a method of execution is invalid. In any case in which an execution method is declared invalid, the death sentence shall remain in force until the sentence can be lawfully executed by any valid method. This section shall apply retroactively.

SECTION 18. Administrative penalties.—No administrative agency, except the Department of Military Affairs in an appropriately convened court-martial action as provided by law, shall impose a sentence of imprisonment, nor shall it impose any other penalty except as provided by law.

SECTION 19. Costs.—No person charged with crime shall be compelled to pay costs before a judgment of conviction has become final.

SECTION 20. Treason.—Treason against the state shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort, and no person shall be convicted of treason except on the testimony of two witnesses to the same overt act or on confession in open court.

SECTION 21. Access to courts.—The courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial, or delay.

SECTION 22. Trial by jury.—The right of trial by jury shall be secure to all and remain inviolate. The qualifications and the number of jurors, not fewer than six, shall be fixed by law.

SECTION 23. Right of privacy.—Every natural person has the right to be let alone and free from governmental intrusion into the person's private life except as otherwise provided herein. This section shall not be construed to limit the public's right of access to public records and meetings as provided by law.

SECTION 24. Access to public records and meetings.—

(a) Every person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, except with respect to records exempted pursuant to this section or specifically made confidential by this constitution. This section specifically includes the legislative, executive, and judicial branches of government and each agency or department created thereunder; counties, municipalities, and districts; and each constitutional officer, board, and commission, or entity created pursuant to law or this constitution.

(b) All meetings of any collegial public body of the executive branch of state government or of any collegial public body of a county, municipality, school district, or special district, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, shall be open and noticed to the public and meetings of the legislature shall be open and noticed as provided in Article III, section 4(e), except with respect to meetings exempted pursuant to this section or specifically closed by this constitution.

(c) This section shall be self-executing. The legislature, however, may provide by general law passed by a two-thirds vote of each house for the exemption of records from the requirements of subsection (a) and the exemption of meetings from the requirements of subsection (b), provided that such law shall state with specificity the public necessity justifying the exemption and shall be no broader than necessary to accomplish the stated purpose of the law. The legislature shall enact laws governing the enforcement of this section, including the maintenance, control, destruction, disposal, and disposition of records made public by this section, except that each house of the legislature may adopt rules governing the enforcement of this section in relation to records of the legislative branch. Laws enacted pursuant to this subsection shall contain only exemptions from the requirements of *subsection* ~~subsections~~ (a) or *subsection* (b) and provisions governing the enforcement of this section, and shall relate to one subject.

(d) All laws that are in effect on July 1, 1993 that limit public access to records or meetings shall remain in force, and such laws apply to records of the legislative and judicial branches, until they are repealed. Rules of court that are in effect on the date of adoption of this section that limit access to records shall remain in effect until they are repealed.

SECTION 25. Taxpayers' Bill of Rights.—By general law the legislature shall prescribe and adopt a Taxpayers' Bill of Rights that, in clear and concise language, sets forth taxpayers' rights and responsibilities and government's responsibilities to deal fairly with taxpayers under the laws of this state. ~~This section shall be effective July 1, 1993.~~

~~SECTION 26. Claimant's right to fair compensation.—~~

~~(a) Article I, Section 26 is created to read "Claimant's right to fair compensation." In any medical liability claim involving a contingency fee, the claimant is entitled to receive no less than 70% of the first $250,000.00 in all damages received by the claimant, exclusive of reasonable and customary costs, whether received by judgment, settlement, or otherwise, and regardless of the number of defendants. The claimant is entitled to 90% of all damages in excess of $250,000.00, exclusive of reasonable and customary costs and regardless of the number of defendants. This provision is self-executing and does not require implementing legislation.~~

~~(b) This Amendment shall take effect on the day following approval by the voters.~~

ARTICLE II
GENERAL PROVISIONS

SECTION 1. State boundaries.—

(a) The state boundaries are: Begin at the mouth of the Perdido River, which for the purposes of this description is defined as the point where latitude 30°16'53" north and longitude 87°31'06" west intersect; thence to the point where latitude 30°17'02" north and longitude 87°31'06" west intersect; thence to the point where latitude 30°18'00" north and longitude 87°27'08" west intersect; thence to the point where the center line of the Intracoastal Canal (as the same existed on June 12, 1953) and longitude 87°27'00" west intersect; the same being in the middle of the Perdido River; thence up the middle of the Perdido River to the point where it intersects the south boundary of the State of Alabama, being also the point of intersection of the middle of the Perdido River with latitude 31°00'00" north; thence east, along the south boundary line of the State of Alabama, the same being latitude 31°00'00" north to the middle of the Chattahoochee River; thence down the middle of said river to its confluence with the Flint River; thence in a straight line to the head of the St. Marys River; thence down the middle of said river to the Atlantic Ocean; thence due east to the edge of the Gulf Stream or a distance of three geographic miles whichever is the greater distance; thence in a southerly direction along the edge of the Gulf Stream or along a line three geographic miles from the Atlantic coastline and three leagues distant from the Gulf of Mexico coastline, whichever is greater, to and through the Straits of Florida and westerly, including the Florida reefs, to a point due south of and three leagues from the southernmost point of the Marquesas Keys; thence westerly along a straight line to a point due south of and three leagues from Loggerhead Key, the westernmost of the Dry Tortugas Islands; thence westerly, northerly and easterly along the arc of a curve three leagues distant from Loggerhead Key to a point due north of Loggerhead Key; thence northeast along a straight line to a point three leagues from the coastline of Florida; thence northerly and westerly three leagues distant from the coastline to a point west of the mouth of the Perdido River three leagues from the coastline as measured on a line bearing south 0°01'00" west from the point of beginning; thence northerly along said line to the point of beginning. The State of Florida shall also include any additional territory within the United States adjacent to the Peninsula of Florida lying south of the St. Marys River, east of the Perdido River, and south of the States of Alabama and Georgia.

(b) The coastal boundaries may be extended by statute to the limits permitted by the laws of the United States or international law.

SECTION 2. Seat of government.—The seat of government shall be the City of Tallahassee, in Leon County, where the offices of the governor, lieutenant governor, cabinet members, and the supreme court shall be maintained and the sessions of the legislature shall be held; provided that, in time of invasion or grave emergency, the governor by proclamation may for the period of the emergency transfer the seat of government to another place.

SECTION 3. Branches of government.—The powers of the state government shall be divided into legislative, executive, and judicial branches. No person belonging to one branch shall exercise any powers appertaining to either of the other branches unless expressly provided herein.

SECTION 4. State seal and flag.—The design of the great seal and flag of the state shall be prescribed by law.

SECTION 5. Public officers.—

(a) No person holding any office of emolument under any foreign government, or civil office of emolument under the United States or any other state, shall hold any office of honor or of emolument under the government of this state. No person shall hold at the same time more than one office under the government of the state and the counties and municipalities therein, except that a notary public or military officer may hold another office, and any officer may be a member of a constitu-

tion revision commission, taxation and budget reform commission, constitutional convention, or statutory body having only advisory powers.

(b) Each state and county officer, before entering upon the duties of the office, shall give bond as required by law, and shall swear or affirm:

"I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the constitution of the state; and that I will well and faithfully perform the duties of (title of office) on which I am now about to enter. So help me God.",

and thereafter shall devote personal attention to the duties of the office, and continue in office until a successor qualifies.

(c) The powers, duties, compensation, and method of payment of state and county officers shall be fixed by law.

SECTION 6. Enemy attack.—In periods of emergency resulting from enemy attack, the legislature shall have power to provide for prompt and temporary succession to the powers and duties of all public offices the incumbents of which may become unavailable to execute the functions of their offices~~,~~ and to adopt such other measures as may be necessary and appropriate to *ensure* ~~insure~~ the continuity of governmental operations during the emergency. In exercising these powers, the legislature may depart from other requirements of this constitution, but only to the extent necessary to meet the emergency.

SECTION 7. Natural resources and scenic beauty.—

(a) It shall be the policy of the state to conserve and protect its natural resources and scenic beauty. Adequate provision shall be made by law for the abatement of air and water pollution and of excessive and unnecessary noise and for the conservation and protection of natural resources.

(b) Those in the Everglades Agricultural Area who cause water pollution within the Everglades Protection Area or the Everglades Agricultural Area shall be primarily responsible for paying the costs of the abatement of that pollution. For the purposes of this subsection, the terms "Everglades Protection Area" and "Everglades Agricultural Area" shall have the meanings as defined in statutes in effect on January 1, 1996.

SECTION 8. Ethics in government.—A public office is a public trust. The people shall have the right to secure and sustain that trust against abuse. To *ensure* ~~assure~~ this right:

(a) All elected constitutional officers and candidates for such offices and, as may be determined by law, other public officers, candidates, and employees shall file full and public disclosure of their financial interests.

(b) All elected public officers and candidates for such offices shall file full and public disclosure of their campaign finances.

(c) Any public officer or employee who breaches the public trust for private gain and any person or entity inducing such breach shall be liable to the state for all financial benefits obtained by such actions. The manner of recovery and additional damages may be provided by law.

(d) Any public officer or employee who is convicted of a felony involving a breach of public trust shall be subject to forfeiture of rights and privileges under a public retirement system or pension plan in such manner as may be provided by law.

(e) No member of the legislature or statewide elected officer shall personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or member for a period of two years following vacation of office. No member of the legislature shall personally represent another person or entity for compensation during *his or her* term of office before any state agency other than judicial tribunals. Similar restrictions on other public officers and employees may be established by law.

(f) There shall be an independent commission to conduct investigations and make public reports on all complaints concerning breach of public trust by public officers or employees not within the jurisdiction of the judicial qualifications commission.

(g) A code of ethics for all state employees and nonjudicial officers prohibiting conflict between public duty and private interests shall be prescribed by law.

(h) This section shall not be construed to limit disclosures and prohibitions *that* ~~which~~ may be established by law to preserve the public trust and avoid conflicts between public duties and private interests.

(i) Schedule~~—On the effective date of this amendment and~~ Until changed by law:

(1) Full and public disclosure of financial interests shall mean filing with the custodian of state records by July 1 of each year a sworn statement showing net worth and identifying each asset and liability in excess of *one thousand dollars* ~~$1,000~~ and its value together with one of the following:

a. A copy of the person's most recent federal income tax return; or

b. A sworn statement *that* ~~which~~ identifies each separate source and amount of income *that* ~~which~~ exceeds *one thousand dollars* ~~$1,000~~. The forms for such source disclosure and the rules under which they are to be filed shall be prescribed by the independent commission established in subsection (f), and such rules shall include disclosure of secondary sources of income.

(2) Persons holding statewide elective offices shall also file disclosure of their financial interests pursuant to *paragraph* ~~subsection~~ (i)(1).

(3) The independent commission provided for in subsection (f) shall mean the Florida Commission on Ethics.

SECTION 9. English is the official language of Florida.—

(a) English is the official language of the State of Florida.

(b) The legislature shall have the power to enforce this section by appropriate legislation.

ARTICLE III
LEGISLATURE

SECTION 1. Composition.—The legislative power of the state shall be vested in a legislature of the State of Florida, consisting of a senate composed of one senator elected from each senatorial district and a house of representatives composed of one member elected from each representative district.

SECTION 2. Members; officers.—Each house shall be the sole judge of the qualifications, elections, and returns of its members, and shall biennially choose its officers, including a permanent presiding officer selected from its membership, who shall be designated in the senate as President of the Senate, and in the house as Speaker of the House of Representatives. The senate shall designate a Secretary to serve at its pleasure, and the house of representatives shall designate a Clerk to serve at its pleasure. The legislature shall appoint an auditor to serve at its pleasure who shall audit public records and perform related duties as prescribed by law or concurrent resolution.

SECTION 3. Sessions of the legislature.—

(a) ORGANIZATION SESSIONS.—On the fourteenth day following each general election the legislature shall convene for the exclusive purpose of organization and selection of officers.

(b) REGULAR SESSIONS.—A regular session of the legislature shall convene on the first Tuesday after the first Monday in March of each odd-numbered year, and on the first Tuesday after the first Monday in March, or such other date as may be fixed by law, of each even-numbered year.

(c) SPECIAL SESSIONS.—

(1) The governor, by proclamation stating the purpose, may convene the legislature in special session during which only such legislative business may be transacted as is within the purview of the proclamation, or of a communication from the governor, or is introduced by consent of two-thirds of the membership of each house.

(2) A special session of the legislature may be convened as provided by law.

(d) LENGTH OF SESSIONS.—A regular session of the legislature shall not exceed sixty consecutive days, and a special session shall not exceed twenty consecutive days, unless extended beyond such limit by a three-fifths vote of each house. During such an extension no new business may be taken up in either house without the consent of two-thirds of its membership.

(e) ADJOURNMENT.—Neither house shall adjourn for more than seventy-two consecutive hours except pursuant to concurrent resolution.

(f) ADJOURNMENT BY GOVERNOR.—If, during any regular or special session, the two houses cannot agree upon a time for adjournment, the governor may adjourn the session sine die or to any date within the period authorized for such session; provided that, at least twenty-four hours before adjourning the session, and while neither house is in recess, each house shall be given formal written notice of the governor's intention to do so, and agreement reached within that period by both houses on a time for adjournment shall prevail.

SECTION 4. Quorum and procedure.—

(a) A majority of the membership of each house shall constitute a quorum, but a smaller number may adjourn from day to day and compel the presence of absent members in such manner and under such penalties as it may prescribe. Each house shall determine its rules of procedure.

(b) Sessions of each house shall be public,~~;~~ except *that* sessions of the senate when considering appointment to or removal from public office may be closed.

(c) Each house shall keep and publish a journal of its proceedings~~;~~ and, upon the request of five members present, the vote of each member voting on any question shall be entered on the journal. In any legislative committee or subcommittee, the vote of each member voting on the final passage of any legislation pending before the committee, and upon the request of any two members of the committee or subcommittee, the vote of each member on any other question, shall be recorded.

(d) Each house may punish a member for contempt or disorderly conduct and, by a two-thirds vote of its membership, may expel a member.

(e) The rules of procedure of each house shall provide that all legislative committee and subcommittee meetings of each house, and joint conference committee meetings, shall be open and noticed to the public. The rules of procedure of each house shall further provide that all prearranged gatherings, between more than two members of the legislature, or between the governor, the president of the senate, or the speaker of the house of representatives, the purpose of which is to agree upon formal legislative action that will be taken at a subsequent time, or at which formal legislative action is taken, regarding pending legislation or amendments, shall be reasonably open to the public. All open meetings shall be subject to order and decorum. This section shall be implemented and defined by the rules of each house, and such rules shall control admission to the floor of each legislative chamber and may, where reasonably necessary for security purposes or to protect a witness appearing before a committee, provide for the closure of committee meetings. Each house shall be the sole judge for the interpretation, implementation, and enforcement of this section.

SECTION 5. Investigations; witnesses.—Each house, when in session, may compel attendance of witnesses and production of documents and other evidence upon any matter under investigation before it or any of its committees, and may punish by fine not exceeding one thousand dollars or imprisonment not exceeding ninety days, or both, any person not a member who has been guilty of disorderly or contemptuous conduct in its presence or has refused to obey its lawful summons or to answer lawful questions. Such powers, except the power to punish, may be conferred by law upon committees when the legislature is not in session. Punishment of contempt of an interim legislative committee shall be by judicial proceedings as prescribed by law.

SECTION 6. Laws.—Every law shall embrace but one subject and matter properly connected therewith, and the subject shall be briefly expressed in the title. No law shall be revised or amended by reference to its title only. Laws to revise or amend shall set out in full the revised or amended act, section, subsection, or paragraph of a subsection. The enacting clause of every law shall read: "Be It Enacted by the Legislature of the State of Florida:.".~~.~~

SECTION 7. Passage of bills.—Any bill may originate in either house and after passage in one may be amended in the other. It shall be read in each house on three separate days, unless this rule is waived by two-thirds vote; provided the publication of its title in the journal of a house shall satisfy the requirement for the first reading in that house. On each reading, it shall be read by title only, unless one-third of the members present desire it read in full. On final passage, the vote of each member voting shall be entered on the journal. Passage of a bill shall require a majority vote in each house. Each bill and joint resolution passed in both houses shall be signed by the presiding officers of the respective houses and by the secretary of the senate and the clerk of the house of representatives during the session or as soon as practicable after its adjournment sine die.

SECTION 8. Executive approval and veto.—

(a) Every bill passed by the legislature shall be presented to the governor for approval and shall become a law if the governor approves and signs it, or fails to veto it within seven consecutive days after presentation. If during that period or on the seventh day the legislature adjourns sine die or takes a recess of more than thirty days, the governor shall have fifteen consecutive days from the date of presentation to act on the bill. In all cases except general appropriation bills, the veto shall extend to the entire bill. The governor may veto any specific appropriation in a general appropriation bill, but may not veto any qualification or restriction without also vetoing the appropriation to which it relates.

(b) When a bill or any specific appropriation of a general appropriation bill has been vetoed, the governor shall transmit signed objections thereto to the house in which the bill originated if in session. If that house is not in session, the governor shall file them with the custodian of state records, who shall lay them before that house at its next regular or special session, whichever occurs first, and they shall be entered on its journal. If the originating house votes to *reenact* ~~re-enact~~ a vetoed measure, whether in a regular or special session, and the other house does not consider or fails to *reenact* ~~re-enact~~ the vetoed measure, no further consideration by either house at any subsequent session may be taken. If a vetoed measure is presented at a special session and the originating house does not consider it, the measure will be available for consideration at any intervening special session and until the end of the next regular session.

(c) If each house shall, by a two-thirds vote, *reenact* ~~re-enact~~ the bill or reinstate the vetoed specific appropriation of a general appropriation bill, the vote of each member voting shall be entered on the respective journals, and the bill shall become law or the specific appropriation reinstated, the veto notwithstanding.

SECTION 9. Effective date of laws.—Each law shall take effect on the sixtieth day after adjournment sine die of the session of the legislature in which enacted or as otherwise provided therein. If the law is passed over the veto of the governor, it shall take effect on the sixtieth day after adjournment sine die of the session in which the veto is overridden, on a later date fixed in the law, or on a date fixed by resolution passed by both houses of the legislature.

SECTION 10. Special laws.—No special law shall be passed unless notice of intention to seek enactment thereof has been published in the manner provided by general law. Such notice shall not be necessary when the law, except the provision for referendum, is conditioned to become effective only upon approval by vote of the electors of the area affected.

SECTION 11. Prohibited special laws.—

(a) There shall be no special law or general law of local application pertaining to *the following*:

(1) Election, jurisdiction, or duties of officers, except officers of municipalities, chartered counties, special districts, or local governmental agencies.~~;~~

(2) Assessment or collection of taxes for state or county purposes, including extension of time therefor, relief of tax officers from due performance of their duties, and relief of their sureties from liability.~~;~~

(3) Rules of evidence in any court.~~;~~

(4) Punishment for crime.~~;~~

(5) Petit juries, including compensation of jurors, except establishment of jury commissions.~~;~~

(6) Change of civil or criminal venue.~~;~~

(7) Conditions precedent to bringing any civil or criminal proceedings, or limitations of time therefor.~~;~~

(8) Refund of money legally paid or remission of fines, penalties, or forfeitures.~~;~~

(9) Creation, enforcement, extension, or impairment of liens based on private contracts, or fixing of interest rates on private contracts.~~;~~

(10) Disposal of public property, including any interest therein, for private purposes.~~;~~

(11) Vacation of roads.~~;~~

(12) Private incorporation or grant of privilege to a private corporation.~~;~~

(13) Effectuation of invalid deeds, wills, or other instruments~~,~~ or change in the law of descent.~~;~~

(14) Change of name of any person.~~;~~

(15) Divorce.~~;~~

(16) Legitimation or adoption of persons.~~;~~

(17) Relief of minors from legal disabilities.~~;~~

(18) Transfer of any property interest of persons under legal disabilities or of estates of decedents.~~;~~

(19) Hunting or *freshwater* ~~fresh water~~ fishing.~~;~~

(20) Regulation of occupations which are regulated by a state agency.~~; or~~

(21) Any subject when prohibited by general law passed by a three-fifths vote of the membership of each house. Such law may be amended or repealed by like vote.

(b) In the enactment of general laws on other subjects, political subdivisions or other governmental entities may be classified only on a basis reasonably related to the subject of the law.

SECTION 12. Appropriation bills.—Laws making appropriations for salaries of public officers and other current expenses of the state shall contain provisions on no other subject.

SECTION 13. Term of office.—No office shall be created the term of which shall exceed four years except as provided herein.

SECTION 14. Civil service system.—By law there shall be created a civil service system for state employees, except those expressly exempted, and there may be created civil service systems and boards for county, district, or municipal employees and for such offices thereof as are not elected or appointed by the governor, and there may be authorized such boards as are necessary to prescribe the qualifications, method of selection, and tenure of such employees and officers.

SECTION 15. Terms and qualifications of legislators.—

(a) SENATORS.—Senators shall be elected for terms of four years, those from odd-numbered districts in the years the numbers of which are multiples of four and those from even-numbered districts in even-numbered years the numbers of which are not multiples of four; except, at the election next following a reapportionment, some senators shall be elected for terms of two years when necessary to maintain staggered terms.

(b) REPRESENTATIVES.—Members of the house of representatives shall be elected for terms of two years in each even-numbered year.

(c) QUALIFICATIONS.—Each legislator shall be at least twenty-one years of age, *shall be* an elector and resident of the district from which elected, and shall have resided in the state for a period of two years prior to election.

(d) ASSUMING OFFICE; VACANCIES.—Members of the legislature shall take office upon election. *A vacancy* ~~Vacancies~~ in *a* legislative office shall be filled only by election as provided by law.

SECTION 16. Legislative apportionment.—

(a) SENATORIAL AND REPRESENTATIVE DISTRICTS.—The legislature at its regular session in the second year following each decennial census, by joint resolution, shall apportion the state in accordance with the Constitution of the State *of Florida* and of the United States into not *fewer* ~~less~~ than thirty nor more than forty consecutively numbered senatorial districts of either contiguous, overlapping, or identical territory, and into not less than eighty nor more than one hundred twenty consecutively numbered representative districts of either contiguous, overlapping, or identical territory. Should that session adjourn without adopting such joint resolution, the governor by proclamation shall reconvene the legislature within thirty days in special apportionment session which shall not exceed thirty consecutive days, during which no other business shall be transacted, and it shall be the mandatory duty of the legislature to adopt a joint resolution of apportionment.

(b) FAILURE OF LEGISLATURE TO APPORTION; JUDICIAL REAPPORTIONMENT.—In the event a special apportionment session of the legislature finally adjourns without adopting a joint resolution of apportionment, the attorney general shall, within five days, petition the supreme court of the state to make such apportionment. No later than the sixtieth day after the filing of such petition, the supreme court shall file with the custodian of state records an order making such apportionment.

(c) JUDICIAL REVIEW OF APPORTIONMENT.—Within fifteen days after the passage of the joint resolution of apportionment, the attorney general shall petition the supreme court of the state for a declaratory judgment determining the validity of the apportionment. The supreme court, in accordance with its rules, shall permit adversary interests to present their views and, within thirty days from the filing of the petition, shall enter its judgment.

(d) EFFECT OF JUDGMENT IN APPORTIONMENT; EXTRAORDINARY APPORTIONMENT SESSION.—A judgment of the supreme court of the state determining the apportionment to be valid shall be binding upon all the citizens of the state. Should the supreme court determine that the apportionment made by the legislature is invalid, the governor by proclamation shall reconvene the legislature within five days thereafter in *an* extraordinary apportionment session *that* ~~which~~ shall not exceed fifteen days, during which the legislature shall adopt a joint resolution of apportionment conforming to the judgment of the supreme court.

(e) EXTRAORDINARY APPORTIONMENT SESSION; REVIEW OF APPORTIONMENT.—Within fifteen days after the adjournment of an extraordinary apportionment session, the attorney general shall file a petition in the supreme court of the state setting forth the apportionment resolution adopted by the legislature, or, if none has been adopted, reporting that fact to the court. Consideration of the validity of a joint resolution of apportionment shall be had as provided for in cases of such joint resolution adopted at a regular or special apportionment session.

(f) JUDICIAL REAPPORTIONMENT.—Should an extraordinary apportionment session fail to adopt a resolution of apportionment or should the supreme court determine that the apportionment made is invalid, the court shall, not later than sixty days after receiving the petition of the attorney general, file with the custodian of state records an order making such apportionment.

SECTION 17. Impeachment.—

(a) The governor, lieutenant governor, members of the cabinet, justices of the supreme court, judges of district courts of appeal, judges of circuit courts, and judges of county courts shall be liable to impeachment for misdemeanor in office. The house of representatives by two-thirds vote shall have the power to impeach an officer. The speaker of the house of representatives shall have power at any time to appoint a committee to investigate charges against any officer subject to impeachment.

(b) An officer impeached by the house of representatives shall be disqualified from performing any official duties until acquitted by the senate, and, unless impeached, the governor may by appointment fill the office until completion of the trial.

(c) All impeachments by the house of representatives shall be tried by the senate. The chief justice of the supreme court, or another justice designated by the chief justice, shall preside at the trial, except in a trial of the chief justice, in which case the governor shall preside. The senate shall determine the time for the trial of any impeachment and may sit for the trial whether the house of representatives be in session or not. The time fixed for trial shall not be more than six months after the impeachment. During an impeachment trial senators shall be upon their oath or affirmation. No officer shall be convicted without the concurrence of two-thirds of the members of the senate present. Judgment of conviction in cases of impeachment shall remove the offender from office and, in the discretion of the senate, may include disqualification to hold any office of honor, trust, or profit. Conviction or acquittal shall not affect the civil or criminal responsibility of the officer.

~~SECTION 18. Conflict of interest.—A code of ethics for all state employees and nonjudicial officers prohibiting conflict between public duty and private interests shall be prescribed by law.~~

SECTION *18* ~~19~~. State budgeting, planning, and appropriations processes.—

(a) ANNUAL BUDGETING.—~~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. For purposes of this 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.—~~Effective July 1, 1993,~~ General law shall prescribe requirements for each department and agency of state government to submit a planning document and supporting budget request for review by the appropriations committees of both houses of the legislature. The review shall include a comparison of the major issues in the planning document and budget requests to those major issues included in the governor's recommended budget. For purposes of this subsection, the terms "department" and "agency" shall include the judicial branch.

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

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

(f) TRUST FUNDS.

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

(2) ~~State trust funds in existence before the effective date of this subsection shall terminate not more than four years after the effective date of this subsection.~~ State trust funds created after *November 4, 1992,* ~~the effective date of this subsection~~ shall terminate not more than four years after the effective date of the act authorizing the creation of the trust fund. By law the legislature may set a shorter time period for which any trust fund is authorized.

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

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

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

(g) BUDGET STABILIZATION FUND.—~~Beginning with the 1994-1995 fiscal year, at least 1% of an amount equal to the last completed fiscal year's net revenue collections for the general revenue fund shall be retained in a budget stabilization fund. The budget stabilization fund shall be increased to at least 2% of said amount for the 1995-1996 fiscal year, at least 3% of said amount for the 1996-1997 fiscal year, at least 4% of said amount for the 1997-1998 fiscal year, and at least 5% of said amount for the 1998-1999 fiscal year.~~ Subject to the provisions of this subsection, the budget stabilization fund shall be maintained at an amount equal to at least *five percent* ~~5%~~ of the last completed fiscal year's net revenue collections for the general revenue fund. The budget stabilization fund's principal balance shall not exceed an amount equal to *ten percent* ~~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) STATE PLANNING DOCUMENT AND DEPARTMENT AND AGENCY PLANNING DOCUMENT PROCESSES.—The governor shall recommend to the legislature biennially any revisions to the state planning document, as defined by law. General law shall require a biennial review and revision of the 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 consistent with the state planning document. The state planning document and department and agency planning documents shall remain subject to review and revision by the legislature. 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.~~

SECTION 19. Statutory initiative.—Notwithstanding section 1, the legislature shall prescribe a statutory initiative process by general law. The statutory initiative process is subject to conditions, limitations, and exceptions prescribed by the legislature. However, a statute originating as a statutory initiative may not be amended or repealed by the legislature for five years after its enactment, except upon a two-thirds vote of both houses of the legislature.

ARTICLE IV
EXECUTIVE

SECTION 1. Governor.—

(a) The supreme executive power shall be vested in a governor, who shall be commander-in-chief of all military forces of the state not in active service of the United States. The governor shall take care that the laws be faithfully executed, commission all officers of the state and counties, and transact all necessary business with the officers of government. The governor may require information in writing from all executive or administrative state, county, or municipal officers upon any subject relating to the duties of their respective offices. The governor shall be the chief administrative officer of the state responsible for the planning and budgeting for the state.

(b) The governor may initiate judicial proceedings in the name of the state against any executive or administrative state, county, or municipal officer to enforce compliance with any duty or restrain any unauthorized act.

(c) The governor may request in writing the opinion of the justices of the supreme court as to the interpretation of any portion of this constitution upon any question affecting the governor's executive powers and duties. The justices shall, subject to their rules of procedure, permit interested persons to be heard on the questions presented and shall render their written opinion not earlier than ten days from the filing and docketing of the request, unless in their judgment the delay would cause public injury.

(d) The governor shall have power to call out the militia to preserve the public peace, execute the laws of the state, suppress insurrection, or repel invasion.

(e) The governor shall by message at least once in each regular session inform the legislature concerning the condition of the state, propose such reorganization of the executive department as will promote efficiency and economy, and recommend measures in the public interest.

(f) When not otherwise provided for in this constitution, the governor shall fill by appointment any vacancy in *a* state or county office for the remainder of the term of an appointive office, and for the remainder of the term of an elective office if less than twenty-eight months, otherwise until the first Tuesday after the first Monday following the next general election.

SECTION 2. Lieutenant governor.—There shall be a lieutenant governor, who shall perform such duties pertaining to the office of governor as shall be assigned by the governor, except when otherwise provided by law, and such other duties as may be prescribed by law.

SECTION 3. Succession to office of governor; acting governor.—

(a) Upon vacancy in the office of governor, the lieutenant governor shall become governor. Further succession to the office of governor shall be prescribed by law. A successor shall serve for the remainder of the term.

(b) Upon impeachment of the governor and until completion of trial thereof, or during the governor's physical or mental incapacity, the lieutenant governor shall act as governor. Further succession as acting governor shall be prescribed by law. Incapacity to serve as governor may be determined by the supreme court upon due notice after docketing of a written suggestion thereof by three cabinet members, and in such case restoration of capacity shall be similarly determined after docketing of written suggestion thereof by the governor, the legislature, or three cabinet members. Incapacity to serve as governor may also be established by certificate filed with the custodian of state records by the governor declaring incapacity for physical reasons to serve as governor, and in such case restoration of capacity shall be similarly established.

SECTION 4. Cabinet.—

(a) There shall be a cabinet composed of an attorney general, a chief financial officer, and a commissioner of agriculture. In addition to the powers and duties specified herein, they shall exercise such powers and perform such duties as may be prescribed by law. In the event of a tie vote of the governor and cabinet, the side on which the governor voted shall be deemed to prevail.

(b) The attorney general shall be the chief state legal officer. There is created in the office of the attorney general the position of statewide prosecutor. The statewide prosecutor shall have concurrent jurisdiction with the state attorneys to prosecute violations of criminal laws occurring or having occurred, in two or more judicial circuits as part of a related transaction, or when any such offense is affecting or has affected two or more judicial circuits as provided by general law. The statewide prosecutor shall be appointed by the attorney general from not *fewer* ~~less~~ than three persons nominated by the judicial nominating commission for the supreme court, or as otherwise provided by general law.

(c) The chief financial officer shall serve as the chief fiscal officer of the state, ~~and~~ shall settle and approve accounts against the state, and shall keep all state funds and securities.

(d) The commissioner of agriculture shall have supervision of matters pertaining to agriculture except as otherwise provided by law.

(e) The governor as chair, the chief financial officer, and the attorney general shall constitute the state board of administration, which shall succeed to all the power, control, and authority of the state board of administration established pursuant to Article IX, section 16 of the constitution of 1885, and which shall continue as a body at least for the life of Article XII, section *7(c)* ~~9(c)~~.

(f) The governor as chair, the chief financial officer, the attorney general, and the commissioner of agriculture shall constitute the trustees of the internal improvement trust fund and the land acquisition trust fund as provided by law.

(g) The governor as chair, the chief financial officer, the attorney general, and the commissioner of agriculture shall constitute the agency head of the Department of Law Enforcement.

SECTION 5. Election of governor, lieutenant governor, and cabinet members; qualifications; terms.—

(a) At a *statewide* ~~state-wide~~ general election in each calendar year the number of which is even but not a multiple of four, the electors shall choose a governor and a lieutenant governor and members of the cabinet each for a term of four years beginning on the first Tuesday after the first Monday in January of the succeeding year. In primary elections, candidates for the office of governor may choose to run without a lieutenant governor candidate. In the general election, all candidates for the offices of governor and lieutenant governor shall form joint candidacies in a manner prescribed by law so that each voter shall cast a single vote for a candidate for governor and a candidate for lieutenant governor running together.

(b) When elected, the governor, lieutenant governor, and each cabinet member must be an elector not less than thirty years of age who has resided in the state for the preceding seven years. The attorney general must have been a member of the bar of Florida for the preceding five years. No person who has, or but for resignation would have, served as governor or acting governor for more than six years in two consecutive terms shall be elected governor for the succeeding term.

SECTION 6. Executive departments.—All functions of the executive branch of state government shall be allotted among not more than twenty-five departments, exclusive of those specifically provided for or authorized in this constitution. The administration of each department, unless otherwise provided in this constitution, shall be placed by law under the direct supervision of the governor, the lieutenant governor, the governor and cabinet, a cabinet member, or an officer or board appointed by and serving at the pleasure of the governor, except:

(a) When provided by law, confirmation by the senate or the approval of three members of the cabinet shall be required for appointment to or removal from any designated statutory office.

(b) Boards authorized to grant and revoke licenses to engage in regulated occupations shall be assigned to appropriate departments and their members appointed for fixed terms, subject to removal only for cause.

SECTION 7. Suspensions; filling office during suspensions.—

(a) By executive order stating the grounds and filed with the custodian of state records, the governor may suspend from office any state officer not subject to impeachment, any officer of the militia not in the active service of the United States, or any county officer, for malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform official duties, or commission of a felony, and may fill the office by appointment for the period of suspension. The suspended officer may at any time before removal be reinstated by the governor.

(b) The senate may, in proceedings prescribed by law, remove from office or reinstate the suspended official and for such purpose the senate may be convened in special session by its president or by a majority of its membership.

(c) By order of the governor, any elected municipal officer indicted for *a* crime may be suspended from office until acquitted and the office filled by appointment for the period of suspension, not to extend beyond the term, unless these powers are vested elsewhere by law or the municipal charter.

SECTION 8. Clemency.—

(a) Except in cases of treason and in cases where impeachment results in conviction, the governor may, by executive order filed with the custodian of state records, suspend collection of fines and forfeitures, grant reprieves not exceeding sixty days and, with the approval of two members of the cabinet, grant full or conditional pardons, restore civil rights, commute punishment, and remit fines and forfeitures for offenses.

(b) In cases of treason, the governor may grant reprieves until adjournment of the regular session of the legislature convening next after the conviction, at which session the legislature may grant a pardon or further reprieve; otherwise the sentence shall be executed.

(c) There may be created by law a parole and probation commission with power to supervise persons on probation and to grant paroles or conditional releases to persons under sentences for crime. The qualifications, method of selection and terms, not to exceed six years, of members of the commission shall be prescribed by law.

SECTION 9. Fish and wildlife conservation commission.—There shall be a fish and wildlife conservation commission, composed of seven members appointed by the governor, subject to confirmation by the senate for staggered terms of five years. The commission shall exercise the regulatory and executive powers of the state with respect to wild animal life and *freshwater* ~~fresh water~~ aquatic life, and shall also exercise regulatory and executive powers of the state with respect to marine life, except that all license fees for taking wild animal life, *freshwater* ~~fresh water~~ aquatic life, and marine life and penalties for violating regulations of the commission shall be prescribed by general law. The commission shall establish procedures to ensure adequate due process in the exercise of its regulatory and executive functions. The legislature may enact laws in aid of the commission, not inconsistent with this section, except that there shall be no special law or general law of local application pertaining to hunting or fishing. The commission's exercise of executive powers in the area of planning, budgeting, personnel management, and purchasing shall be as provided by law. Revenue derived from license fees for the taking of wild animal life and *freshwater* ~~fresh water~~ aquatic life shall be appropriated to the commission by the legislature for the purposes of management, protection, and conservation of wild animal life and *freshwater* ~~fresh water~~ aquatic life. Revenue derived from license fees relating to marine life shall be appropriated by the legislature for the purposes of management, protection, and conservation of marine life as provided by law. The commission shall not be a unit of any other state agency and shall have its own staff, which includes management, research, and enforcement. Unless provided by general law, the commission shall have no authority to regulate matters relating to air and water pollution.

SECTION 10. Attorney General.—

(a) The attorney general shall, as directed by general law, request the opinion of the justices of the supreme court as to the validity of any initiative petition circulated pursuant to *Article XI,* section 3 ~~of Article XI~~. The justices shall, subject to their rules of procedure, permit interested persons to be heard on the questions presented and shall render their written opinion no later than April 1 of the year in which the initiative is to be submitted to the voters pursuant to *Article XI,* section 5 ~~of Article XI~~.

(b) The attorney general shall, if directed by general law, request the opinion of the justices of the supreme court as to the validity of any statutory initiative pursuant to Article III, section 19. The justices shall, subject to their rules of procedure, permit interested persons to be heard on the questions presented.

SECTION 11. Department of Veterans Affairs.—The legislature, by general law, may provide for the establishment of the Department of Veterans Affairs.

SECTION 12. Department of Elderly Affairs.—The legislature may create a Department of Elderly Affairs and prescribe its duties. The provisions governing the administration of the department must comply with *Article IV,* section 6 ~~of Article IV of the State Constitution~~.

SECTION 13. Revenue Shortfalls.—In the event of revenue shortfalls, as defined by general law, the governor and cabinet may establish all necessary reductions in the state budget in order to comply with the provisions of Article VII, section 1(d). The governor and cabinet shall implement all necessary reductions for the executive budget, the chief justice of the supreme court shall implement all necessary reductions for the judicial budget, and the speaker of the house of representatives and the president of the senate shall implement all necessary reductions for the legislative budget. Budget reductions pursuant to this section shall be consistent with the provisions of Article III, section *18(h)* ~~19(h)~~.

ARTICLE V
JUDICIARY

SECTION 1. Courts.—The judicial power shall be vested in a supreme court, district courts of appeal, circuit courts, and county courts. No other courts may be established by the state, any political subdivision, or any municipality. The legislature shall, by general law, divide the state into appellate court districts and judicial circuits following county lines. Commissions established by law, or administrative officers or bodies, may be granted quasi-judicial power in matters connected with the functions of their offices. The legislature may establish, by general law, a civil traffic hearing officer system for the purpose of hearing civil traffic infractions. The legislature may, by general law, authorize a military court-martial to be conducted by military judges of the Florida National Guard, with direct appeal of a decision to the District Court of Appeal, First District.

SECTION 2. Administration; practice and procedure.—

(a) The supreme court shall adopt rules for the practice and procedure in all courts including the time for seeking appellate review, the administrative supervision of all courts, the transfer to the court having jurisdiction of any proceeding when the jurisdiction of another court has been improvidently invoked, and a requirement that no cause shall be dismissed because an improper remedy has been sought. The supreme court shall adopt rules to allow the court and the district courts of appeal to submit questions relating to military law to the federal Court of Appeals for the Armed Forces for an advisory opinion. Rules of court may be repealed by general law enacted by two-thirds vote of the membership of each house of the legislature.

(b) The chief justice of the supreme court shall be chosen by a majority of the members of the court; shall be the chief administrative officer of the judicial system; and shall have the power to assign justices or judges, including consenting retired justices or judges, to temporary duty in any court for which the judge is qualified and to delegate to a chief judge of a judicial circuit the power to assign judges for duty in that circuit.

(c) A chief judge for each district court of appeal shall be chosen by a majority of the judges thereof or, if there is no majority, by the chief justice. The chief judge shall be responsible for the administrative supervision of the court.

(d) A chief judge in each circuit shall be chosen from among the circuit judges as provided by supreme court rule. The chief judge shall be responsible for the administrative supervision of the circuit courts and county courts in his *or her* circuit.

SECTION 3. Supreme court.—

(a) ORGANIZATION.—The supreme court shall consist of seven justices. Of the seven justices, each appellate district shall have at least one justice elected or appointed from the district to the supreme court who is a resident of the district at the time of the original appointment or election. Five justices shall constitute a quorum. The concurrence of four justices shall be necessary to a decision. When recusals for cause would prohibit the court from convening because of the requirements of this section, judges assigned to temporary duty may be substituted for justices.

(b) JURISDICTION.—The supreme court:

(1) Shall hear appeals from final judgments of trial courts imposing the death penalty and from decisions of district courts of appeal declaring invalid a state statute or a provision of the state constitution.

(2) When provided by general law, shall hear appeals from final judgments entered in proceedings for the validation of bonds or certificates of indebtedness and shall review action of statewide agencies relating to rates or service of utilities providing electric, gas, or telephone service.

(3) May review any decision of a district court of appeal that expressly declares valid a state statute, or that expressly construes a provision of the state or federal constitution, or that expressly affects a class of constitutional or state officers, or that expressly and directly conflicts with a decision of another district court of appeal or of the supreme court on the same question of law.

(4) May review any decision of a district court of appeal that passes upon a question certified by it to be of great public importance, or that is certified by it to be in direct conflict with a decision of another district court of appeal.

(5) May review any order or judgment of a trial court certified by the district court of appeal, in which an appeal is pending, to be of great public importance, or to have a great effect on the proper administration of justice throughout the state, and certified to require immediate resolution by the supreme court.

(6) May review a question of law certified by the Supreme Court of the United States or a United States Court of Appeals which is determinative of the cause and for which there is no controlling precedent of the supreme court of Florida.

(7) May issue writs of prohibition to courts and all writs necessary to the complete exercise of its jurisdiction.

(8) May issue writs of mandamus and quo warranto to state officers and state agencies.

(9) May, or any justice may, issue writs of habeas corpus returnable before the supreme court or any justice, a district court of appeal or any judge thereof, or any circuit judge.

(10) Shall, when requested by the attorney general pursuant to the provisions of *Article IV,* section 10 ~~of Article IV~~, render an advisory opinion of the justices, addressing issues as provided by general law.

(c) CLERK AND MARSHAL.—The supreme court shall appoint a clerk and a marshal who shall hold office *at* ~~during~~ the pleasure of the court and perform such duties as the court directs. Their compensation shall be fixed by general law. The marshal shall have the power to execute the process of the court throughout the state, and in any county may deputize the sheriff or a deputy sheriff for such purpose.

SECTION 4. District courts of appeal.—

(a) ORGANIZATION.—There shall be a district court of appeal serving each appellate district. Each district court of appeal shall consist of at least three judges. Three judges shall consider each case and the concurrence of two shall be necessary to a decision.

(b) JURISDICTION.—

(1) District courts of appeal shall have jurisdiction to hear appeals~~,~~ that may be taken as a matter of right~~,~~ from final judgments or orders of trial courts, including those entered on review of administrative action, not directly appealable to the supreme court or a circuit court. They may review interlocutory orders in such cases to the extent provided by rules adopted by the supreme court.

(2) District courts of appeal shall have the power of direct review of administrative action, as prescribed by general law.

(3) A district court of appeal or any judge thereof may issue writs of habeas corpus returnable before the court or any judge thereof or before any circuit judge within the territorial jurisdiction of the court. A district court of appeal may issue writs of mandamus, certiorari, prohibition, quo warranto, and other writs necessary to the complete exercise of its jurisdiction. To the extent necessary to dispose of all issues in a cause properly before it, a district court of appeal may exercise any of the appellate jurisdiction of the circuit courts.

(c) CLERKS AND MARSHALS.—Each district court of appeal shall appoint a clerk and a marshal who shall hold office during the pleasure of the court and perform such duties as the court directs. Their compensation shall be fixed by general law. The marshal shall have the power to execute the process of the court throughout the territorial jurisdiction of the court, and in any county may deputize the sheriff or a deputy sheriff for such purpose.

SECTION 5. Circuit courts.—

(a) ORGANIZATION.—There shall be a circuit court serving each judicial circuit.

(b) JURISDICTION.—The circuit courts shall have original jurisdiction not vested in the county courts, and jurisdiction of appeals when provided by general law. They shall have the power to issue writs of mandamus, quo warranto, certiorari, prohibition, and habeas corpus, and all writs necessary or proper to the complete exercise of their jurisdiction. Jurisdiction of the circuit *courts* ~~court~~ shall be uniform throughout the state. They shall have the power of direct review of administrative action prescribed by general law.

SECTION 6. County courts.—

(a) ORGANIZATION.—There shall be a county court in each county. There shall be one or more judges for each county court as prescribed by general law.

(b) JURISDICTION.—The county courts shall exercise the jurisdiction prescribed by general law. Such jurisdiction shall be uniform throughout the state.

SECTION 7. Specialized divisions.—All courts except the supreme court may sit in divisions as may be established by general law. A circuit or county court may hold civil and criminal trials and hearings in any place within the territorial jurisdiction of the court as designated by the chief judge of the circuit.

SECTION 8. Eligibility.—No person shall be eligible for office of justice or judge of any court unless the person is an elector of the state and resides in the territorial jurisdiction of the court. No justice or judge shall serve after attaining the age of seventy years except upon temporary assignment or to complete a term, one-half of which has been served. No person is eligible for the office of justice of the supreme court or judge of a district court of appeal unless the person is, and has been for the preceding ten years, a member of the bar of Florida. No person is eligible for the office of circuit judge unless the person is, and has been for the preceding five years, a member of the bar of Florida. Unless otherwise provided by general law, no person is eligible for the office of county court judge unless the person is, and has been for the preceding five years, a member of the bar of Florida. Unless otherwise provided by general law, a person shall be eligible for election or appointment to the office of county court judge in a county having a population of 40,000 or

fewer ~~less~~ if the person is a member in good standing of the bar of Florida.

SECTION 9. Determination of number of judges.—The supreme court shall establish by rule uniform criteria for the determination of the need for additional judges except supreme court justices, the necessity for decreasing the number of judges and for increasing, decreasing, or redefining appellate districts and judicial circuits. If the supreme court finds that a need exists for increasing or decreasing the number of judges or increasing, decreasing, or redefining appellate districts and judicial circuits, it shall, prior to the next regular session of the legislature, certify to the legislature its findings and recommendations concerning such need. Upon receipt of such certificate, the legislature, at the next regular session, shall consider the findings and recommendations and may reject the recommendations or by law implement the recommendations in whole or in part; provided the legislature may create more judicial offices than are recommended by the supreme court or may decrease the number of judicial offices by a greater number than recommended by the court only upon a finding of two-thirds of the membership of both houses of the legislature, that such a need exists. A decrease in the number of judges shall be effective only after the expiration of a term. If the supreme court fails to make findings as provided above when need exists, the legislature may by concurrent resolution request the court to certify its findings and recommendations and upon the failure of the court to certify its findings for nine consecutive months, the legislature may, upon a finding of two-thirds of the membership of both houses of the legislature that a need exists, increase or decrease the number of judges or increase, decrease, or redefine appellate districts and judicial circuits.

SECTION 10. Retention; election and terms.—

(a) Any justice or judge may qualify for retention by a vote of the electors in the general election next preceding the expiration of the justice's or judge's term in the manner prescribed by law. If a justice or judge is ineligible or fails to qualify for retention, a vacancy shall exist in that office upon the expiration of the term being served by the justice or judge. When a justice or judge so qualifies, the ballot shall read substantially as follows: "Shall Justice (or Judge) (name of justice or judge) of the (name of the court) be retained in office?" If a majority of the qualified electors voting within the territorial jurisdiction of the court vote to retain, the justice or judge shall be retained for a term of six years. The term of the justice or judge retained shall commence on the first Tuesday after the first Monday in January following the general election. If a majority of the qualified electors voting within the territorial jurisdiction of the court vote to not retain, a vacancy shall exist in that office upon the expiration of the term being served by the justice or judge.

(b)(1) The election of circuit judges shall be preserved notwithstanding the provisions of subsection (a) unless a majority of those voting in the jurisdiction of that circuit approves a local option to select circuit judges by merit selection and retention rather than by election. The election of circuit judges shall be by a vote of the qualified electors within the territorial jurisdiction of the court.

(2) The election of county court judges shall be preserved notwithstanding the provisions of subsection (a) unless a majority of those voting in the jurisdiction of that county approves a local option to select county judges by merit selection and retention rather than by election. The election of county court judges shall be by a vote of the qualified electors within the territorial jurisdiction of the court.

(3)a. ~~A vote to exercise a local option to select circuit court judges and county court judges by merit selection and retention rather than by election shall be held in each circuit and county at the general election in the year 2000.~~ If a vote to exercise *the* ~~this~~ local option *to select circuit court judges and county court judges by merit selection and retention rather than by election* fails in a vote of the electors, such option shall not again be put to a vote of the electors of that jurisdiction until the expiration of at least two years.

b. ~~After the year 2000,~~ A circuit may initiate the local option for merit selection and retention or the election of circuit judges, whichever is applicable, by filing with the custodian of state records a petition signed by the number of electors equal to at least ten percent of the votes cast in the circuit in the last preceding election in which presidential electors were chosen.

c. ~~After the year 2000,~~ A county may initiate the local option for merit selection and retention or the election of county court judges, whichever is applicable, by filing with the supervisor of elections a petition signed by the number of electors equal to at least ten percent of the votes cast in the county in the last preceding election in which presidential electors were chosen. The terms of circuit judges and judges of county courts shall be for six years.

SECTION 11. Vacancies.—

(a) Whenever a vacancy occurs in a judicial office to which election for retention applies, the governor shall fill the vacancy by appointing for a term ending on the first Tuesday after the first Monday in January of the year following the next general election occurring at least one year after the date of appointment, one of not fewer than three persons nor more than six persons nominated by the appropriate judicial nominating commission.

(b) The governor shall fill each vacancy on a circuit court or on a county court, wherein the judges are elected by a majority vote of the electors, by appointing for a term ending on the first Tuesday after the first Monday in January of the year following the next primary and general election occurring at least one year after the date of appointment, one of not fewer than three persons nor more than six persons nominated by the appropriate judicial nominating commission. An election shall be held to fill that judicial office for the term of the office beginning at the end of the appointed term.

(c) The nominations shall be made within thirty days from the occurrence of a vacancy unless the period is extended by the governor for a time not to exceed thirty days. The governor shall make the appointment within sixty days after the nominations have been certified to the governor.

(d) There shall be a separate judicial nominating commission as provided by general law for the supreme court, each district court of appeal, and each judicial circuit for all trial courts within the circuit. Uniform rules of procedure shall be established by the judicial nominating commissions at each level of the court system. Such rules, or any part thereof, may be repealed by general law enacted by a majority vote of the membership of each house of the legislature, or by the supreme court, five justices concurring. Except for deliberations of the judicial nominating commissions, the proceedings of the commissions and their records shall be open to the public.

SECTION 12. Discipline; removal and retirement.—

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

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

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

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

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

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

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

(4) The commission shall adopt rules regulating its proceedings, the filling of vacancies by the appointing authorities, the disqualification of members, the rotation of members between the panels, and the temporary replacement of disqualified or incapacitated members. The commission's rules, or any part thereof, may be repealed by general law enacted by a majority vote of the membership of each house of the legislature, or by the supreme court, five justices concurring. The commission shall have power to issue subpoenas. Until formal charges against a justice or judge are filed by the investigative panel with the clerk of the supreme court of Florida all proceedings by or before the commission shall be confidential; provided, however, upon a finding of probable cause and the filing by the investigative panel with said clerk of such formal charges against a justice or judge such charges and all further proceedings before the commission shall be public.

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

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

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

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

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

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

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

(f) SCHEDULE TO SECTION 12.—

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

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

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

b. The investigative panel shall be composed of:

1. Four judges,

2. Two members of the bar of Florida, and

3. Three non-lawyers.

c. The hearing panel shall be composed of:

1. Two judges,

2. Two members of the bar of Florida, and

3. Two non-lawyers.

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

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

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

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

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

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

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

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

i. Selection of members by district courts of appeal judges, circuit judges, and county court judges, shall be by no less than a majority of

the members voting at the respective courts' conferences. Selection of members by the board of governors of the bar of Florida shall be by no less than a majority of the board.

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

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

SECTION 13. Prohibited activities.—All justices and judges shall devote full time to their judicial duties. They shall not engage in the practice of law or hold office in any political party.

SECTION 14. Funding.—

(a) All justices and judges shall be compensated only by state salaries fixed by general law. Funding for the state courts system, state attorneys' offices, public defenders' offices, and court-appointed counsel, except as otherwise provided in subsection (c), shall be provided from state revenues appropriated by general law.

(b) All funding for the offices of the clerks of the circuit and county courts performing court-related functions, except as otherwise provided in this subsection and subsection (c), shall be provided by adequate and appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions as required by general law. Selected salaries, costs, and expenses of the state courts system may be funded from appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions, as provided by general law. Where the requirements of either the United States Constitution or *this* ~~the~~ constitution ~~of the State of Florida~~ preclude the imposition of filing fees for judicial proceedings and service charges and costs for performing court-related functions sufficient to fund the court-related functions of the offices of the clerks of the circuit and county courts, the state shall provide, as determined by the legislature, adequate and appropriate supplemental funding from state revenues appropriated by general law.

(c) No county or municipality, except as provided in this subsection, shall be required to provide any funding for the state courts system, state attorneys' offices, public defenders' offices, court-appointed counsel, or the offices of the clerks of the circuit and county courts performing court-related functions. Counties shall be required to fund the cost of communications services, existing radio systems, existing multi-agency criminal justice information systems, and the cost of construction or lease, maintenance, utilities, and security of facilities for the trial courts, public defenders' offices, state attorneys' offices, and the offices of the clerks of the circuit and county courts performing court-related functions. Counties shall also pay reasonable and necessary salaries, costs, and expenses of the state courts system to meet local requirements as determined by general law.

(d) The judiciary shall have no power to fix appropriations.

SECTION 15. Attorneys; admission and discipline.—The supreme court shall have exclusive jurisdiction to regulate the admission of persons to the practice of law and the discipline of persons admitted.

SECTION 16. Clerks of the circuit courts.—There shall be in each county a clerk of the circuit court who shall be selected pursuant to the provisions of Article VIII, section 1. Notwithstanding any other provision of *this* ~~the~~ constitution, the duties of the clerk of the circuit court may be divided by special or general law between two officers, one serving as clerk of court and one serving as ex officio clerk of the board of county commissioners, auditor, recorder, and custodian of all county funds. There may be a clerk of the county court if authorized by general or special law.

SECTION 17. State attorneys.—In each judicial circuit, a state attorney shall be elected for a term of four years. Except as otherwise provided in this constitution, the state attorney shall be the prosecuting officer of all trial courts in that circuit and shall perform other duties prescribed by general law; ~~provided,~~ however, when authorized by general law, the violations of all municipal ordinances may be prosecuted by municipal prosecutors. A state attorney shall be an elector of the state and reside in the territorial jurisdiction of the circuit,~~;~~ shall be and have been a member of the bar of Florida for the preceding five years,~~;~~ shall devote full time to the duties of the office,~~;~~ and shall not engage in the private practice of law. State attorneys shall appoint such assistant state attorneys as may be authorized by law.

SECTION 18. Public defenders.—In each judicial circuit, a public defender shall be elected for a term of four years, who shall perform duties prescribed by general law. A public defender shall be an elector of the state and reside in the territorial jurisdiction of the circuit and shall be and have been a member of the bar of Florida for the preceding five years. Public defenders shall appoint such assistant public defenders as may be authorized by law.

SECTION 19. Judicial officers as conservators of the peace.—All judicial officers in this state shall be conservators of the peace.

SECTION 20. Schedule to Article V.—

(a) This article shall replace all of Article V of the constitution of 1885, as amended, which shall then stand repealed.

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

(c) After this article becomes effective, and until changed by general law consistent with sections 1 through 19 of this article:

(1) The supreme court shall have the jurisdiction immediately theretofore exercised by it, and it shall determine all proceedings pending before it on the effective date of this article.

(2) The appellate districts shall be those in existence on the date of adoption of this article. There shall be a district court of appeal in each district. The district courts of appeal shall have the jurisdiction immediately theretofore exercised by the district courts of appeal and shall determine all proceedings pending before them on the effective date of this article.

(3) Circuit courts shall have jurisdiction of appeals from county courts and municipal courts, except those appeals which may be taken directly to the supreme court; and they shall have exclusive original jurisdiction in all actions at law not cognizable by the county courts; of proceedings relating to the settlement of the estate of decedents and minors, the granting of letters testamentary, guardianship, involuntary hospitalization, the determination of incompetency, and other jurisdiction usually pertaining to courts of probate; in all cases in equity including all cases relating to juveniles; of all felonies and of all misdemeanors arising out of the same circumstances as a felony which is also charged; in all cases involving legality of any tax assessment or toll; in the action of ejectment; and in all actions involving the titles or boundaries or right of possession of real property. The circuit court may issue injunctions. There shall be judicial circuits which shall be the judicial circuits in existence on the date of adoption of this article. The chief judge of a circuit may authorize a county court judge to order emergency hospitalizations pursuant to Chapter 71-131, Laws of Florida, in the absence from the county of the circuit judge and the county court judge shall have the power to issue all temporary orders and temporary injunctions necessary or proper to the complete exercise of such jurisdiction.

(4) County courts shall have original jurisdiction in all criminal misdemeanor cases not cognizable by the circuit courts, of all violations of municipal and county ordinances, and of all actions at law in which the matter in controversy does not exceed the sum of two thousand five hundred dollars ~~($2,500.00)~~ exclusive of interest and costs, except those within the exclusive jurisdiction of the circuit courts. Judges of county courts shall be committing magistrates. The county courts shall have jurisdiction now exercised by the county judge's courts other than that vested in the circuit court by *paragraph* ~~subsection (c)~~(3) ~~hereof~~, the jurisdiction now exercised by the county courts, the claims court, the small claims courts, the small claims magistrates courts, magistrates courts, justice of the peace courts, municipal courts and courts of chartered counties, including but not limited to the counties referred to in Article VIII, sections 9, 10, 11 and 24 of the constitution of 1885.

(5) Each judicial nominating commission shall be composed of the following:

a. Three members appointed by the Board of Governors of The Florida Bar from among The Florida Bar members who are actively engaged in the practice of law with offices within the territorial jurisdiction of the affected court, district or circuit;

b. Three electors who reside in the territorial jurisdiction of the court or circuit appointed by the governor; and

c. Three electors who reside in the territorial jurisdiction of the court or circuit and who are not members of the bar of Florida, selected and appointed by a majority vote of the other six members of the commission.

(6) No justice or judge shall be a member of a judicial nominating commission. A member of a judicial nominating commission may hold public office other than judicial office. No member shall be eligible for appointment to state judicial office so long as that person is a member of a judicial nominating commission and for a period of two years thereafter. All acts of a judicial nominating commission shall be made with a concurrence of a majority of its members.

(7) The members of a judicial nominating commission shall serve for a term of four years. ~~except the terms of the initial members of the judicial nominating commissions shall expire as follows:~~

~~a. The terms of one member of category a. b. and c. in subsection (c)(5) hereof shall expire on July 1, 1974;~~

~~b. The terms of one member of category a. b. and c. in subsection (c)(5) hereof shall expire on July 1, 1975;~~

~~c. The terms of one member of category a. b. and c. in subsection (c)(5) hereof shall expire on July 1, 1976;~~

(8) All fines and forfeitures arising from offenses tried in the county court shall be collected, and accounted for by clerk of the court, and deposited in a special trust account. All fines and forfeitures received from violations of ordinances or misdemeanors committed within a county or municipal ordinances committed within a municipality within the territorial jurisdiction of the county court shall be paid monthly to the county or municipality respectively. If any costs are assessed and collected in connection with offenses tried in county court, all court costs shall be paid into the general revenue fund of the state of Florida and such other funds as prescribed by general law.

(9) Any municipality or county may apply to the chief judge of the circuit in which that municipality or county is situated for the county court to sit in a location suitable to the municipality or county and convenient in time and place to its citizens and police officers and upon such application said chief judge shall direct the court to sit in the location unless the chief judge shall determine the request is not justified. If the chief judge does not authorize the county court to sit in the location requested, the county or municipality may apply to the supreme court for an order directing the county court to sit in the location. Any municipality or county which so applies shall be required to provide the appropriate physical facilities in which the county court may hold court.

(10) All courts except the supreme court may sit in divisions as may be established by local rule approved by the supreme court.

(11) A county court judge in any county having a population of 40,000 or *fewer* ~~less~~ according to the last decennial census, shall not be required to be a member of the bar of Florida.

(12) Municipal prosecutors may prosecute violations of municipal ordinances.

(13) "Justice" shall mean a justice elected or appointed to the supreme court and shall not include any judge assigned from any court.

(d) When this article becomes effective:

(1) All courts not herein authorized, except as provided by *paragraph* ~~subsection (d)~~(4)*,* ~~of this section~~ shall cease to exist and jurisdiction to conclude all pending cases and enforce all prior orders and judgments shall vest in the court that would have jurisdiction of the cause if thereafter instituted. All records of and property held by courts abolished hereby shall be transferred to the proper office of the appropriate court under this article.

(2) Judges of the following courts, if their terms do not expire in 1973 and if they are eligible under *paragraph* ~~subsection (d)~~(8) ~~hereof~~, shall become additional judges of the circuit court for each of the counties of their respective circuits, and shall serve as such circuit judges for the remainder of the terms to which they were elected and shall be eligible for election as circuit judges thereafter. These courts are: civil court of record of Dade county, all criminal courts of record, the felony courts of record of Alachua, Leon*,* and Volusia Counties, the courts of record of Broward, Brevard, Escambia, Hillsborough, Lee, Manatee*,* and Sarasota Counties, the civil and criminal court of record of Pinellas County, and county judge's courts and separate juvenile courts in counties having a population in excess of 100,000 according to the 1970 federal census. On the effective date of this article, there shall be an additional number of positions of circuit judges equal to the number of existing circuit judges and the number of judges of the above named courts whose term expires in 1973. Elections to such offices shall take place at the same time and manner as elections to other state judicial offices in 1972 and the terms of such offices shall be for a term of six years. Unless changed pursuant to section nine of this article, the number of circuit judges presently existing and created by this subsection shall not be changed.

(3) In all counties having a population of *fewer* ~~less~~ than 100,000 according to the 1970 federal census and having more than one county judge on the date of the adoption of this article, there shall be the same number of judges of the county court as there are county judges existing on that date unless changed pursuant to section 9 of this article.

(4) Municipal courts shall continue with their same jurisdiction until amended or terminated in a manner prescribed by special or general law or ordinances, or until January 3, 1977, whichever occurs first. On that date all municipal courts not previously abolished shall cease to exist. Judges of municipal courts shall remain in office and be subject to reappointment or reelection in the manner prescribed by law until said courts are terminated pursuant to the provisions of this subsection. Upon municipal courts being terminated or abolished in accordance with the provisions of this subsection, the judges thereof who are not members of the bar of Florida, shall be eligible to seek election as judges of county courts of their respective counties.

(5) Judges, holding elective office in all other courts abolished by this article, whose terms do not expire in 1973 including judges established pursuant to Article VIII, sections 9 and 11 of the constitution of 1885 shall serve as judges of the county court for the remainder of the term to which they were elected. Unless created pursuant to section 9, of this Article V such judicial office shall not continue to exist thereafter.

~~(6) By March 21, 1972, the supreme court shall certify the need for additional circuit and county judges. The legislature in the 1972 regular session may by general law create additional offices of judge, the terms of which shall begin on the effective date of this article. Elections to such offices shall take place at the same time and manner as election to other state judicial offices in 1972.~~

(6)~~(7)~~ County judges of existing county judge's courts and justices of the peace and magistrates' court who are not members of bar of Florida shall be eligible to seek election as county court judges of their respective counties.

(7)~~(8)~~ No judge of a court abolished by this article shall become or be eligible to become a judge of the circuit court unless the judge has been a member of bar of Florida for the preceding five years.

(8)~~(9)~~ The office of judges of all other courts abolished by this article shall be abolished as of the effective date of this article.

~~(10) The offices of county solicitor and prosecuting attorney shall stand abolished, and all county solicitors and prosecuting attorneys holding such offices upon the effective date of this article shall become and serve as assistant state attorneys for the circuits in which their counties are situate for the remainder of their terms, with compensation not less than that received immediately before the effective date of this article.~~

(e) LIMITED OPERATION OF SOME PROVISIONS.—

~~(1) All justices of the supreme court, judges of the district courts of appeal and circuit judges in office upon the effective date of this article shall retain their offices for the remainder of their respective terms. All members of the judicial qualifications commission in office upon the~~

~~effective date of this article shall retain their offices for the remainder of their respective terms. Each state attorney in office on the effective date of this article shall retain the office for the remainder of the term.~~

~~(2)~~ No justice or judge holding office immediately after this article becomes effective who held judicial office on July 1, 1957, shall be subject to retirement from judicial office because of age pursuant to section 8 ~~of this article~~.

(f) Until otherwise provided by law, the nonjudicial duties required of county judges shall be performed by the judges of the county court.

~~(g) All provisions of Article V of the Constitution of 1885, as amended, not embraced herein which are not inconsistent with this revision shall become statutes subject to modification or repeal as are other statutes.~~

~~(h) The requirements of section 14 relative to all county court judges or any judge of a municipal court who continues to hold office pursuant to subsection (d)(4) hereof being compensated by state salaries shall not apply prior to January 3, 1977, unless otherwise provided by general law.~~

(g)~~(i)~~ DELETION OF OBSOLETE SCHEDULE ITEMS.—The legislature shall have power, by concurrent resolution, to delete from this article any subsection of this section ~~20~~ including this subsection, when all events to which the subsection to be deleted is or could become applicable have occurred. A legislative determination of fact made as a basis for application of this subsection shall be subject to judicial review.

~~(j) EFFECTIVE DATE.—Unless otherwise provided herein, this article shall become effective at 11:59 o'clock P.M., Eastern Standard Time, January 1, 1973.~~

ARTICLE VI
SUFFRAGE AND ELECTIONS

SECTION 1. Regulation of elections.—All elections by the people shall be by direct and secret vote. General elections shall be determined by a plurality of votes cast. Registration and elections shall, and political party functions may, be regulated by law; however, the requirements for a candidate with no party affiliation or for a candidate of a minor party for placement of the candidate's name on the ballot shall be no greater than the requirements for a candidate of the party having the largest number of registered voters.

SECTION 2. Electors.—Every citizen of the United States who is at least eighteen years of age and who is a permanent resident of the state, if registered as provided by law, shall be an elector of the county where registered.

SECTION 3. Oath.—Each eligible citizen upon registering shall subscribe the following: "I do solemnly swear (or affirm) that I will protect and defend the Constitution of the United States and the Constitution of the State of Florida, and that I am qualified to register as an elector under the Constitution and laws of the State of Florida."

SECTION 4. Disqualifications.—

(a) No person convicted of a felony, or adjudicated in this or any other state to be mentally incompetent, shall be qualified to vote or hold office until restoration of civil rights or removal of disability.

(b) No person may appear on the ballot for re-election to any of the following offices:

(1) Florida representative,

(2) Florida senator,

(3) Florida Lieutenant governor, *or*

(4) Any office of the Florida cabinet~~,~~

~~(5) U.S. Representative from Florida, or~~

~~(6) U.S. Senator from Florida~~

if, by the end of the current term of office, the person will have served (or, but for resignation, would have served) in that office for eight consecutive years.

SECTION 5. Primary, general, and special elections.—

(a) A general election shall be held in each county on the first Tuesday after the first Monday in November of each even-numbered year to choose a successor to each elective state and county officer whose term will expire before the next general election and, except as provided herein, to fill each vacancy in elective office for the unexpired portion of the term. A general election may be suspended or delayed due to a state of emergency or impending emergency pursuant to general law. Special elections and referenda shall be held as provided by law.

(b) If all candidates for an office have the same party affiliation and the winner will have no opposition in the general election, all qualified electors, regardless of party affiliation, may vote in the primary elections for that office.

SECTION 6. Municipal and district elections.—Registration and elections in municipalities shall, and in other governmental entities created by statute may, be provided by law.

SECTION 7. Campaign spending limits and funding of campaigns for elective *statewide* ~~state-wide~~ office.—It is the policy of this state to provide for state-wide elections in which all qualified candidates may compete effectively. A method of public financing for campaigns for state-wide office shall be established by law. Spending limits shall be established for such campaigns for candidates who use public funds in their campaigns. The legislature shall provide funding for this provision. General law implementing this paragraph shall be at least as protective of effective competition by a candidate who uses public funds as the general law in effect on January 1, 1998.

ARTICLE VII
FINANCE AND TAXATION

SECTION 1. Taxation; appropriations; state expenses; state revenue limitation.—

(a) No tax shall be levied except in pursuance of law. No state ad valorem taxes shall be levied upon real estate or tangible personal property. All other forms of taxation shall be preempted to the state except as provided by general law.

(b) Motor vehicles, boats, airplanes, trailers, trailer coaches, and mobile homes, as defined by law, shall be subject to a license tax for their operation in the amounts and for the purposes prescribed by law, but shall not be subject to ad valorem taxes.

(c) No money shall be drawn from the treasury except in pursuance of appropriation made by law.

(d) Provision shall be made by law for raising sufficient revenue to defray the expenses of the state for each fiscal period.

(e) Except as provided herein, state revenues collected for any fiscal year shall be limited to state revenues allowed under this subsection for the prior fiscal year plus an adjustment for growth. As used in this subsection, "growth" means an amount equal to the average annual rate of growth in Florida personal income over the most recent twenty quarters times the state revenues allowed under this subsection for the prior fiscal year. ~~For the 1995-1996 fiscal year, the state revenues allowed under this subsection for the prior fiscal year shall equal the state revenues collected for the 1994-1995 fiscal year.~~ Florida personal income shall be determined by the legislature, from information available from the United States Department of Commerce or its successor on the first day of February prior to the beginning of the fiscal year. State revenues collected for any fiscal year in excess of this limitation shall be transferred to the budget stabilization fund until the fund reaches the maximum balance specified in *Article III,* section *18(g)* ~~19(g) of Article III~~, and thereafter shall be refunded to taxpayers as provided by general law. State revenues allowed under this subsection for any fiscal year may be increased by a two-thirds vote of the membership of each house of the legislature in a separate bill that contains no other subject and that sets forth the dollar amount by which the state revenues allowed will be increased. The vote may not be taken less than seventy-two hours after the third reading of the bill. For purposes of this subsection, "state revenues" means taxes, fees, licenses, and charges for services imposed by the legislature on individuals, businesses, or agencies outside state government. However, "state revenues" does not include: revenues that are necessary to meet the requirements set forth in documents authorizing the issuance of bonds by the state; revenues that are used to provide

matching funds for the federal Medicaid program with the exception of the revenues used to support the Public Medical Assistance Trust Fund or its successor program and with the exception of state matching funds used to fund elective expansions made after July 1, 1994; proceeds from the state lottery returned as prizes; receipts of the Florida Hurricane Catastrophe Fund; balances carried forward from prior fiscal years; taxes, licenses, fees, and charges for services imposed by local, regional, or school district governing bodies; or revenue from taxes, licenses, fees, and charges for services required to be imposed by any amendment or revision to this constitution after July 1, 1994. An adjustment to the revenue limitation shall be made by general law to reflect the fiscal impact of transfers of responsibility for the funding of governmental functions between the state and other levels of government. The legislature shall, by general law, prescribe procedures necessary to administer this subsection.

SECTION 2. Taxes; rate.—All ad valorem taxation shall be at a uniform rate within each taxing unit, except the taxes on intangible personal property may be at different rates but shall never exceed two mills on the dollar of assessed value; provided, as to any obligations secured by mortgage, deed of trust, or other lien on real estate wherever located, an intangible tax of not more than two mills on the dollar may be levied by law to be in lieu of all other intangible assessments on such obligations.

SECTION 3. Taxes; exemptions.—

(a) All property owned by a municipality and used exclusively by it for municipal or public purposes shall be exempt from taxation. A municipality, owning property outside the municipality, may be required by general law to make payment to the taxing unit in which the property is located. Such portions of property as are used predominantly for educational, literary, scientific, religious, or charitable purposes may be exempted by general law from taxation.

(b) There shall be exempt from taxation, cumulatively, to every head of a family residing in this state, household goods and personal effects to the value fixed by general law, not less than one thousand dollars, and to every widow or widower or person who is blind or totally and permanently disabled, property to the value fixed by general law not less than five hundred dollars.

(c) Any county or municipality may, for the purpose of its respective tax levy and subject to the provisions of this subsection and general law, grant community and economic development ad valorem tax exemptions to new businesses and expansions of existing businesses, as defined by general law. Such an exemption may be granted only by ordinance of the county or municipality, and only after the electors of the county or municipality voting on such question in a referendum authorize the county or municipality to adopt such ordinances. An exemption so granted shall apply to improvements to real property made by or for the use of a new business and improvements to real property related to the expansion of an existing business and shall also apply to tangible personal property of such new business and tangible personal property related to the expansion of an existing business. The amount or limits of the amount of such exemption shall be specified by general law. The period of time for which such exemption may be granted to a new business or expansion of an existing business shall be determined by general law. The authority to grant such exemption shall expire ten years from the date of approval by the electors of the county or municipality, and may be renewable by referendum as provided by general law.

(d) By general law and subject to conditions specified therein, there may be granted an ad valorem tax exemption to a renewable energy source device and to real property on which such device is installed and operated, to the value fixed by general law not to exceed the original cost of the device, and for the period of time fixed by general law not to exceed ten years.

(e) Any county or municipality may, for the purpose of its respective tax levy and subject to the provisions of this subsection and general law, grant historic preservation ad valorem tax exemptions to owners of historic properties. This exemption may be granted only by ordinance of the county or municipality. The amount or limits of the amount of this exemption and the requirements for eligible properties must be specified by general law. The period of time for which this exemption may be granted to a property owner shall be determined by general law.

SECTION 4. Taxation; assessments.—~~By~~ General law ~~regulations~~ shall *prescribe regulations that* ~~be prescribed which shall~~ secure a just valuation of all property for ad valorem taxation, provided:

(a) Agricultural land, land producing high water recharge to Florida's aquifers, or land used exclusively for noncommercial recreational purposes may be classified by general law and assessed solely on the basis of character or use.

(b) Pursuant to general law, tangible personal property held for sale as stock in trade and livestock may be valued for taxation at a specified percentage of its value, may be classified for tax purposes, or may be exempted from taxation.

(c) All persons entitled to a homestead exemption under section 6 ~~of this Article~~ shall have their homestead assessed at just value as of January 1*, 1994* ~~of the year following the effective date of this amendment~~. This assessment shall change only as provided herein.

(1) Assessments subject to this provision shall be changed annually on January 1st of each year; but those changes in assessments shall not exceed the lower of the following:

a. Three percent ~~(3%)~~ of the assessment for the prior year.

b. The percent change in the Consumer Price Index for all urban consumers, U.S. City Average, all items 1967=100, or successor reports for the preceding calendar year as initially reported by the United States Department of Labor, Bureau of Labor Statistics.

(2) No assessment shall exceed just value.

(3) After any change of ownership, as provided by general law, homestead property shall be assessed at just value as of January 1 of the following year. Thereafter, the homestead shall be assessed as provided herein.

(4) New homestead property shall be assessed at just value as of January 1st of the year following the establishment of the homestead. That assessment shall only change as provided herein.

(5) Changes, additions, reductions, or improvements to homestead property shall be assessed as provided for by general law; provided, however, after the adjustment for any change, addition, reduction, or improvement, the property shall be assessed as provided herein.

(6) In the event of a termination of homestead status, the property shall be assessed as provided by general law.

(7) The provisions of this amendment are severable. If any of the provisions of this amendment shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of this amendment.

(d) The legislature may, by general law, for assessment purposes and subject to the provisions of this subsection, allow counties and municipalities to authorize by ordinance that historic property may be assessed solely on the basis of character or use. Such character or use assessment shall apply only to the jurisdiction adopting the ordinance. The requirements for eligible properties must be specified by general law.

(e) A county may, in the manner prescribed by general law, provide for a reduction in the assessed value of homestead property to the extent of any increase in the assessed value of that property which results from the construction or reconstruction of the property for the purpose of providing living quarters for one or more natural or adoptive grandparents or parents of the owner of the property or of the owner's spouse if at least one of the grandparents or parents for whom the living quarters are provided is 62 years of age or older. Such a reduction may not exceed the lesser of the following:

(1) The increase in assessed value resulting from construction or reconstruction of the property.

(2) Twenty percent of the total assessed value of the property as improved.

SECTION 5. Estate, inheritance, and income taxes.—

(a) NATURAL PERSONS.—No tax upon estates or inheritances or upon the income of natural persons who are residents or citizens of the state shall be levied by the state, or under its authority, in excess of the aggregate of amounts *that* ~~which~~ may be allowed to be credited upon or deducted from any similar tax levied by the United States or any state.

(b) OTHERS.—No tax upon the income of residents and citizens other than natural persons shall be levied by the state, or under its authority, in excess of *five percent* ~~5%~~ of net income, as defined by law, or at such greater rate as is authorized by a three-fifths(3/5)vote of the membership of each house of the legislature or as will provide for the state the maximum amount which may be allowed to be credited against income taxes levied by the United States and other states. There shall be exempt from taxation not less than five thousand dollars ~~($5,000)~~ of the excess of net income subject to tax over the maximum amount allowed to be credited against income taxes levied by the United States and other states.

~~(c) EFFECTIVE DATE. This section shall become effective immediately upon approval by the electors of Florida.~~

SECTION 6. Homestead exemptions.—

(a) Every person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, or another legally or naturally dependent upon the owner, shall be exempt from taxation thereon, except assessments for special benefits, up to the assessed valuation of five thousand dollars, upon establishment of right thereto in the manner prescribed by law. The real estate may be held by legal or equitable title, by the entireties, jointly, in common, as a condominium, or indirectly by stock ownership or membership representing the owner's or member's proprietary interest in a corporation owning a fee or a leasehold initially in excess of ninety-eight years.

(b) Not more than one exemption shall be allowed any individual or family unit or with respect to any residential unit. No exemption shall exceed the value of the real estate assessable to the owner or, in case of ownership through stock or membership in a corporation, the value of the proportion which the interest in the corporation bears to the assessed value of the property.

(c) By general law and subject to conditions specified therein, the exemption shall be increased to a total of twenty-five thousand dollars of the assessed value of the real estate for each school district levy. By general law and subject to conditions specified therein, the exemption for all other levies may be increased up to an amount not exceeding ten thousand dollars of the assessed value of the real estate if the owner has attained age sixty-five or is totally and permanently disabled and if the owner is not entitled to the exemption provided in subsection (d).

(d) By general law and subject to conditions specified therein, the exemption shall be increased to a total of the following amounts of assessed value of real estate for each levy other than those of school districts: fifteen thousand dollars with respect to 1980 assessments; twenty thousand dollars with respect to 1981 assessments; twenty-five thousand dollars with respect to assessments for 1982 and each year thereafter. However, such increase shall not apply with respect to any assessment roll until such roll is first determined to be in compliance with the provisions of section 4 by a state agency designated by general law. This subsection shall stand repealed on the effective date of any amendment to section 4 which provides for the assessment of homestead property at a specified percentage of its just value.

(e) By general law and subject to conditions specified therein, the legislature may provide to renters, who are permanent residents, ad valorem tax relief on all ad valorem tax levies. Such ad valorem tax relief shall be in the form and amount established by general law.

(f) The legislature may, by general law, allow counties or municipalities, for the purpose of their respective tax levies and subject to the provisions of general law, to grant an additional homestead tax exemption not exceeding twenty-five thousand dollars to any person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner and who has attained age sixty-five and whose household income, as defined by general law, does not exceed twenty thousand dollars. The general law must allow counties and municipalities to grant this additional exemption, within the limits prescribed in this subsection, by ordinance adopted in the manner prescribed by general law, and must provide for the periodic adjustment of the income limitation prescribed in this subsection for changes in the cost of living.

SECTION 7. Allocation of pari-mutuel taxes.—Taxes upon the operation of pari-mutuel pools may be preempted to the state or allocated in whole or in part to the counties. When allocated to the counties, the distribution shall be in equal amounts to the several counties.

SECTION 8. Aid to local governments.—State funds may be appropriated to the several counties, school districts, municipalities, or special districts upon such conditions as may be provided by general law. These conditions may include the use of relative ad valorem assessment levels determined by a state agency designated by general law.

SECTION 9. Local taxes.—

(a) Counties, school districts, and municipalities shall, and special districts may, be authorized by law to levy ad valorem taxes and may be authorized by general law to levy other taxes, for their respective purposes, except ad valorem taxes on intangible personal property and taxes prohibited by this constitution.

(b) Ad valorem taxes, exclusive of taxes levied for the payment of bonds and taxes levied for periods not longer than two years when authorized by vote of the electors who are the owners of freeholds therein not wholly exempt from taxation, shall not be levied in excess of the following millages upon the assessed value of real estate and tangible personal property: for all county purposes, ten mills; for all municipal purposes, ten mills; for all school purposes, ten mills; for water management purposes for the northwest portion of the state lying west of the line between ranges two and three east, 0.05 mill; for water management purposes for the remaining portions of the state, 1.0 mill; and for all other special districts a millage authorized by law approved by vote of the electors who are owners of freeholds therein not wholly exempt from taxation. A county furnishing municipal services may, to the extent authorized by law, levy additional taxes within the limits fixed for municipal purposes.

SECTION 10. Pledging credit.—Neither the state nor any county, school district, municipality, special district, or agency of any of them~~,~~ shall become a joint owner with, or stockholder of, or give, lend, or use its taxing power or credit to aid any corporation, association, partnership, or person; but this shall not prohibit laws authorizing:

(a) The investment of public trust funds;

(b) The investment of other public funds in obligations of, or insured by, the United States or any of its instrumentalities;

(c) The issuance and sale by any county, municipality, special district, or other local governmental body of (1) revenue bonds to finance or refinance the cost of capital projects for airports or port facilities, or (2) revenue bonds to finance or refinance the cost of capital projects for industrial or manufacturing plants to the extent that the interest thereon is exempt from income taxes under the then existing laws of the United States, when, in either case, the revenue bonds are payable solely from revenue derived from the sale, operation, or leasing of the projects. If any project so financed, or any part thereof, is occupied or operated by any private corporation, association, partnership, or person pursuant to contract or lease with the issuing body, the property interest created by such contract or lease shall be subject to taxation to the same extent as other privately owned property.

(d) A municipality, county, special district, or agency of any of them, being a joint owner of, giving, or lending or using its taxing power or credit for the joint ownership, construction, and operation of electrical energy generating or transmission facilities with any corporation, association, partnership, or person.

SECTION 11. State bonds; revenue bonds.—

(a) State bonds pledging the full faith and credit of the state may be issued only to finance or refinance the cost of state fixed capital outlay projects authorized by law, and purposes incidental thereto, upon approval by a vote of the electors; provided state bonds issued pursuant to this subsection may be refunded without a vote of the electors at a lower net average interest cost rate. The total outstanding principal of state bonds issued pursuant to this subsection shall never exceed fifty percent of the total tax revenues of the state for the two preceding fiscal years,

excluding any tax revenues held in trust under the provisions of this constitution.

(b) Moneys sufficient to pay debt service on state bonds as the same becomes due shall be appropriated by law.

(c) Any state bonds pledging the full faith and credit of the state issued under this section or any other section of this constitution may be combined for the purposes of sale.

(d) Revenue bonds may be issued by the state or its agencies without a vote of the electors to finance or refinance the cost of state fixed capital outlay projects authorized by law, and purposes incidental thereto, and shall be payable solely from funds derived directly from sources other than state tax revenues.

(e) Bonds pledging all or part of a dedicated state tax revenue may be issued by the state in the manner provided by general law to finance or refinance the acquisition and improvement of land, water areas, and related property interests and resources for the purposes of conservation, outdoor recreation, water resource development, restoration of natural systems, and historic preservation.

(f) Each project, building, or facility to be financed or refinanced with revenue bonds issued under this section shall first be approved by the legislature by an act relating to appropriations or by general law.

SECTION 12. Local bonds.—Counties, school districts, municipalities, special districts, and local governmental bodies with taxing powers may issue bonds, certificates of indebtedness, or any form of tax anticipation certificates, payable from ad valorem taxation and maturing more than twelve months after issuance only:

(a) To finance or refinance capital projects authorized by law and only when approved by vote of the electors who are owners of freeholds therein not wholly exempt from taxation; or

(b) To refund outstanding bonds and interest and redemption premium thereon at a lower net average interest cost rate.

SECTION 13. Relief from illegal taxes.—Until payment of all taxes which have been legally assessed upon the property of the same owner, no court shall grant relief from the payment of any tax that may be illegal or illegally assessed.

SECTION 14. Bonds for pollution control and abatement and other water facilities.—

(a) When authorized by law, state bonds pledging the full faith and credit of the state may be issued without an election to finance the construction of air and water pollution control and abatement and solid waste disposal facilities and other water facilities authorized by general law (herein referred to as "facilities") to be operated by any municipality, county, district or authority, or any agency thereof (herein referred to as "local governmental agencies"), or by any agency of the State of Florida. Such bonds shall be secured by a pledge of and shall be payable primarily from all or any part of revenues to be derived from operation of such facilities, special assessments, rentals to be received under lease-purchase agreements herein provided for, any other revenues that may be legally available for such purpose, including revenues from other facilities, or any combination thereof (herein collectively referred to as "pledged revenues"), and shall be additionally secured by the full faith and credit of the State of Florida.

(b) No such bonds shall be issued unless a state fiscal agency, created by law, has made a determination that in no state fiscal year will the debt service requirements of the bonds proposed to be issued and all other bonds secured by the pledged revenues exceed seventy-five *percent* ~~per cent~~ of the pledged revenues.

(c) The state may lease any of such facilities to any local governmental agency, under lease-purchase agreements for such periods and under such other terms and conditions as may be mutually agreed upon. The local governmental agencies may pledge the revenues derived from such leased facilities or any other available funds for the payment of rentals thereunder; and, in addition, the full faith and credit and taxing power of such local governmental agencies may be pledged for the payment of such rentals without any election of freeholder electors or qualified electors.

(d) The state may also issue such bonds for the purpose of loaning money to local governmental agencies, for the construction of such facilities to be owned or operated by any of such local governmental agencies. Such loans shall bear interest at not more than one-half of one *percent* ~~per cent~~ per annum greater than the last preceding issue of state bonds pursuant to this section, shall be secured by the pledged revenues, and may be additionally secured by the full faith and credit of the local governmental agencies.

(e) The total outstanding principal of state bonds issued pursuant to this section ~~14~~ shall never exceed fifty *percent* ~~per cent~~ of the total tax revenues of the state for the two preceding fiscal years.

SECTION 15. Revenue bonds for scholarship loans.—

(a) When authorized by law, revenue bonds may be issued to establish a fund to make loans to students determined eligible as prescribed by law and who have been admitted to attend any public or private institutions of higher learning, junior colleges, health related training institutions, or vocational training centers, which are recognized or accredited under terms and conditions prescribed by law. Revenue bonds issued pursuant to this section shall be secured by a pledge of and shall be payable primarily from payments of interest, principal, and handling charges to such fund from the recipients of the loans and, if authorized by law, may be additionally secured by student fees and by any other moneys in such fund. There shall be established from the proceeds of each issue of revenue bonds a reserve account in an amount equal to and sufficient to pay the greatest amount of principal, interest, and handling charges to become due on such issue in any ensuing state fiscal year.

(b) Interest moneys in the fund established pursuant to this section, not required in any fiscal year for payment of debt service on then outstanding revenue bonds or for maintenance of the reserve account, may be used for educational loans to students determined to be eligible therefor in the manner provided by law, or for such other related purposes as may be provided by law.

SECTION 16. Bonds for housing and related facilities.—

(a) When authorized by law, revenue bonds may be issued without an election to finance or refinance housing and related facilities in Florida, herein referred to as "facilities."

(b) The bonds shall be secured by a pledge of and shall be payable primarily from all or any part of revenues to be derived from the financing, operation, or sale of such facilities, mortgage or loan payments, and any other revenues or assets that may be legally available for such purposes derived from sources other than ad valorem taxation, including revenues from other facilities, or any combination thereof, herein collectively referred to as "pledged revenues," provided that in no event shall the full faith and credit of the state be pledged to secure such revenue bonds.

(c) No bonds shall be issued unless a state fiscal agency, created by law, has made a determination that in no state fiscal year will the debt service requirements of the bonds proposed to be issued and all other bonds secured by the same pledged revenues exceed the pledged revenues available for payment of such debt service requirements, as defined by law.

SECTION 17. Bonds for acquiring transportation right-of-way or for constructing bridges.—

(a) When authorized by law, state bonds pledging the full faith and credit of the state may be issued, without a vote of the electors, to finance or refinance the cost of acquiring real property or the rights to real property for state roads as defined by law~~,~~ or to finance or refinance the cost of state bridge construction~~,~~ and purposes incidental to such property acquisition or state bridge construction.

(b) Bonds issued under this section shall be secured by a pledge of and shall be payable primarily from motor fuel or special fuel taxes, except those defined in *Article XII,* section *7(c)* ~~9(c) of Article XII~~, as provided by law, and shall additionally be secured by the full faith and credit of the state.

(c) No bonds shall be issued under this section unless a state fiscal agency, created by law, has made a determination that in no state fiscal year will the debt service requirements of the bonds proposed to be

issued and all other bonds secured by the same pledged revenues exceed ninety percent of the pledged revenues available for payment of such debt service requirements, as defined by law. For the purposes of this subsection, the term "pledged revenues" means all revenues pledged to the payment of debt service, excluding any pledge of the full faith and credit of the state.

SECTION 18. Laws requiring counties or municipalities to spend funds or limiting their ability to raise revenue or receive state tax revenue.—

(a) No county or municipality shall be bound by any general law requiring such county or municipality to spend funds or to take an action requiring the expenditure of funds unless the legislature has determined that such law fulfills an important state interest and unless: funds have been appropriated that have been estimated at the time of enactment to be sufficient to fund such expenditure; the legislature authorizes or has authorized a county or municipality to enact a funding source not available for such county or municipality on February 1, 1989, that can be used to generate the amount of funds estimated to be sufficient to fund such expenditure by a simple majority vote of the governing body of such county or municipality; the law requiring such expenditure is approved by two-thirds of the membership in each house of the legislature; the expenditure is required to comply with a law that applies to all persons similarly situated, including the state and local governments; or the law is either required to comply with a federal requirement or required for eligibility for a federal entitlement, which federal requirement specifically contemplates actions by counties or municipalities for compliance.

(b) Except upon approval of each house of the legislature by two-thirds of the membership, the legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenues in the aggregate, as such authority exists on February 1, 1989.

(c) Except upon approval of each house of the legislature by two-thirds of the membership, the legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the percentage of a state tax shared with counties and municipalities as an aggregate on February 1, 1989. The provisions of this subsection shall not apply to enhancements enacted after February 1, 1989, to state tax sources, or during a fiscal emergency declared in a written joint proclamation issued by the president of the senate and the speaker of the house of representatives, or where the legislature provides additional state-shared revenues *that* ~~which~~ are anticipated to be sufficient to replace the anticipated aggregate loss of state-shared revenues resulting from the reduction of the percentage of the state tax shared with counties and municipalities, which source of replacement revenues shall be subject to the same requirements for repeal or modification as provided herein for a state-shared tax source existing on February 1, 1989.

(d) Laws adopted to require funding of pension benefits existing on *January 8, 1991;* ~~the effective date of this section,~~ criminal laws*;*~~,~~ election laws*;*~~,~~ the general appropriations act*;*~~,~~ special appropriations acts*;*~~,~~ laws reauthorizing but not expanding then-existing statutory authority*;*~~,~~ laws having insignificant fiscal impact*;*~~,~~ and laws creating, modifying, or repealing noncriminal infractions~~,~~ are exempt from the requirements of this section.

(e) The legislature may enact laws to assist in the implementation and enforcement of this section.

ARTICLE VIII
LOCAL GOVERNMENT

SECTION 1. Counties.—

(a) POLITICAL SUBDIVISIONS.—The state shall be divided by law into political subdivisions called counties. Counties may be created, abolished, or changed by law, with provision for payment or apportionment of the public debt.

(b) COUNTY FUNDS.—The care, custody, and method of disbursing county funds shall be provided by general law.

(c) GOVERNMENT.—Pursuant to general or special law, a county government may be established by charter *that* ~~which~~ shall be adopted, amended, or repealed only upon vote of the electors of the county in a special election called for that purpose.

(d) COUNTY OFFICERS.—There shall be elected by the electors of each county, for terms of four years, a sheriff, a tax collector, a property appraiser, a supervisor of elections, and a clerk of the circuit court; except, when provided by county charter or special law approved by vote of the electors of the county, any county officer may be chosen in another manner therein specified, or any county office may be abolished when all the duties of the office prescribed by general law are transferred to another office. When not otherwise provided by county charter or special law approved by vote of the electors, the clerk of the circuit court shall be ex officio clerk of the board of county commissioners, auditor, recorder, and custodian of all county funds.

(e) COMMISSIONERS.—Except when otherwise provided by county charter, the governing body of each county shall be a board of county commissioners composed of five or seven members serving staggered terms of four years. After each decennial census, the board of county commissioners shall divide the county into districts of contiguous territory as nearly equal in population as practicable. One commissioner residing in each district shall be elected as provided by law.

(f) NON-CHARTER GOVERNMENT.—Counties not operating under county charters shall have such power of self-government as is provided by general or special law. The board of county commissioners of a county not operating under a charter may enact, in a manner prescribed by general law, county ordinances not inconsistent with general or special law, but an ordinance in conflict with a municipal ordinance shall not be effective within the municipality to the extent of such conflict.

(g) CHARTER GOVERNMENT.—Counties operating under county charters shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors. The governing body of a county operating under a charter may enact county ordinances not inconsistent with general law. The charter shall provide which shall prevail in the event of conflict between county and municipal ordinances.

(h) TAXES; LIMITATION.—Property situate within municipalities shall not be subject to taxation for services rendered by the county exclusively for the benefit of the property or residents in unincorporated areas.

(i) COUNTY ORDINANCES.—Each county ordinance shall be filed with the custodian of state records and shall become effective at such time thereafter as is provided by general law.

(j) VIOLATION OF ORDINANCES.—Persons violating county ordinances shall be prosecuted and punished as provided by law.

(k) COUNTY SEAT.—In every county there shall be a county seat at which shall be located the principal offices and permanent records of all county officers. The county seat may not be moved except as provided by general law. Branch offices for the conduct of county business may be established elsewhere in the county by resolution of the governing body of the county in the manner prescribed by law. No instrument shall be deemed recorded until filed at the county seat, or a branch office designated by the governing body of the county for the recording of instruments, according to law.

SECTION 2. Municipalities.—

(a) ESTABLISHMENT.—Municipalities may be established or abolished and their charters amended pursuant to general or special law. When any municipality is abolished, provision shall be made for the protection of its creditors.

(b) POWERS.—Municipalities shall have governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law. Each municipal legislative body shall be elective.

(c) ANNEXATION.—Municipal annexation of unincorporated territory, merger of municipalities, and exercise of extra-territorial powers by municipalities shall be as provided by general or special law.

SECTION 3. Consolidation.—The government of a county and the government of one or more municipalities located therein may be consolidated into a single government, which may exercise any and all powers

of the county and the several municipalities. The consolidation plan may be proposed only by special law, which shall become effective if approved by vote of the electors of the county, or of the county and municipalities affected, as may be provided in the plan. Consolidation shall not extend the territorial scope of taxation for the payment of pre-existing debt except to areas whose residents receive a benefit from the facility or service for which the indebtedness was incurred.

SECTION 4. Transfer of powers.—By law or by resolution of the governing bodies of each of the governments affected, any function or power of a county, municipality, or special district may be transferred to or contracted to be performed by another county, municipality, or special district, after approval by vote of the electors of the transferor and approval by vote of the electors of the transferee, or as otherwise provided by law.

SECTION 5. Local option.—

(a) Local option on the legality or prohibition of the sale of intoxicating liquors, wines, or beers shall be preserved to each county. The status of a county with respect thereto shall be changed only by vote of the electors in a special election called upon the petition of twenty-five *percent* ~~per cent~~ of the electors of the county, and not sooner than two years after an earlier election on the same question. Where legal, the sale of intoxicating liquors, wines, and beers shall be regulated by law.

(b) Each county shall have the authority to require a criminal history records check and a *3-to-5-day* ~~3-to-5-day~~ waiting period, excluding weekends and legal holidays, in connection with the sale of any firearm occurring within such county. For purposes of this subsection, the term "sale" means the transfer of money or other valuable consideration for any firearm when any part of the transaction is conducted on property to which the public has the right of access. Holders of a concealed weapons permit as prescribed by general law shall not be subject to the provisions of this subsection when purchasing a firearm.

SECTION 6. Schedule to Article VIII.—

(a) *APPLICABILITY TO FORMER ARTICLE.*—This article shall replace all of Article VIII of the constitution of 1885, as amended, except those sections expressly retained and made a part of this article by reference.

(b) COUNTIES; COUNTY SEATS; MUNICIPALITIES; DISTRICTS.—The status of the following items as they exist on the date this article becomes effective is recognized and shall be continued until changed in accordance with law: the counties of the state; their status with respect to the legality of the sale of intoxicating liquors, wines, and beers; the method of selection of county officers; the performance of municipal functions by county officers; the county seats; and the municipalities and special districts of the state, their powers, jurisdiction, and government.

~~(c) OFFICERS TO CONTINUE IN OFFICE. Every person holding office when this article becomes effective shall continue in office for the remainder of the term if that office is not abolished. If the office is abolished the incumbent shall be paid adequate compensation, to be fixed by law, for the loss of emoluments for the remainder of the term.~~

(c)~~(d)~~ ORDINANCES.—Local laws relating only to unincorporated areas of a county on the effective date of this article may be amended or repealed by county ordinance.

(d)~~(e)~~ CONSOLIDATION AND HOME RULE.—Article VIII, sections 9, 10, 11, and 24, of the constitution of 1885, as amended, shall remain in full force and effect as to each county affected, as if this article had not been adopted, until that county shall expressly adopt a charter or home rule plan pursuant to this article. All provisions of the Metropolitan Dade County Home Rule Charter, heretofore or hereafter adopted by the electors of Dade County pursuant to Article VIII, section 11, of the constitution of 1885, as amended, shall be valid, and any amendments to such charter shall be valid; provided that the said provisions of such charter and the said amendments thereto are authorized under said Article VIII, section 11, of the constitution of 1885, as amended.

(e)~~(f)~~ DADE COUNTY; POWERS CONFERRED UPON MUNICIPALITIES.—To the extent not inconsistent with the powers of existing municipalities or general law, the Metropolitan Government of Dade County may exercise all the powers conferred now or hereafter by general law upon municipalities.

(f)~~(g)~~ DELETION OF OBSOLETE SCHEDULE ITEMS.—The legislature shall have power, by joint resolution, to delete from this article any subsection of this section ~~6~~, including this subsection, when all events to which the subsection to be deleted is or could become applicable have occurred. A legislative determination of fact made as a basis for application of this subsection shall be subject to judicial review.

ARTICLE IX
EDUCATION

SECTION 1. Public education.—

(a) The education of children is a fundamental value of the people of *this* ~~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 2010 school year, there are a sufficient number of classrooms so that:

(1) The 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 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 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 average number of students in each classroom by at least two students per year until the maximum number of students per classroom does not exceed the requirements of this subsection.

(b) Every *four-year-old* ~~four-year-old~~ child in Florida shall be provided by the State a *high-quality* ~~high quality~~ pre-kindergarten learning opportunity in the form of an early childhood development and education program *that* ~~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* ~~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.

(c) The early childhood education and development programs provided by reason of *subsection* ~~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.

SECTION 2. State board of education.—The state board of education shall be a body corporate and have such supervision of the system of free public education as is provided by law. The state board of education shall consist of seven members appointed by the governor to staggered 4-year terms, subject to confirmation by the senate. The state board of education shall appoint the commissioner of education.

SECTION 3. Terms of appointive board members.—Members of any appointive board dealing with education may serve terms in excess of four years as provided by law.

SECTION 4. School districts; school boards.—

(a) Each county shall constitute a school district,~~;~~ provided *that*~~,~~ two or more contiguous counties, upon vote of the electors of each county pursuant to law, may be combined into one school district. In each school district, there shall be a school board composed of five or more members chosen by vote of the electors in a nonpartisan election for appropriately staggered terms of four years, as provided by law.

(b) The school board shall operate, control, and supervise all free public schools within the school district and determine the rate of school district taxes within the limits prescribed herein. Two or more school districts may operate and finance joint educational programs.

SECTION 5. Superintendent of schools.—In each school district, there shall be a superintendent of schools who shall be elected at the general election in each year the number of which is a multiple of four for a term of four years; or, when provided by resolution of the district school board, or by special law, approved by vote of the electors, the district school superintendent in any school district shall be employed by the district school board as provided by general law. The resolution or special law may be rescinded or repealed by either procedure after four years.

SECTION 6. State school fund.—The income derived from the state school fund shall, and the principal of the fund may, be appropriated, but only to the support and maintenance of free public schools.

SECTION 7. State University System.—

(a) PURPOSES. In order to achieve excellence through teaching students, advancing research and providing public service for the benefit of Florida's citizens, their communities and economies, the people hereby establish a system of governance for the state university system of Florida.

(b) STATE UNIVERSITY SYSTEM. There shall be a single state university system comprised of all public universities. A board of trustees shall administer each public university and a board of governors shall govern the state university system.

(c) LOCAL BOARDS OF TRUSTEES. Each local constituent university shall be administered by a board of trustees consisting of thirteen members dedicated to the purposes of the state university system. The board of governors shall establish the powers and duties of the boards of trustees. Each board of trustees shall consist of six citizen members appointed by the governor and five citizen members appointed by the board of governors. The appointed members shall be confirmed by the senate and serve staggered terms of five years as provided by law. The chair of the faculty senate, or the equivalent, and the president of the student body of the university shall also be members.

(d) STATEWIDE BOARD OF GOVERNORS. The board of governors shall be a body corporate consisting of seventeen members. The board shall operate, regulate, control, and be fully responsible for the management of the whole university system. These responsibilities shall include, but not be limited to, defining the distinctive mission of each constituent university and its articulation with free public schools and community colleges, ensuring the well-planned coordination and operation of the system, and avoiding wasteful duplication of facilities or programs. The board's management shall be subject to the powers of the legislature to appropriate for the expenditure of funds, and the board shall account for such expenditures as provided by law. The governor shall appoint to the board fourteen citizens dedicated to the purposes of the state university system. The appointed members shall be confirmed by the senate and serve staggered terms of seven years as provided by law. The commissioner of education, the chair of the advisory council of faculty senates, or the equivalent, and the president of the Florida student association, or the equivalent, shall also be members of the board.

ARTICLE X
MISCELLANEOUS

~~SECTION 1. Amendments to United States Constitution.—The legislature shall not take action on any proposed amendment to the Constitution of the United States unless a majority of the members thereof have been elected after the proposed amendment has been submitted for ratification.~~

SECTION *1* ~~2~~. Militia.—

(a) The militia shall be composed of all *able-bodied* ~~ablebodied~~ inhabitants of the state who are or have declared their intention to become citizens of the United States,~~;~~ and no person because of religious creed or opinion shall be exempted from military duty except upon conditions provided by law.

(b) The organizing, equipping, housing, maintaining, and disciplining of the militia, and the safekeeping of public arms may be provided for by law.

(c) The governor shall appoint all commissioned officers of the militia, including an adjutant general who shall be chief of staff. The appointment of all general officers shall be subject to confirmation by the senate.

(d) The qualifications of personnel and officers of the federally recognized national guard, including the adjutant general, and the grounds and proceedings for their discipline and removal shall conform to the appropriate United States Army or Air Force regulations and usages.

SECTION *2* ~~3~~. Vacancy in office.—Vacancy in office shall occur upon the creation of an office, upon the death, removal from office, or resignation of the incumbent or the incumbent's succession to another office, unexplained absence for sixty consecutive days, or failure to maintain the residence required when elected or appointed, and upon failure of one elected or appointed to office to qualify within thirty days from the commencement of the term.

SECTION *3* 4. Homestead; exemptions.—

(a) There shall be exempt from forced sale under process of any court, and no judgment, decree, or execution shall be a lien thereon, except for the payment of taxes and assessments thereon, obligations contracted for the purchase, improvement, or repair thereof, or obligations contracted for house, field, or other labor performed on the realty, the following property owned by a natural person:

(1) A homestead, if located outside a municipality, to the extent of one hundred sixty acres of contiguous land and improvements thereon, which shall not be reduced without the owner's consent by reason of subsequent inclusion in a municipality; or if located within a municipality, to the extent of one-half acre of contiguous land, upon which the exemption shall be limited to the residence of the owner or the owner's family;

(2) Personal property to the value of one thousand dollars.

(b) These exemptions shall inure to the surviving spouse or heirs of the owner.

(c) The homestead shall not be subject to devise if the owner is survived by spouse or minor child, except the homestead may be devised to the owner's spouse if there be no minor child. The owner of homestead real estate, joined by the spouse if married, may alienate the homestead by mortgage, sale, or gift and, if married, may by deed transfer the title to an estate by the entirety with the spouse. If the owner or spouse is incompetent, the method of alienation or encumbrance shall be as provided by law.

~~SECTION 5. Coverture and property.—There shall be no distinction between married women and married men in the holding, control, disposition, or encumbering of their property, both real and personal; except that dower or curtesy may be established and regulated by law.~~

SECTION *4* ~~6~~. Eminent domain.—

(a) No private property shall be taken except for a public purpose and with full compensation therefor paid to each owner or secured by deposit in the registry of the court and available to the owner.

(b) Provision may be made by law for the taking of easements, by like proceedings, for the drainage of the land of one person over or through the land of another.

SECTION *5* ~~7~~. Lotteries.—Lotteries, other than the types of parimutuel pools authorized by law as of *January 7, 1969* ~~the effective date of this constitution~~, are hereby prohibited in this state.

SECTION *6* ~~8~~. Census.—

(a) Each decennial census of the state taken by the United States shall be an official census of the state.

(b) Each decennial census, for the purpose of classifications based upon population, shall become effective on the thirtieth day after the final adjournment of the regular session of the legislature convened next after certification of the census.

SECTION *7* ~~9.~~ Repeal of criminal statutes.—Repeal or amendment of a criminal statute shall not affect prosecution or punishment for any crime previously committed.

SECTION *8* ~~10~~. Felony; definition.—The term "felony," as used herein and in the laws of this state, shall mean any criminal offense that is punishable under the laws of this state, or that would be punishable if committed in this state, by death or by imprisonment in the state penitentiary.

SECTION *9* ~~11~~. Sovereignty lands.—The title to lands under navigable waters, within the boundaries of the state, which have not been alienated, including beaches below mean high water lines, is held by the state, by virtue of its sovereignty, in trust for all the people. Sale of such lands may be authorized by law, but only when in the public interest. Private use of portions of such lands may be authorized by law, but only when not contrary to the public interest.

SECTION *10* ~~12.~~ Rules of construction.—Unless qualified in the text, the following rules of construction shall apply to this constitution.

(a) "Herein" refers to the entire constitution.

(b) The singular includes the plural.

(c) The masculine includes the feminine.

(d) "Vote of the electors" means the vote of the majority of those voting on the matter in an election, general or special, in which those participating are limited to the electors of the governmental unit referred to in the text.

(e) Vote or other action of a legislative house or other governmental body means the vote or action of a majority or other specified percentage of those members voting on the matter. "Of the membership" means "of all members thereof."

(f) The terms "judicial office," "justices," and "judges" shall not include judges of courts established solely for the trial of violations of ordinances.

(g) "Special law" means a special or local law.

(h) Titles and subtitles shall not be used in construction.

SECTION *11* ~~13~~. Suits against the state.—Provision may be made by general law for bringing suit against the state as to all liabilities now existing or hereafter originating.

SECTION *12* ~~14~~. State retirement systems benefit changes.—A governmental unit responsible for any retirement or pension system supported in whole or in part by public funds shall not, after January 1, 1977, provide any increase in the benefits to the members or beneficiaries of such system unless such unit has made or concurrently makes provision for the funding of the increase in benefits on a sound actuarial basis.

SECTION *13* ~~15~~. State operated lotteries.—

(a) Lotteries may be operated by the state.

(b) If any subsection or subsections of the amendment to the Florida Constitution are held unconstitutional for containing more than one subject, this amendment shall be limited to subsection (a) above.

(c) ~~This amendment shall be implemented as follows:~~

~~(1) Schedule—On the effective date of this amendment,~~ The lotteries shall be known as the Florida Education Lotteries. Net proceeds derived from the lotteries shall be deposited to a state trust fund, to be designated The State Education Lotteries Trust Fund, to be appropriated by the legislature. The schedule may be amended by general law.

SECTION *14* ~~16~~. Limiting marine net fishing.—

(a) The marine resources of the State of Florida belong to all of the people of the state and should be conserved and managed for the benefit of the state, its people, and future generations. To this end, the people hereby enact limitations on marine net fishing in Florida waters to protect saltwater finfish, shellfish, and other marine animals from unnecessary killing, overfishing, and waste.

(b) For the purpose of catching or taking any saltwater finfish, shellfish, or other marine animals in Florida waters:

(1) No gill nets or other entangling nets shall be used in any Florida waters; and

(2) In addition to the prohibition set forth in *paragraph* (1), no other type of net containing more than 500 square feet of mesh area shall be used in nearshore and inshore Florida waters. Additionally, no more than two such nets, which shall not be connected, shall be used from any vessel, and no person not on a vessel shall use more than one such net in nearshore and inshore Florida waters.

(c) For purposes of this section, *the term*:

(1) "Gill net" means one or more walls of netting which captures saltwater finfish by ensnaring or entangling them in the meshes of the net by the gills, and "entangling net" means a drift net, trammell net, stab net, or any other net which captures saltwater finfish, shellfish, or other marine animals by causing all or part of heads, fins, legs, or other body parts to become entangled or ensnared in the meshes of the net, but a *hand-thrown* ~~hand thrown~~ cast net is not a gill net or an entangling net;

(2) "Mesh area" of a net means the total area of netting with the meshes open to comprise the maximum square footage. The square footage shall be calculated using standard mathematical formulas for geometric shapes. Seines and other rectangular nets shall be calculated using the maximum length and maximum width of the netting. Trawls and other bag type nets shall be calculated as a cone using the maximum circumference of the net mouth to derive the radius, and the maximum length from the net mouth to the tail end of the net to derive the slant height. Calculations for any other nets or combination type nets shall be based on the shapes of the individual components;

(3) "Coastline" means the territorial sea base line for the State of Florida established pursuant to the laws of the United States of America;

(4) "Florida waters" means the waters of the Atlantic Ocean, the Gulf of Mexico, the Straits of Florida, and any other bodies of water under the jurisdiction of the State of Florida, whether coastal, intracoastal, or inland, and any part thereof; and

(5) "Nearshore and inshore Florida waters" means all Florida waters inside a line three miles seaward of the coastline along the Gulf of Mexico and inside a line one mile seaward of the coastline along the Atlantic Ocean.

(d) This section shall not apply to the use of nets for scientific research or governmental purposes.

(e) Persons violating this section shall be prosecuted and punished pursuant to the penalties provided in *s.* ~~section~~ 370.021(2)(a),(b),(c)6. and 7., and (e), Florida Statutes (1991), unless and until the legislature enacts more stringent penalties for violations hereof. ~~On and after the effective date of this section,~~ Law enforcement officers in the state are authorized to enforce the provisions of this section in the same manner and authority as if a violation of this section constituted a violation of chapter 370, Florida Statutes (1991).

(f) It is the intent of this section that implementing legislation is not required for enforcing any violations hereof, but nothing in this section prohibits the establishment by law or pursuant to law of more restrictions on the use of nets for the purpose of catching or taking any saltwater finfish, shellfish, or other marine animals.

(g) If any portion of this section is held invalid for any reason, the remaining portion of this section, to the fullest extent possible, shall be severed from the void portion and given the fullest possible force and application.

~~(h) This section shall take effect on the July 1 next occurring after approval hereof by vote of the electors~~.

SECTION *15* ~~17~~. Everglades Trust Fund.—

(a) There is hereby established the Everglades Trust Fund, which shall not be subject to termination pursuant to Article III, section *18(f)* ~~19(f)~~. The purpose of the Everglades Trust Fund is to make funds available to assist in conservation and protection of natural resources and abatement of water pollution in the Everglades Protection Area and the Everglades Agricultural Area. The trust fund shall be administered by the South Florida Water Management District, or its successor agency, consistent with statutory law.

(b) The Everglades Trust Fund may receive funds from any source, including gifts from individuals, corporations, or other entities; funds from general revenue as determined by the legislature; and any other funds so designated by the legislature, by the United States Congress, or by any other governmental entity.

(c) Funds deposited to the Everglades Trust Fund shall be expended for purposes of conservation and protection of natural resources and abatement of water pollution in the Everglades Protection Area and Everglades Agricultural Area.

(d) For purposes of this *section* ~~subsection~~, the terms "Everglades Protection Area," "Everglades Agricultural Area," and "South Florida Water Management District" shall have the meanings as defined in statutes in effect on January 1, 1996.

SECTION *16* ~~18~~. Disposition of conservation lands.—The fee interest in real property held by an entity of the state and designated for natural resources conservation purposes as provided by general law shall be managed for the benefit of the citizens of this state and may be disposed of only if the members of the governing board of the entity holding title determine the property is no longer needed for conservation purposes and only upon a vote of two-thirds of the governing board.

~~SECTION 19. High speed ground transportation system.—To reduce traffic congestion and provide alternatives to the traveling public, it is hereby declared to be in the public interest that a high speed ground transportation system consisting of a monorail, fixed guideway or magnetic levitation system, capable of speeds in excess of 120 miles per hour, be developed and operated in the State of Florida to provide high speed ground transportation by innovative, efficient and effective technologies consisting of dedicated rails or guideways separated from motor vehicular traffic that will link the five largest urban areas of the State as determined by the Legislature and provide for access to existing air and ground transportation facilities and services. The Legislature, the Cabinet and the Governor are hereby directed to proceed with the development of such a system by the State and/or by a private entity pursuant to state approval and authorization, including the acquisition of right-of-way, the financing of design and construction of the system, and the operation of the system, as provided by specific appropriation and by law, with construction to begin on or before November 1, 2003.~~

SECTION *17* ~~20~~. Workplaces without tobacco smoke.—

(a) PROHIBITION.—As a Florida health initiative to protect people from the health hazards of second-hand tobacco smoke, tobacco smoking is prohibited in enclosed indoor workplaces.

(b) EXCEPTIONS.—As further explained in the definitions below, tobacco smoking may be permitted in private residences whenever they are not being used commercially to provide child care, adult care, or health care, or any combination thereof; and further may be permitted in retail tobacco shops, designated smoking guest rooms at hotels and other public lodging establishments; and stand-alone bars. However, nothing in this section or in its implementing legislation or regulations shall prohibit the owner, lessee, or other person in control of the use of an enclosed indoor workplace from further prohibiting or limiting smoking therein.

(c) DEFINITIONS.—For purposes of this section, the following words and terms shall have the stated meanings:

(1) "Smoking" means inhaling, exhaling, burning, carrying, or possessing any lighted tobacco product, including cigarettes, cigars, pipe tobacco, and any other lighted tobacco product.

(2) "Second-hand smoke," also known as environmental tobacco smoke ~~(ETS)~~, means smoke emitted from lighted, smoldering, or burning tobacco when the smoker is not inhaling; smoke emitted at the mouthpiece during puff drawing; and smoke exhaled by the smoker.

(3) "Work" means any person's providing any employment or employment-type service for or at the request of another individual or individuals or any public or private entity, whether for compensation or not, whether full or part-time, whether legally or not. "Work" includes, without limitation, any such service performed by an employee, independent contractor, agent, partner, proprietor, manager, officer, director, apprentice, trainee, associate, servant, volunteer, and the like.

(4) "Enclosed indoor workplace" means any place where one or more persons engages in work, and which place is predominantly or totally bounded on all sides and above by physical barriers, regardless of whether such barriers consist of or include uncovered openings, screened or otherwise partially covered openings; or open or closed windows, jalousies, doors, or the like. This section applies to all such enclosed indoor workplaces without regard to whether work is occurring at any given time.

(5) "Commercial" use of a private residence means any time during which the owner, lessee, or other person occupying or controlling the use of the private residence is furnishing in the private residence, or causing or allowing to be furnished in the private residence, child care, adult care, or health care, or any combination thereof, and receiving or expecting to receive compensation therefor.

(6) "Retail tobacco shop" means any enclosed indoor workplace dedicated to or predominantly for the retail sale of tobacco, tobacco products, and accessories for such products, in which the sale of other products or services is merely incidental.

(7) "Designated smoking guest rooms at public lodging establishments" means the sleeping rooms and directly associated private areas, such as bathrooms, living rooms, and kitchen areas, if any, rented to guests for their exclusive transient occupancy in public lodging establishments including hotels, motels, resort condominiums, transient apartments, transient lodging establishments, rooming houses, boarding houses, resort dwellings, bed and breakfast inns, and the like; and designated by the person or persons having management authority over such public lodging establishment as rooms in which smoking may be permitted.

(8) "Stand-alone bar" means any place of business devoted during any time of operation predominantly or totally to serving alcoholic beverages, intoxicating beverages, or intoxicating liquors, or any combination thereof, for consumption on the licensed premises; in which the serving of food, if any, is merely incidental to the consumption of any such beverage; and that is not located within, and does not share any common entryway or common indoor area with, any other enclosed indoor workplace including any business for which the sale of food or any other product or service is more than an incidental source of gross revenue.

(d) LEGISLATION.—~~In the next regular legislative session occurring after voter approval of this amendment,~~ The ~~Florida~~ legislature shall adopt legislation to implement this amendment in a manner consistent with its broad purpose and stated terms~~, and having an effective date no later than July 1 of the year following voter approval~~. Such legislation shall include, without limitation, civil penalties for violations of this section; provisions for administrative enforcement; and the requirement and authorization of agency rules for implementation and enforcement. Nothing herein shall preclude the legislature from enacting any law constituting or allowing a more restrictive regulation of tobacco smoking than is provided in this section.

~~SECTION 21. Limiting cruel and inhumane confinement of pigs during pregnancy.—Inhumane treatment of animals is a concern of Florida citizens. To prevent cruelty to certain animals and as recommended by The Humane Society of the United States, the people of the State of Florida hereby limit the cruel and inhumane confinement of pigs during pregnancy as provided herein.~~

~~(a) It shall be unlawful for any person to confine a pig during pregnancy in an enclosure, or to tether a pig during pregnancy, on a farm in such a way that she is prevented from turning around freely.~~

~~(b) This section shall not apply:~~

~~(1) When a pig is undergoing an examination, test, treatment or operation carried out for veterinary purposes, provided the period during which the animal is confined or tethered is not longer than reasonably necessary.~~

~~(2) During the prebirthing period.~~

~~(c) For purposes of this section:~~

~~(1) "Enclosure" means any cage, crate or other enclosure in which a pig is kept for all or the majority of any day, including what is commonly described as the "gestation crate."~~

~~(2) "Farm" means the land, buildings, support facilities, and other appurtenances used in the production of animals for food or fiber.~~

~~(3) "Person" means any natural person, corporation and/or business entity.~~

~~(4) "Pig" means any animal of the porcine species.~~

~~(5) "Turning around freely" means turning around without having to touch any side of the pig's enclosure.~~

~~(6) "Prebirthing period" means the seven day period prior to a pig's expected date of giving birth.~~

~~(d) A person who violates this section shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082(4)(a), Florida Statutes (1999), as amended, or by a fine of not more than $5000, or by both imprisonment and a fine, unless and until the legislature enacts more stringent penalties for violations hereof. On and after the effective date of this section, law enforcement officers in the state are authorized to enforce the provisions of this section in the same manner and authority as if a violation of this section constituted a violation of Section 828.13, Florida Statutes (1999). The confinement or tethering of each pig shall constitute a separate offense. The knowledge or acts of agents and employees of a person in regard to a pig owned, farmed or in the custody of a person, shall be held to be the knowledge or act of such person.~~

~~(e) It is the intent of this section that implementing legislation is not required for enforcing any violations hereof.~~

~~(f) If any portion of this section is held invalid for any reason, the remaining portion of this section, to the fullest extent possible, shall be severed from the void portion and given the fullest possible force and application.~~

~~(g) This section shall take effect six years after approval by the electors.~~

SECTION *18* ~~22~~. Parental notice of termination of a minor's pregnancy.—The legislature shall not limit or deny the privacy right guaranteed to a minor under the United States Constitution as interpreted by the United States Supreme Court. Notwithstanding a minor's right of privacy provided in *Article I,* section 23 ~~of Article I~~, the legislature is authorized to require by general law for notification to a parent or guardian of a minor before the termination of the minor's pregnancy. The legislature shall provide exceptions to such requirement for notification and shall create a process for judicial waiver of the notification.

SECTION *19* ~~23~~. Slot machines.—

(a) ~~After voter approval of this constitutional amendment,~~ The governing bodies of Miami-Dade and Broward Counties each may hold a *countywide* ~~county-wide~~ referendum in their respective counties on whether to authorize slot machines within existing, licensed *pari-mutuel* ~~parimutuel~~ facilities (thoroughbred and harness racing, greyhound racing, and jai-alai) that have conducted live racing or games in that county during ~~each of~~ the ~~last two~~ calendar years *2002 and 2003* ~~before the effective date of this amendment~~. If the voters of such county approve the referendum question by majority vote, slot machines shall be authorized in such parimutuel facilities. If the voters of such county by majority vote disapprove the referendum question, slot machines shall not be so authorized, and the question shall not be presented in another referendum in that county for at least two years.

(b) ~~In the next regular Legislative session occurring after voter approval of this constitutional amendment,~~ The legislature shall adopt legislation implementing this section ~~and having an effective date no later than July 1 of the year following voter approval of this amendment~~. Such legislation shall authorize agency rules for implementation, and may include provisions for the licensure and regulation of slot machines. The legislature may tax slot machine revenues, and any such taxes must supplement public education funding statewide.

(c) If any part of this section is held invalid for any reason, the remaining portion or portions shall be severed from the invalid portion and given the fullest possible force and effect.

~~(d) This amendment shall become effective when approved by vote of the electors of the state.~~

SECTION *20* ~~24~~. Florida minimum wage.—

(a) PUBLIC POLICY. All working Floridians are entitled to be paid a minimum wage that is sufficient to provide a decent and healthy life for them and their families, that protects their employers from unfair low-wage competition, and that does not force them to rely on taxpayer-funded public services in order to avoid economic hardship.

(b) DEFINITIONS. As used in this amendment, the terms "Employer," "Employee" and "Wage" shall have the meanings established under the federal Fair Labor Standards Act (FLSA) and its implementing regulations.

(c) MINIMUM WAGE. Employers shall pay Employees Wages no less than the Minimum Wage for all hours worked in Florida. Six months after enactment, the Minimum Wage shall be established at an hourly rate of $6.15. On September 30th of that year and on each following September 30th, the state Agency for Workforce Innovation shall calculate an adjusted Minimum Wage rate by increasing the current Minimum Wage rate by the rate of inflation during the twelve months prior to each September 1st using the consumer price index for urban wage earners and clerical workers, CPI-W, or a successor index as calculated by the United States Department of Labor. Each adjusted Minimum Wage rate calculated shall be published and take effect on the following January 1st. For tipped Employees meeting eligibility requirements for the tip credit under the FLSA, Employers may credit towards satisfaction of the Minimum Wage tips up to the amount of the allowable FLSA tip credit in 2003.

(d) RETALIATION PROHIBITED. It shall be unlawful for an Employer or any other party to discriminate in any manner or take adverse action against any person in retaliation for exercising rights protected under this amendment. Rights protected under this amendment include, but are not limited to, the right to file a complaint or inform any person about any party's alleged noncompliance with this amendment, and the right to inform any person of his or her potential rights under this amendment and to assist him or her in asserting such rights.

(e) ENFORCEMENT. Persons aggrieved by a violation of this amendment may bring a civil action in a court of competent jurisdiction against an Employer or person violating this amendment and, upon prevailing, shall recover the full amount of any back wages unlawfully withheld plus the same amount as liquidated damages, and shall be awarded reasonable attorney's fees and costs. In addition, they shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement in employment and/or injunctive relief. Any Employer or other person found liable for willfully violating this amendment shall also be subject to a fine payable to the state in the amount of $1000.00 for each violation. The state attorney general or other official designated by the state legislature may also bring a civil action to enforce this amendment. Actions to enforce this amendment shall be subject to a statute of limitations of four years or, in the case of willful violations, five years. Such actions may be brought as a class action pursuant to Rule 1.220 of the Florida Rules of Civil Procedure.

(f) ADDITIONAL LEGISLATION, IMPLEMENTATION AND CONSTRUCTION. Implementing legislation is not required in order to enforce this amendment. The state legislature may by statute establish

additional remedies or fines for violations of this amendment, raise the applicable Minimum Wage rate, reduce the tip credit, or extend coverage of the Minimum Wage to employers or employees not covered by this amendment. The state legislature may by statute or the state Agency for Workforce Innovation may by regulation adopt any measures appropriate for the implementation of this amendment. This amendment provides for payment of a minimum wage and shall not be construed to preempt or otherwise limit the authority of the state legislature or any other public body to adopt or enforce any other law, regulation, requirement, policy or standard that provides for payment of higher or supplemental wages or benefits, or that extends such protections to employers or employees not covered by this amendment. It is intended that case law, administrative interpretations, and other guiding standards developed under the federal FLSA shall guide the construction of this amendment and any implementing statutes or regulations.

(g) SEVERABILITY. If any part of this amendment, or the application of this amendment to any person or circumstance, is held invalid, the remainder of this amendment, including the application of such part to other persons or circumstances, shall not be affected by such a holding and shall continue in full force and effect. To this end, the parts of this amendment are severable.

~~SECTION 25. Patients' right to know about adverse medical incidents.—~~

~~(a) In addition to any other similar rights provided herein or by general law, patients have a right to have access to any records made or received in the course of business by a health care facility or provider relating to any adverse medical incident.~~

~~(b) In providing such access, the identity of patients involved in the incidents shall not be disclosed, and any privacy restrictions imposed by federal law shall be maintained.~~

~~(c) For purposes of this section, the following terms have the following meanings:~~

~~(1) The phrases "health care facility" and "health care provider" have the meaning given in general law related to a patient's rights and responsibilities.~~

~~(2) The term "patient" means an individual who has sought, is seeking, is undergoing, or has undergone care or treatment in a health care facility or by a health care provider.~~

~~(3) The phrase "adverse medical incident" means medical negligence, intentional misconduct, and any other act, neglect, or default of a health care facility or health care provider that caused or could have caused injury to or death of a patient, including, but not limited to, those incidents that are required by state or federal law to be reported to any governmental agency or body, and incidents that are reported to or reviewed by any health care facility peer review, risk management, quality assurance, credentials, or similar committee, or any representative of any such committees.~~

~~(4) The phrase "have access to any records" means, in addition to any other procedure for producing such records provided by general law, making the records available for inspection and copying upon formal or informal request by the patient or a representative of the patient, provided that current records which have been made publicly available by publication or on the Internet may be "provided" by reference to the location at which the records are publicly available.~~

~~SECTION 26. Prohibition of medical license after repeated medical malpractice.—~~

~~(a) No person who has been found to have committed three or more incidents of medical malpractice shall be licensed or continue to be licensed by the State of Florida to provide health care services as a medical doctor.~~

~~(b) For purposes of this section, the following terms have the following meanings:~~

~~(1) The phrase "medical malpractice" means both the failure to practice medicine in Florida with that level of care, skill, and treatment recognized in general law related to health care providers' licensure, and any similar wrongful act, neglect, or default in other states or countries which, if committed in Florida, would have been considered medical malpractice.~~

~~(2) The phrase "found to have committed" means that the malpractice has been found in a final judgment of a court of law, final administrative agency decision, or decision of binding arbitration.~~

ARTICLE XI
AMENDMENTS

SECTION 1. Proposal by legislature.—Amendment of a section or revision of one or more articles, or the whole, of this constitution may be proposed by joint resolution agreed to by three-fifths of the membership of each house of the legislature. The full text of the joint resolution and the vote of each member voting shall be entered on the journal of each house.

SECTION 2. Revision commission.—

(a) Within thirty days before the convening of the 2017 regular session of the legislature, and each twentieth year thereafter, there shall be established a constitution revision commission composed of the following thirty-seven members:

(1) The attorney general of the state;

(2) Fifteen members selected by the governor;

(3) Nine members selected by the speaker of the house of representatives and nine members selected by the president of the senate; and

(4) Three members selected by the Chief Justice of the Supreme Court of Florida with the advice of the justices.

(b) The governor shall designate one member of the commission as its chair. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments.

(c) Each constitution revision commission shall convene at the call of its chair, adopt its rules of procedure, examine the constitution of the state, hold public hearings, and, not later than one hundred eighty days prior to the next general election, file with the custodian of state records its proposal, if any, of a revision of this constitution or any part of it.

SECTION 3. Initiative.—The power to propose the revision or amendment of any portion or portions of this constitution by initiative is reserved to the people, provided that, any such revision or amendment, except for those limiting the power of government to raise revenue, shall embrace but one subject and matter directly connected therewith. It may be invoked by filing with the custodian of state records a petition containing a copy of the proposed revision or amendment, signed by a number of electors in each of one half of the congressional districts of the state, and of the state as a whole, equal to eight percent of the votes cast in each of such districts respectively and in the state as a whole in the last preceding election in which presidential electors were chosen.

SECTION 4. Constitutional convention.—

(a) The power to call a convention to consider a revision of the entire constitution is reserved to the people. It may be invoked by filing with the custodian of state records a petition, containing a declaration that a constitutional convention is desired, signed by a number of electors in each of one half of the congressional districts of the state, and of the state as a whole, equal to fifteen *percent* ~~per cent~~ of the votes cast in each such district respectively and in the state as a whole in the last preceding election of presidential electors.

(b) At the next general election held more than ninety days after the filing of such petition, there shall be submitted to the electors of the state the question: "Shall a constitutional convention be held?" If a majority voting on the question votes in the affirmative, at the next succeeding general election there shall be elected from each representative district a member of a constitutional convention. On the twenty-first day following that election, the convention shall sit at the capital, elect officers, adopt rules of procedure, judge the election of its membership, and fix a time and place for its future meetings. Not later than ninety days before the next succeeding general election, the convention shall cause to be filed with the custodian of state records any revision of this constitution proposed by it.

SECTION 5. Amendment or revision election.—

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

(b) A proposed amendment or revision of this constitution, or any part of it, by initiative shall be submitted to the electors at the general election provided the initiative petition is filed with the custodian of state records no later than February 1 of the year in which the general election is held.

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

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

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

SECTION 6. Taxation and budget reform commission.—

(a) Beginning in 2007 and each twentieth year thereafter, there shall be established a taxation and budget reform commission composed of the following members:

(1) Eleven members selected by the governor, none of whom shall be a member of the legislature at the time of appointment.

(2) Seven members selected by the speaker of the house of representatives and seven members selected by the president of the senate, none of whom shall be a member of the legislature at the time of appointment.

(3) Four *nonvoting* ~~non-voting~~ ex officio members, all of whom shall be members of the legislature at the time of appointment. Two of these members, one of whom shall be a member of the minority party in the house of representatives, shall be selected by the speaker of the house of representatives, and two of these members, one of whom shall be a member of the minority party in the senate, shall be selected by the president of the senate.

(b) Vacancies in the membership of the commission shall be filled in the same manner as the original appointments.

(c) At its initial meeting, the members of the commission shall elect a member who is not a member of the legislature to serve as chair and the commission shall adopt its rules of procedure. Thereafter, the commission shall convene at the call of the chair. An affirmative vote of two thirds of the full commission shall be necessary for any revision of this constitution or any part of it to be proposed by the commission.

(d) The commission shall examine the state budgetary process, the revenue needs and expenditure processes of the state, the appropriateness of the tax structure of the state, and governmental productivity and efficiency; review policy as it relates to the ability of state and local government to tax and adequately fund governmental operations and capital facilities required to meet the state's needs during the next twenty year period; determine methods favored by the citizens of the state to fund the needs of the state, including alternative methods for raising sufficient revenues for the needs of the state; determine measures that could be instituted to effectively gather funds from existing tax sources; examine constitutional limitations on taxation and expenditures at the state and local level; and review the state's comprehensive planning, budgeting, and needs assessment processes to determine whether the resulting information adequately supports a strategic decisionmaking process.

(e) The commission shall hold public hearings as it deems necessary to carry out its responsibilities under this section. The commission shall issue a report of the results of the review carried out, and propose to the legislature any recommended statutory changes related to the taxation or budgetary laws of the state. Not later than one hundred eighty days prior to the *next* general election ~~in the second year following the year in which the commission is established~~, the commission shall file with the custodian of state records its proposal, if any, of a revision of this constitution or any part of it dealing with taxation or the state budgetary process.

SECTION 7. Tax or fee limitation.—Notwithstanding Article X, section *10(d)* ~~12(d) of this constitution~~, no new state tax or fee shall be imposed on or after November 8, 1994, by any amendment to this constitution unless the proposed amendment is approved by not fewer than two-thirds of the voters voting in the election in which such proposed amendment is considered. For purposes of this section, the phrase "new state tax or fee" shall mean any tax or fee *that* ~~which~~ would produce revenue subject to lump sum or other appropriation by the legislature, either for the state general revenue fund or any trust fund, which tax or fee is not in effect on November 7, 1994, including without limitation such taxes and fees as are the subject of proposed constitutional amendments appearing on the ballot on November 8, 1994. This section shall apply to proposed constitutional amendments relating to state taxes or fees *that* ~~which~~ appear on the November 8, 1994, ballot, or later ballots, and any such proposed amendment *that* ~~which~~ fails to gain the two-thirds vote required hereby shall be null, void, and without effect.

ARTICLE XII
SCHEDULE

SECTION 1. Constitution of 1885 superseded.—Articles I through IV, VII, and IX through XX of the Constitution of Florida adopted in 1885, as amended from time to time, are superseded by this revision except those sections expressly retained and made a part of this revision by reference.

SECTION 2. Property taxes; millages.—Tax millages authorized in counties, municipalities, and special districts, on the date this revision becomes effective, may be continued until reduced by law.

~~SECTION 3. Officers to continue in office.—Every person holding office when this revision becomes effective shall continue in office for the remainder of the term if that office is not abolished. If the office is abolished the incumbent shall be paid adequate compensation, to be fixed by law, for the loss of emoluments for the remainder of the term.~~

~~SECTION 4. State commissioner of education.—The state superintendent of public instruction in office on the effective date of this revision shall become and, for the remainder of the term being served, shall be the commissioner of education.~~

SECTION *3* ~~5~~. Superintendent of schools.—

~~(a) On the effective date of this revision the county superintendent of public instruction of each county shall become and, for the remainder of the term being served, shall be the superintendent of schools of that district.~~

~~(b)~~ The method of selection of the county superintendent of public instruction of each county, as provided by or under the constitution of 1885, as amended, shall apply to the selection of the district superintendent of schools until changed as herein provided.

SECTION *4* ~~6~~. Laws preserved.—

(a) All laws in effect upon the adoption of this revision, to the extent not inconsistent with it, shall remain in force until they expire by their terms or are repealed.

(b) All statutes *that* ~~which~~, under the constitution of 1885, as amended, apply to the state superintendent of public instruction and those *that* ~~which~~ apply to the county superintendent of public instruction shall under this revision apply, respectively, to the state commissioner of education and the district superintendent of schools.

SECTION *5* ~~7~~. Rights reserved.—

(a) All actions, rights of action, claims, contracts, and obligations of individuals, corporations, and public bodies or agencies existing on the date this revision becomes effective shall continue to be valid as if this revision had not been adopted. All taxes, penalties, fines and forfeitures owing to the state under the constitution of 1885, as amended, shall inure to the state under this revision, and all sentences as punishment for crime shall be executed according to their terms.

(b) This revision shall not be retroactive so as to create any right or liability *that* ~~which~~ did not exist under the constitution of 1885, as amended, based upon matters occurring prior to the adoption of this revision.

SECTION *6* ~~8~~. Public debts recognized.—All bonds, revenue certificates, revenue bonds, and tax anticipation certificates issued pursuant to the constitution of 1885, as amended by the state, any agency, political subdivision, or public corporation of the state shall remain in full force and effect and shall be secured by the same sources of revenue as before the adoption of this revision, and, to the extent necessary to effectuate this section, the applicable provisions of the constitution of 1885, as amended, are retained as a part of this revision until payment in full of these public securities.

SECTION *7* ~~9~~. Bonds.—

(a) ADDITIONAL SECURITIES.—

(1) Article IX, section 17, of the constitution of 1885, as amended, as it existed immediately before this Constitution, as revised in 1968, became effective, is adopted by this reference as a part of this revision as completely as though incorporated herein verbatim, except revenue bonds, revenue certificates, or other evidences of indebtedness hereafter issued thereunder may be issued by the agency of the state so authorized by law.

(2)*a.* That portion of Article XII, section *7(a),* ~~9, Subsection (a)~~ of this Constitution, as amended, which by reference adopted Article XII, section 19, of the constitution of 1885, as amended, as the same existed immediately before the effective date of this amendment is adopted by this reference as part of this revision as completely as though incorporated herein verbatim, for the purpose of providing that after the effective date of this amendment all of the proceeds of the revenues derived from the gross receipts taxes, as therein defined, collected in each year shall be applied as provided therein to the extent necessary to comply with all obligations to or for the benefit of holders of bonds or certificates issued before the effective date of this amendment or any refundings thereof *that* ~~which~~ are secured by such gross receipts taxes. No bonds or other obligations may be issued pursuant to the provisions of Article XII, section 19, of the constitution of 1885, as amended, but this provision shall not be construed to prevent the refunding of any such outstanding bonds or obligations pursuant to the provisions of this *paragraph* ~~subsection (a)(2)~~.

b. Subject to the requirements of *subparagraph a.* ~~the first paragraph of this subsection (a)(2)~~, beginning July 1, 1975, all of the proceeds of the revenues derived from the gross receipts taxes collected from every person, including municipalities, as provided and levied pursuant to the provisions of chapter 203, Florida Statutes, as such chapter is amended from time to time, shall, as collected, be placed in a trust fund to be known as the "public education capital outlay and debt service trust fund" in the state treasury (hereinafter referred to as "capital outlay fund"), and used only as provided herein.

c. The capital outlay fund shall be administered by the state board of education as created and constituted by *Article IX,* section 2, ~~of Article IX~~ of *this* ~~the~~ constitution ~~of Florida as revised in 1968~~ (hereinafter referred to as "state board"), or by such other instrumentality of the state *that* ~~which~~ shall hereafter succeed by law to the powers, duties, and functions of the state board, including the powers, duties, and functions of the state board provided in this *paragraph* ~~subsection (a)(2)~~. The state board shall be a body corporate and shall have all the powers provided herein in addition to all other constitutional and statutory powers related to the purposes of this *paragraph* ~~subsection (a)(2)~~ heretofore or hereafter conferred by law upon the state board, or its predecessor created by the constitution of 1885, as amended.

d. State bonds pledging the full faith and credit of the state may be issued, without a vote of the electors, by the state board pursuant to law to finance or refinance capital projects theretofore authorized by the legislature, and any purposes appurtenant or incidental thereto, for the state system of public education provided for in *Article IX,* section 1, ~~of Article IX~~ of this constitution (hereinafter referred to as "state system"), including but not limited to institutions of higher learning, community colleges, vocational technical schools, or public schools, as now defined or as may hereafter be defined by law. All such bonds shall mature not later than thirty years after the date of issuance thereof. All other details of such bonds shall be as provided by law or by the proceedings authorizing such bonds; provided, however, that no bonds, except refunding bonds, shall be issued, and no proceeds shall be expended for the cost of any capital project, unless such project has been authorized by the legislature.

e. Bonds issued pursuant to this *paragraph* ~~subsection (a)(2)~~ shall be primarily payable from such revenues derived from gross receipts taxes, and shall be additionally secured by the full faith and credit of the state. No such bonds shall ever be issued in an amount exceeding ninety percent of the amount *that* ~~which~~ the state board determines can be serviced by the revenues derived from the gross receipts taxes accruing thereafter under the provisions of this *paragraph* ~~subsection (a)(2)~~, and such determination shall be conclusive.

f. The moneys in the capital outlay fund in each fiscal year shall be used only for the following purposes and in the following order of priority:

1.~~a.~~ For the payment of the principal of and interest on any bonds due in such fiscal year;

2.~~b.~~ For the deposit into any reserve funds provided for in the proceedings authorizing the issuance of bonds of any amounts required to be deposited in such reserve funds in such fiscal year;

3.~~c.~~ For direct payment of the cost or any part of the cost of any capital project for the state system theretofore authorized by the legislature, or for the purchase or redemption of outstanding bonds in accordance with the provisions of the proceedings *that* ~~which~~ authorized the issuance of such bonds, or for the purpose of maintaining, restoring, or repairing existing public educational facilities.

(b) REFUNDING BONDS.—Revenue bonds to finance the cost of state capital projects issued prior to the date this revision becomes effective, including projects of the Florida state turnpike authority or its successor but excluding all portions of the state highway system, may be refunded as provided by law without vote of the electors at a lower net average interest cost rate by the issuance of bonds maturing not later than the obligations refunded, secured by the same revenues only.

(c) MOTOR VEHICLE FUEL TAXES.—

(1) A state tax, designated "second gas tax," of two cents per gallon upon gasoline and other like products of petroleum and an equivalent tax upon other sources of energy used to propel motor vehicles as levied by Article IX, section 16, of the constitution of 1885, as amended, is hereby continued. The proceeds of said tax shall be placed monthly in the state roads distribution fund in the state treasury.

(2) Article IX, section 16, of the constitution of 1885, as amended, is adopted by this reference as a part of this revision as completely as though incorporated herein verbatim for the purpose of providing that after the effective date of this revision the proceeds of the "second gas tax" as referred to therein shall be allocated among the several counties in accordance with the formula stated therein to the extent necessary to comply with all obligations to or for the benefit of holders of bonds, revenue certificates, and tax anticipation certificates or any refundings thereof secured by any portion of the "second gas tax."

(3) No funds anticipated to be allocated under the formula stated in Article IX, section 16, of the constitution of 1885, as amended, shall be pledged as security for any obligation hereafter issued or entered into, except that any outstanding obligations previously issued pledging revenues allocated under said Article IX, section 16, may be refunded at a lower average net interest cost rate by the issuance of refunding bonds, maturing not later than the obligations refunded, secured by the same revenues and any other security authorized in paragraph (5) ~~of this subsection~~.

(4) Subject to the requirements of paragraph (2) ~~of this subsection~~ and after payment of administrative expenses, the "second gas tax" shall be allocated to the account of each of the several counties in the amounts to be determined as follows: There shall be an initial allocation of one-fourth in the ratio of county area to state area, one-fourth in the ratio of the total county population to the total population of the state in accordance with the latest available federal census, and one-half in the ratio of the total "second gas tax" collected on retail sales or use in each county to the total collected in all counties of the state during the previous fiscal year. If the annual debt service requirements of any obligations issued for any county, including any deficiencies for prior years, secured under paragraph (2) ~~of this subsection~~, exceeds the amount *that* ~~which~~ would be allocated to that county under the formula set out in this paragraph, the amounts allocated to other counties shall be reduced proportionately.

(5) Funds allocated under paragraphs (2) and (4) ~~of this subsection~~ shall be administered by the state board of administration created under Article IV, section 4. The board shall remit the proceeds of the "second gas tax" in each county account for use in said county as follows: eighty *percent* ~~per cent~~ to the state agency supervising the state road system and twenty *percent* ~~per cent~~ to the governing body of the county. The percentage allocated to the county may be increased by general law. The proceeds of the "second gas tax" subject to allocation to the several counties under this paragraph ~~(5)~~ shall be used first, for the payment of obligations pledging revenues allocated pursuant to Article IX, section 16, of the constitution of 1885, as amended, and any refundings thereof; second, for the payment of debt service on bonds issued as provided by this paragraph (5) to finance the acquisition and construction of roads as defined by law; and third, for the acquisition and construction of roads and for road maintenance as authorized by law. When authorized by law, state bonds pledging the full faith and credit of the state may be issued without any election *to*:

a. ~~(i) to~~ Refund obligations secured by any portion of the "second gas tax" allocated to a county under Article IX, section 16, of the constitution of 1885, as amended.~~;~~

b. ~~(ii) to~~ Finance the acquisition and construction of roads in a county when approved by the governing body of the county and the state agency supervising the state road system.~~;~~

c. ~~and (iii) to~~ Refund obligations secured by any portion of the "second gas tax" allocated under paragraph ~~9(c)~~(4).

No such bonds shall be issued unless a state fiscal agency created by law has made a determination that in no state fiscal year will the debt service requirements of the bonds and all other bonds secured by the pledged portion of the "second gas tax" allocated to the county exceed seventy-five *percent* ~~per cent~~ of the pledged portion of the "second gas tax" allocated to that county for the preceding state fiscal year, of the pledged net tolls from existing facilities collected in the preceding state fiscal year, and of the annual average net tolls anticipated during the first five state fiscal years of operation of new projects to be financed, and of any other legally available pledged revenues collected in the preceding state fiscal year. Bonds issued pursuant to this subsection shall be payable primarily from the pledged tolls, the pledged portions of the "second gas tax" allocated to that county, and any other pledged revenue, and shall mature not later than forty years from the date of issuance.

(d) SCHOOL BONDS.—

(1) Article XII, section *7(d),* ~~9, Subsection (d)~~ of this constitution, as amended~~,~~ (which, by reference, adopted Article XII, section 18, of the constitution of 1885, as amended)*,* as the same existed immediately before the effective date of this amendment is adopted by this reference as part of this amendment as completely as though incorporated herein verbatim, for the purpose of providing that after the effective date of this amendment the first proceeds of the revenues derived from the licensing of motor vehicles as referred to therein shall be distributed annually among the several counties in the ratio of the number of instruction units in each county, the same being *coterminous* ~~coterminus~~ with the school district of each county as provided in Article IX, section *4(a),* ~~4, Subsection (a)~~ of this constitution, in each year computed as provided therein to the extent necessary to comply with all obligations to or for the benefit of holders of bonds or motor vehicle tax anticipation certificates issued before the effective date of this amendment or any refundings thereof *that* ~~which~~ are secured by any portion of such revenues derived from the licensing of motor vehicles.

(2) No funds anticipated to be distributed annually among the several counties under the formula stated in Article XII, section *7(d),* ~~9, Subsection (d)~~ of this constitution, as amended, as the same existed immediately before the effective date of this amendment shall be pledged as security for any obligations hereafter issued or entered into, except that any outstanding obligations previously issued pledging such funds may be refunded by the issuance of refunding bonds.

(3) Subject to the requirements of *paragraph (d)(1)* ~~paragraph (1) of this subsection (d)~~ beginning July 1, 1973, the first proceeds of the revenues derived from the licensing of motor vehicles (hereinafter called "motor vehicle license revenues") to the extent necessary to comply with the provisions of this amendment, shall, as collected, be placed monthly in the school district and community college district capital outlay and debt service fund in the state treasury and used only as provided in this amendment. Such revenue shall be distributed annually among the several school districts and community college districts in the ratio of the number of instruction units in each school district or community college district in each year computed as provided herein. The amount of the first motor vehicle license revenues to be so set aside in each year and distributed as provided herein shall be an amount equal in the aggregate to the product of six hundred dollars ~~($600)~~ multiplied by the total number of instruction units in all the school districts of Florida for the school fiscal year 1967-68, plus an amount equal in the aggregate to the product of eight hundred dollars ~~($800)~~ multiplied by the total number of instruction units in all the school districts of Florida for the school fiscal year 1972-73 and for each school fiscal year thereafter *that* ~~which~~ is in excess of the total number of such instruction units in all the school districts of Florida for the school fiscal year 1967-68, such excess units being designated "growth units." The amount of the first motor vehicle license revenues to be so set aside in each year and distributed as provided herein shall additionally be an amount equal in the aggregate to the product of four hundred dollars ~~($400)~~ multiplied by the total number of instruction units in all community college districts of Florida. The number of instruction units in each school district or community college district in each year for the purposes of this amendment shall be the greater of*:*

a.~~(1)~~ The number of instruction units in each school district for the school fiscal year 1967-68 or community college district for the school fiscal year 1968-69 computed in the manner heretofore provided by general law*;* ~~,or~~

b.~~(2)~~ The number of instruction units in such school district, including growth units, or community college district for the school fiscal year computed in the manner heretofore or hereafter provided by general law and approved by the state board of education (hereinafter called the state board)*;*~~,~~ or

c.~~(3)~~ The number of instruction units in each school district, including growth units, or community college district on behalf of which the state board has issued bonds or motor vehicle license revenue anticipation certificates under this amendment *that* ~~which~~ will produce sufficient revenues under this amendment to equal one and twelve-hundredths (1.12) times the aggregate amount of principal of and interest on all bonds or motor vehicle license revenue anticipation certificates issued under this amendment *that* ~~which~~ will mature and become due in such year, computed in the manner heretofore or hereafter provided by general law and approved by the state board.

(4) Such funds so distributed shall be administered by the state board as now created and constituted by *Article IX,* section 2*,* ~~of Article IX~~ of *this* ~~the State~~ constitution ~~as revised in 1968~~, or by such other instrumentality of the state *that* ~~which~~ shall hereafter succeed by law to the powers, duties*,* and functions of the state board, including the powers, duties*,* and functions of the state board provided in this amendment. For the purposes of this amendment, said state board shall be a body corporate and shall have all the powers provided in this amendment in addition to all other constitutional and statutory powers related to the purposes of this amendment heretofore or hereafter conferred upon said state board.

(5) The state board shall, in addition to its other constitutional and statutory powers, have the management, control*,* and supervision of the proceeds of the first motor vehicle license revenues provided for in this subsection ~~(d)~~. The state board shall also have power, for the purpose of obtaining funds for the use of any school board of any school district or board of trustees of any community college district in acquiring, build-

ing, constructing, altering, remodeling, improving, enlarging, furnishing, equipping, maintaining, renovating, or repairing of capital outlay projects for school purposes to issue bonds or motor vehicle license revenue anticipation certificates, and also to issue such bonds or motor vehicle license revenue anticipation certificates to pay, fund, or refund any bonds or motor vehicle license revenue anticipation certificates theretofore issued by said state board. All such bonds or motor vehicle license revenue anticipation certificates shall bear interest at not exceeding the rate provided by general law and shall mature not later than thirty years after the date of issuance thereof. The state board shall have power to determine all other details of the bonds or motor vehicle license revenue anticipation certificates and to sell in the manner provided by general law, or exchange the bonds or motor vehicle license revenue anticipation certificates, upon such terms and conditions as the state board shall provide.

(6) The state board shall also have power to pledge for the payment of the principal of and interest on such bonds or motor vehicle license revenue anticipation certificates, including refunding bonds or refunding motor vehicle license revenue anticipation certificates, all or any part from the motor vehicle license revenues provided for in this amendment and to enter into any covenants and other agreements with the holders of such bonds or motor vehicle license revenue anticipation certificates at the time of the issuance thereof concerning the security thereof and the rights of the holders thereof, all of which covenants and agreements shall constitute legally binding and irrevocable contracts with such holders and shall be fully enforceable by such holders in any court of competent jurisdiction.

(7) No such bonds or motor vehicle license revenue anticipation certificates shall ever be issued by the state board, except to refund outstanding bonds or motor vehicle license revenue anticipation certificates, until after the adoption of a resolution requesting the issuance thereof by the school board of the school district or board of trustees of the community college district on behalf of which the obligations are to be issued. The state board of education shall limit the amount of such bonds or motor vehicle license revenue anticipation certificates *that* ~~which~~ can be issued on behalf of any school district or community college district to ninety percent ~~(90%)~~ of the amount *that* ~~which~~ it determines can be serviced by the revenue accruing to the school district or community college district under the provisions of this amendment, and shall determine the reasonable allocation of the interest savings from the issuance of refunding bonds or motor vehicle license revenue anticipation certificates, and such determinations shall be conclusive. All such bonds or motor vehicle license revenue anticipation certificates shall be issued in the name of the state board of education but shall be issued for and on behalf of the school board of the school district or board of trustees of the community college district requesting the issuance thereof, and no election or approval of qualified electors shall be required for the issuance thereof.

(8) The state board shall in each year use the funds distributable pursuant to this amendment to the credit of each school district or community college district only in the following manner and in order of priority:

a. To comply with the requirements of *paragraph (d)(1)* ~~paragraph (1) of this subsection (d)~~.

b. To pay all amounts of principal and interest due in such year on any bonds or motor vehicle license revenue anticipation certificates issued under the authority hereof, including refunding bonds or motor vehicle license revenue anticipation certificates, issued on behalf of the school board of such school district or board of trustees of such community college district; subject, however, to any covenants or agreements made by the state board concerning the rights between holders of different issues of such bonds or motor vehicle license revenue anticipation certificates, as herein authorized.

c. To establish and maintain a sinking fund or funds to meet future requirements for debt service or reserves therefor, on bonds or motor vehicle license revenue anticipation certificates issued on behalf of the school board of such school district or board of trustees of such community college district under the authority hereof, whenever the state board shall deem it necessary or advisable, and in such amounts and under such terms and conditions as the state board shall in its discretion determine.

d. To distribute annually to the several school boards of the school districts or the boards of trustees of the community college districts for use in payment of debt service on bonds heretofore or hereafter issued by any such school boards of the school districts or boards of trustees of the community college districts where the proceeds of the bonds were used, or are to be used, in the acquiring, building, constructing, altering, remodeling, improving, enlarging, furnishing, equipping, maintaining, renovating, or repairing of capital outlay projects in such school districts or community college districts and which capital outlay projects have been approved by the school board of the school district or board of trustees of the community college district, pursuant to the most recent survey or surveys conducted under regulations prescribed by the state board to determine the capital outlay needs of the school district or community college district. The state board shall have power at the time of issuance of any bonds by any school board of any school district or board of trustees of any community college district to covenant and agree with such school board or board of trustees as to the rank and priority of payments to be made for different issues of bonds under this subparagraph ~~d.~~, and may further agree that any amounts to be distributed under this subparagraph ~~d.~~ may be pledged for the debt service on bonds issued by any school board of any school district or board of trustees of any community college district and for the rank and priority of such pledge. Any such covenants or agreements of the state board may be enforced by any holders of such bonds in any court of competent jurisdiction.

e. To pay the expenses of the state board in administering this subsection ~~(d)~~, which shall be prorated among the various school districts and community college districts and paid out of the proceeds of the bonds or motor vehicle license revenue anticipation certificates or from the funds distributable to each school district and community college district on the same basis as such motor vehicle license revenues are distributable to the various school districts and community college districts.

f. To distribute annually to the several school boards of the school districts or boards of trustees of the community college districts for the payment of the cost of acquiring, building, constructing, altering, remodeling, improving, enlarging, furnishing, equipping, maintaining, renovating, or repairing of capital outlay projects for school purposes in such school district or community college district as shall be requested by resolution of the school board of the school district or board of trustees of the community college district.

g. When all major capital outlay needs of a school district or community college district have been met as determined by the state board, on the basis of a survey made pursuant to regulations of the state board and approved by the state board, all such funds remaining shall be distributed annually and used for such school purposes in such school district or community college district as the school board of the school district or board of trustees of the community college district shall determine, or as may be provided by general law.

(9) Capital outlay projects of a school district or community college district shall be eligible to participate in the funds accruing under this amendment and derived from the proceeds of bonds and motor vehicle license revenue anticipation certificates and from the motor vehicle license revenues, only in the order of priority of needs, as shown by a survey or surveys conducted in the school district or community college district under regulations prescribed by the state board, to determine the capital outlay needs of the school district or community college district and approved by the state board; provided that the priority of such projects may be changed from time to time upon the request of the school board of the school district or board of trustees of the community college district and with the approval of the state board; and provided, further, that this paragraph ~~(9)~~ shall not in any manner affect any covenant, agreement, or pledge made by the state board in the issuance by said state board of any bonds or motor vehicle license revenue anticipation certificates, or in connection with the issuance of any bonds of any school board of any school district or board of trustees of any community college district.

(10) The state board shall have power to make and enforce all rules and regulations necessary to the full exercise of the powers herein granted and no legislation shall be required to render this amendment of full force and operating effect. The legislature shall not reduce the levies of said motor vehicle license revenues during the life of this amendment to any degree *that* ~~which~~ will fail to provide the full amount necessary to comply with the provisions of this amendment and pay the

necessary expenses of administering the laws relating to the licensing of motor vehicles, and shall not enact any law having the effect of withdrawing the proceeds of such motor vehicle license revenues from the operation of this amendment and shall not enact any law impairing or materially altering the rights of the holders of any bonds or motor vehicle license revenue anticipation certificates issued pursuant to this amendment or impairing or altering any covenant or agreement of the state board, as provided in such bonds or motor vehicle license revenue anticipation certificates.

(11) Bonds issued by the state board pursuant to this subsection ~~(d)~~ shall be payable primarily from said motor vehicle license revenues as provided herein, and if heretofore or hereafter authorized by law, may be additionally secured by pledging the full faith and credit of the state without an election. When heretofore or hereafter authorized by law, bonds issued pursuant to Article XII, section 18, of the constitution of 1885, as amended prior to 1968, and bonds issued pursuant to Article XII, section *7(d),* ~~9, subsection (d)~~ of *this* ~~the~~ constitution ~~as revised in 1968~~, and bonds issued pursuant to this subsection ~~(d)~~, may be refunded by the issuance of bonds additionally secured by the full faith and credit of the state.

(e) DEBT LIMITATION.—Bonds issued pursuant to this section ~~9~~ of Article XII *that* ~~which~~ are payable primarily from revenues pledged pursuant to this section shall not be included in applying the limits upon the amount of state bonds contained in Section 11, Article VII, of this revision.

SECTION *8* ~~10~~. *Preservation of constitutional provisions as statutes.—*

(a) The following provisions of the State Constitution, as they existed on November 6, 2006, shall become statutes:

(1) Article I, section 26, notwithstanding Article V, section 15.

(2) Article X, section 21.

(3) Article X, section 25.

(4) Article X, section 26.

(b) The Division of Statutory Revision shall codify a provision made statutory law by subsection (a) in the manner described in s. 11.242, Florida Statutes (2005). The Division of Statutory Revision may make alterations to a provision described in subsection (a) to reflect its status as statutory law, but the effect of the provision must be preserved.

(c) Until January 2, 2015, the legislature may not modify, repeal, or act inconsistent with a provision made statutory law by this section except by a three-fourths vote of the membership of each house. ~~Preservation of existing government.—All provisions of Articles I through IV, VII and IX through XX of the Constitution of 1885, as amended, not embraced herein which are not inconsistent with this revision shall become statutes subject to modification or repeal as are other statutes.~~

SECTION *9* ~~11~~. Deletion of obsolete schedule items.—The legislature shall have power, by joint resolution, to delete from this *article* ~~revision~~ any section ~~of this Article XII~~, including this section, when all events to which the section to be deleted is or could become applicable have occurred. A legislative determination of fact made as a basis for application of this section shall be subject to judicial review.

SECTION *10* ~~12~~. Senators.—The requirements of staggered terms of senators in *Article III,* section 15(a), ~~of Article III of this revision~~ shall apply only to senators elected in November~~,~~ 1972, and thereafter.

SECTION *11* ~~13~~. Legislative apportionment.—The requirements of legislative apportionment in *Article III,* section 16, ~~of Article III of this revision~~ shall apply only to the apportionment of the legislature following the decennial census of 1970, and thereafter.

SECTION *12* ~~14~~. Representatives; terms.—The legislature at its first regular session following the ratification of this revision, by joint resolution, shall propose to the electors of the state for ratification or rejection in the general election of 1970 an amendment to Article III, section 15(b), ~~of the constitution~~ providing staggered terms of four years for members of the house of representatives.

SECTION *13* ~~15~~. Special district taxes.—Ad valorem taxing power vested by law in special districts existing when this revision becomes effective shall not be abrogated by *Article VII,* section 9(b) ~~of Article VII herein~~, but such powers, except to the extent necessary to pay outstanding debts, may be restricted or withdrawn by law.

~~SECTION 16. Reorganization.—The requirement of Section 6, Article IV of this revision shall not apply until July 1, 1969.~~

SECTION *14* ~~17~~. Conflicting provisions.—This schedule is designed to effect the orderly transition of government from the constitution of 1885, as amended, to this revision and shall control in all cases of conflict with any part of Article I through IV, VII, and IX through XI herein.

~~SECTION 18. Bonds for housing and related facilities.—Section 16 of Article VII, providing for bonds for housing and related facilities, shall take effect upon approval by the electors.~~

~~SECTION 19. Renewable energy source property.—The amendment to Section 3 of Article VII, relating to an exemption for a renewable energy source device and real property on which such device is installed, if adopted at the special election in October 1980, shall take effect January 1, 1981.~~

~~SECTION 20. Access to public records.—Section 24 of Article I, relating to access to public records, shall take effect July 1, 1993.~~

SECTION *15* ~~21~~. State revenue limitation.—The amendment to *Article VII,* section 1, ~~of Article VII~~ limiting state revenues shall take effect January 1, 1995, and shall first be applicable to state fiscal year 1995-1996.

SECTION *16* ~~22~~. Historic property exemption and assessment.—The amendments to *Article VII,* Sections 3 and 4, ~~of Article VII~~ relating to ad valorem tax exemption for, and assessment of, historic property shall take effect January 1, 1999.

SECTION *17* ~~23~~. Fish and wildlife conservation commission.—

(a) The initial members of the commission shall be the members of the game and fresh water fish commission and the marine fisheries commission who are serving on those commissions on the effective date of this amendment, who may serve the remainder of their respective terms. New appointments to the commission shall not be made until the retirement, resignation, removal, or expiration of the terms of the initial members results in fewer than seven members remaining.

(b) The jurisdiction of the marine fisheries commission as set forth in statutes in effect on March 1, 1998, shall be transferred to the fish and wildlife conservation commission. The jurisdiction of the marine fisheries commission transferred to the commission shall not be expanded except as provided by general law. All rules of the marine fisheries commission and game and fresh water fish commission in effect on the effective date of this amendment shall become rules of the fish and wildlife conservation commission until superseded or amended by the commission.

(c) On the effective date of this amendment, the marine fisheries commission and game and fresh water fish commission shall be abolished.

(d) This amendment shall take effect July 1, 1999.

SECTION *18* ~~24~~. Executive branch reform.—

(a) The amendments contained in this revision shall take effect January 7, 2003, but shall govern with respect to the qualifying for and the holding of primary elections in 2002. The office of chief financial officer shall be a new office as a result of this revision.

(b) In the event the secretary of state is removed as a cabinet office in the 1998 general election, the term "custodian of state records" shall be substituted for the term "secretary of state" throughout *this* ~~the~~ constitution and the duties previously performed by the secretary of state shall be as provided by law.

~~SECTION 25. Schedule to Article V amendment.—~~

~~(a) Commencing with fiscal year 2000-2001, the legislature shall appropriate funds to pay for the salaries, costs, and expenses set forth~~

~~in the amendment to Section 14 of Article V pursuant to a phase-in schedule established by general law.~~

~~(b) Unless otherwise provided herein, the amendment to Section 14 shall be fully effectuated by July 1, 2004.~~

SECTION 19. Amendments adopted during the 2006 General Election.—Any amendment to the State Constitution adopted during the 2006 General Election shall be incorporated into this revision as if the amendment originally had been included in this revision.

SECTION 20. Statutory initiative implementation.—Legislation implementing Article III, section 19, must take effect no later than July 1, 2008.

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

CONSTITUTIONAL REVISION
MULTIPLE ARTICLES

REPEAL OF OBSOLETE PROVISIONS; LEGISLATION BY STATUTORY INITIATIVE; PRESERVATION OF CONSTITUTIONAL PROVISIONS AS STATUTES.—Proposing a revision of the State Constitution to correct spelling errors, punctuation errors, and grammatical errors, repeal obsolete provisions, repeal provisions that violate the United States Constitution, and make technical changes; to correct an erroneous filing date in Article XI, section 6(e), which relates to the Taxation and Budget Reform Commission; to require the legislature to provide by law effective by July 1, 2008, for a statutory initiative process by which citizens may propose statutes; and to provide for the repeal of certain constitutional provisions and their preservation as statutes. The statutory initiative process and the repeal and preservation of certain constitutional provisions as statutes are described in detail below.

ARTICLE III, SECTION 19 and ARTICLE XII, SECTION 20

Statutory initiative and implementation.--Proposing the creation of new sections of the State Constitution to require the legislature to prescribe a process by law effective no later than July 1, 2008, by which citizens may propose statutes; to provide that the statutory initiative process is subject to conditions, limitations, and exceptions prescribed by the legislature; and to provide that a statute originating as a statutory initiative may not be amended or repealed by the legislature for five years after its adoption, except upon a two-thirds vote of both houses of the legislature.

ARTICLE XII, SECTION 8

Preservation of constitutional provisions as statutes.—Proposing to repeal the following provisions from the State Constitution, codify them in the Florida Statutes, and prohibit the Legislature from modifying, repealing, or acting inconsistently with those statutes until January 2, 2015, except upon a three-fourths vote of both houses of the Legislature:

ARTICLE I, SECTION 26

Claimant's right to fair compensation.—This provision provides that an injured claimant who enters into a contingency fee agreement with an attorney in a claim for medical liability is entitled to no less than 70 percent of the first $250,000.00 in all damages received by the claimant, and 90 percent of damages in excess of $250,000.00, exclusive of reasonable and customary costs and regardless of the number of defendants.

ARTICLE X, SECTION 21

Limiting cruel and inhumane confinement of pigs during pregnancy.—This provision makes it unlawful to confine a pig during pregnancy in a cage, crate or other enclosure, or tether a pregnant pig, on a farm so that the pig is prevented from turning around freely, except for veterinary purposes and during the prebirthing period.

ARTICLE X, SECTION 25

Patients' right to know about adverse medical incidents.—This provision gives patients the right to review, upon request, records of health care facilities' or providers' adverse medical incidents, including those which could cause injury or death.

ARTICLE X, SECTION 26

Prohibition of medical license after repeated medical malpractice.—This provision prohibits medical doctors who have been found to have committed three or more incidents of medical malpractice from being licensed to practice medicine in Florida.

—and **CS for SJR 1918** as amended was passed by the required constitutional three-fifths vote of the membership, 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

Vote after roll call:

Yea to Nay—Argenziano

Votes Recorded:

May 9, 2006: Yea to Nay—Rich

HB 7115—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding autopsy photographs and video and audio recordings; amending s. 406.135, F.S., which provides an exemption from public records requirements for photographs and video and audio recordings of an autopsy in the custody of a medical examiner; reorganizing the section and making editorial changes; removing the scheduled repeal of the exemption; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **HB 7115** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Sebesta, Smith

HB 7089—A bill to be entitled An act relating to facilities for retained spring training franchises; amending s. 212.20, F.S.; revising a limitation on certain distributions to certified facilities for a retained spring

training franchise; deleting a provision entitling an applicant to receive certain distributions without additional certification; amending s. 288.1162, F.S.; requiring the Office of Tourism, Trade, and Economic Development to competitively evaluate applications for funding of certain additional facilities; providing application and certification requirements; specifying evaluation criteria; revising the number of certifications of such facilities; providing an effective date.

—as amended May 3 was read the third time by title.

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 4 (613184)(with title amendment)—Lines 230-246, delete those lines and insert:

(7)*(a)* The Office of Tourism, Trade, and Economic Development shall notify the Department of Revenue of any facility certified as a facility for a new professional sports franchise or a facility for a retained professional sports franchise or as a facility for a retained spring training franchise. The Office of Tourism, Trade, and Economic Development shall certify no more than eight facilities as facilities for a new professional sports franchise or as facilities for a retained professional sports franchise ~~and shall certify at least five as facilities for retained spring training franchises~~, including in such total any facilities certified by the Department of Commerce before July 1, 1996. *The number of facilities certified as a retained spring training franchise shall be as provided in subsection (5).* The office may make no more than one certification for any facility. The office may not certify funding for less than the requested amount to any applicant certified as a facility for a retained spring training franchise.

(b) The eighth certification of an applicant under this section as a facility for a new professional sports franchise or a facility for a retained professional sports franchise shall be for a franchise that is a member of the National Basketball Association, has been located within the state since 1987, and has not been previously certified. This paragraph is repealed July 1, 2010.

And the title is amended as follows:

Line 13, after the semicolon (;) insert: providing additional requirements with respect to certification as a facility for a new professional sports franchise or a facility for a retained professional sports franchise; providing for repeal of the requirements by a specified date;

On motion by Senator Fasano, **HB 7089** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—2

King	Klein

Vote after roll call:

Yea—Margolis

Consideration of **HB 615** was deferred.

HB 7105—A bill to be entitled An act relating to the taxation of alcoholic beverages; amending s. 561.121, F.S.; deleting provisions crediting specified taxes on alcoholic beverages to accounts funding substance abuse programs for children and adolescents; providing for future deletion of a provision providing for payment and credit of alcoholic beverage surcharge funds to the General Revenue Fund to conform; terminating the Children and Adolescents Substance Abuse Trust Fund within the Department of Children and Family Services; providing for disposition of balances in and revenues of such trust fund; amending s. 215.20, F.S.; conforming provisions to the repeal of the trust fund; amending s. 561.501, F.S.; deleting a provision imposing a surcharge on alcoholic beverages sold for consumption on the premises; amending s. 561.025, F.S., to conform; providing for future repeal of s. 561.501, F.S., relating to the collection of the alcoholic beverage surcharge; providing an appropriation; providing effective dates.

—as amended May 3 was read the third time by title.

On motion by Senator Fasano, **HB 7105** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla, Sebesta

HB 113—A bill to be entitled An act relating to judges; amending s. 26.031, F.S.; revising the number of circuit court judges in certain circuits; amending s. 34.022, F.S.; revising the number of county court judges in certain counties; amending s. 35.06, F.S.; revising the number of appellate court judges in certain appellate districts; providing appropriations and authorizing positions; providing effective dates.

—as amended May 3 was read the third time by title.

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

Yeas—40

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

Villalobos	Wilson	Wise
Webster		

Nays—None

HB 69—A bill to be entitled An act relating to exemptions from the tax on sales, use, and other transactions; providing a short title; providing legislative findings and purpose; amending s. 212.08, F.S.; deleting an annual limitation on an exemption from the sales tax for certain machinery and equipment used to increase productive output; deleting an exemption for machinery and equipment used to expand certain printing manufacturing facilities or plant units; deleting a limitation on application of the exemption for machinery and equipment purchased for use in phosphate or other solid minerals severance, mining, or processing operations by way of a prospective credit; deleting an annual limitation on an exemption from the sales tax for certain machinery and equipment purchased under a federal procurement contract; repealing s. 212.0805, F.S., relating to qualifications for the exemption and credit for machinery and equipment purchased by an expanding business for use in phosphate or other solid minerals severance, mining, or processing operations; providing an appropriation; providing an effective date.

—was read the third time by title.

On motion by Senator Atwater, **HB 69** was passed and certified to the House. The vote on passage was:

Yeas—38

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	Klein	Webster
Constantine	Lawson	Wise
Crist	Margolis	

Nays—None

Vote after roll call:

Yea—Lynn

HB 471—A bill to be entitled An act relating to fish and wildlife; amending s. 370.01, F.S.; defining the term "commercial harvester"; amending s. 370.021, F.S.; providing for base penalties; conforming penalty provisions for commercial harvesters; providing penalties for persons other than commercial harvesters; conforming provisions relating to the spiny lobster; amending s. 370.028, F.S.; conforming penalty provisions; amending s. 370.061, F.S.; correcting a cross-reference; amending ss. 370.063, 370.08, 370.081, 370.1105, 370.1121, 370.13, 370.135, 370.14, and 370.142, F.S.; conforming penalty provisions for commercial harvesters; providing penalties for persons other than commercial harvesters; conforming provisions relating to the spiny lobster; deleting obsolete provisions; amending s. 372.562, F.S.; conforming a provision providing an exemption from fees and requirements; amending s. 372.57, F.S.; specifying seasonal recreational activities for which a license or permit is required; increasing fees for certain licenses to conform; providing a fee for a crossbow season permit; providing for crossbow season permits; providing penalties for the production, possession, and use of fraudulent fishing and hunting licenses; providing penalties for the taking of game and fish with a suspended or revoked license; conforming provisions relating to the spiny lobster; amending s. 372.5704, F.S.; conforming penalty provisions; amending ss. 372.571 and 372.573, F.S.; correcting cross-references; amending s. 372.5717, F.S.; authorizing the Fish and Wildlife Conservation Commission to defer the hunter safety education course requirement for a specified time period and for a specified number of times; providing for a special authorization and conditions to hunt using a hunter safety education deferral; deleting the mandatory minimum number of instructional hours for persons required to take the hunter safety education course; providing an exemption for the display of hunter safety education certificates; providing penalties; amending s. 372.83, F.S.; revising the penalties for violations of rules, orders, and regulations of the Fish and Wildlife Conservation Commission; creating penalties for recreational violations of certain saltwater fishing regulations established in ch. 370, F.S.; providing for court appearances in certain circumstances; providing for Level One, Level Two, Level Three, and Level Four offenses; providing for enhanced penalties for multiple violations; providing for suspension and revocation of licenses and permits, including exemptions from licensing and permit requirements; defining the term "conviction" for purposes of penalty provisions; creating s. 372.935, F.S.; providing penalties for violations involving captive wildlife and poisonous or venomous reptiles; specifying violations that constitute noncriminal infractions or second-degree misdemeanors; amending ss. 372.26, 372.265, 372.661, 372.662, 372.667, 372.705, 372.988, 372.99022, 372.99, and 372.9903, F.S.; conforming penalty provisions; amending s. 921.0022, F.S.; deleting certain Level One offense designations; creating s. 372.831, F.S.; creating the Wildlife Violators Compact; providing findings and purposes; providing definitions; providing procedures for states issuing citations for wildlife violations; providing requirements for the home state of a violator; providing for reciprocal recognition of a license suspension; providing procedures for administering the compact; providing for entry into and withdrawal from the compact; providing for construction of the compact and for severability; creating s. 372.8311, F.S.; providing for enforcement of the compact by the Fish and Wildlife Conservation Commission; providing that actions committed or omitted by the Fish and Wildlife Conservation Commission in enforcing the compact are subject to review under ch. 120, F.S.; requiring that the Fish and Wildlife Conservation Commission update the automated licensing system by August 1, 2006; repealing s. 372.711, F.S., relating to noncriminal infractions; repealing s. 372.912, F.S.; relating to poisonous or venomous reptile hunts; providing an effective date.

—was read the third time by title.

On motion by Senator Baker, **HB 471** 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

Consideration of **HB 1039** was deferred.

HB 1249—A bill to be entitled An act relating to funding for oyster management and restoration programs in Apalachicola Bay and other areas; amending s. 201.15, F.S.; increasing the distribution of certain revenues from the excise tax on documents; authorizing the distribution of such revenues to the General Inspection Trust Fund of the Department of Agriculture and Consumer Services; providing for such funds to be used for oyster management and restoration programs in Apalachicola Bay and other areas; amending s. 370.07, F.S.; abolishing a surcharge upon oysters harvested from Apalachicola Bay; deleting certain requirements related to the surcharge; providing for the use of moneys from the General Inspection Trust Fund for oyster management and restoration programs in Apalachicola Bay and other areas; prohibiting the Department of Revenue from collecting uncollected moneys payable from the surcharge; amending s. 213.05, F.S., to conform; providing effective dates.

—was read the third time by title.

On motion by Senator Lawson, **HB 1249** 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 7079—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 207.008, F.S.; revising requirements for motor carriers to retain certain records as required by the Department of Highway Safety and Motor Vehicles for tax purposes; amending s. 207.021, F.S.; authorizing the department to adopt rules establishing informal conferences to resolve disputes with motor carriers arising from the assessment of taxes, penalties, or interest or the denial of refunds; specifying certain rights of the motor carrier; providing for closing agreements to settle or compromise the taxpayer's liability; providing conditions for settlement or compromise; authorizing installment payment to settle liability; amending s. 261.10, F.S.; limiting liability of state agencies, water management districts, counties, and municipalities, and officers and employees thereof, providing off-highway vehicle recreation areas; creating s. 261.20, F.S.; authorizing operation of off-highway vehicles on public lands; providing requirements for operation by certain minors; requiring supervision, a certificate of completion of a safety education course, and certain safety equipment; providing exceptions; requiring approval by the Department of Agriculture and Consumer Services of the courses; requiring certain equipment on off-highway vehicles; providing for exceptions to equipment requirements by rule of the department; prohibiting certain acts; providing penalties; providing exemptions; amending s. 316.003, F.S.; revising the definition of "saddle mount" to provide for a full mount; amending s. 316.0085, F.S.; revising provisions for risks of certain activities on government-owned property to include mountain and off-road bicycling; revising definitions; providing for limitations on liability of the governmental entity; providing exceptions to the limitations; providing for assumption of risks by the person engaged in the activity; providing responsibilities of the participants; amending s. 316.1001, F.S.; revising procedures for disposition of citations issued for failure to pay a toll; providing for violations involving leased vehicles; amending s. 316.1955, F.S.; providing for responsibility for certain parking violations involving leased vehicles; amending s. 316.2015, F.S.; revising restrictions on riding on the exterior of a vehicle; removing an exception; providing exceptions to restrictions on riding in areas of a vehicle not intended for passengers; amending s. 316.2095, F.S.; deleting a requirement that certain motorcycles be equipped with passenger handholds; amending s. 316.211, F.S.; requiring motorcycles registered to certain persons to display a license plate that is unique in design and color; providing penalties; creating s. 316.2123, F.S.; prohibiting operation of all-terrain vehicles on public roads and streets; providing an exception for operation on described roadways; providing conditions; requiring the operator to provide proof of ownership to a law enforcement officer; providing for a local government to restrict such operation; amending s. 316.2125, F.S.; providing for a local governmental entity to enact an ordinance regarding golf cart operation and equipment that is more restrictive than specified provisions; limiting application of such ordinance to unlicensed drivers; creating s. 316.2128, F.S.; providing notice requirements for commercial sale of motorized scooters and miniature motorcycles; providing a definition; providing that a violation of the notice requirements is an unfair and deceptive trade practice; amending s. 316.221, F.S.; providing an exemption from certain taillamp requirements for dump trucks and vehicles with dump bodies; amending s. 316.302, F.S.; updating reference to federal commercial motor vehicle regulations; revising hours-of-service requirements for certain intrastate motor carriers; revising conditions for an exemption from commercial driver license requirements; revising weight requirements for application of certain exceptions to specified federal regulations and to operation of certain commercial motor vehicles by persons of a certain age; amending s. 316.515, F.S.; authorizing the Department of Transportation to issue overwidth permits for certain implements of husbandry; authorizing certain uses of forestry equipment; providing width and speed limitations; requiring such vehicles to be operated during daylight hours and in accordance with specified safety requirements; revising length and mount requirements for automobile towaway and driveaway operations; authorizing saddle mount combinations to include one full mount; requiring saddle mount combinations to comply with specified safety regulations; amending s. 318.14, F.S.; providing exceptions to procedures for disposition of citations for certain traffic violations; removing the option for certain offenders to attend driver improvement school; amending s. 318.143, F.S.; revising provisions for court-imposed sanctions on a minor for specified traffic violations; authorizing a court to require a minor and his or her parents or guardian to participate in a registered youthful driver monitoring service; creating s. 318.1435, F.S.; providing for youthful driver monitoring services; providing for registration with the Department of Highway Safety and Motor Vehicles; amending s. 318.18, F.S.; revising penalty provisions to provide for certain criminal penalties; providing increased penalties for certain speed limit violations; defining "conviction" for specified purposes; increasing penalties for violations of vehicle load requirements; imposing a surcharge to be paid for specified traffic-related criminal offenses and all noncriminal moving traffic violations; providing for the proceeds of the surcharge to be used for the state agency law enforcement radio system; amending s. 318.21, F.S.; revising provisions for disposition of civil penalties to provide for distribution of a specified surcharge; amending s. 318.19, F.S.; requiring mandatory hearings for certain speed limit violations; amending s. 318.32, F.S.; revising the powers of civil traffic infraction hearing officers; amending s. 320.015, F.S.; revising provisions relating to the taxation of mobile homes to clarify when specified prefabricated or modular housing units shall be taxed as real property; providing construction with respect to display homes or other inventory being held for sale by a manufacturer or dealer of modular housing units; amending s. 320.02, F.S.; requiring proof of required endorsement on a driver license as a condition for original registration of a motorcycle, motor-driven cycle, or moped; amending s. 320.03, F.S.; revising the requirement to withhold issuance of a license plate or revalidation sticker from certain persons to exempt the owner of a leased vehicle when that vehicle is registered in the name of the lessee; amending s. 320.07, F.S.; providing for responsibility for certain registration violations when the motor vehicle involved is leased and registered in the name of the lessee; amending s. 320.0706, F.S.; revising requirements for display of license plates; providing display requirements for dump trucks; prohibiting display in such a manner that the letters and numbers and their proper sequence are not readily identifiable; amending s. 320.08056, F.S.; establishing an annual use fee for the Future Farmers of America license plate; amending s. 320.08058, F.S.; revising provisions for distribution of revenues received from the sale of Sportsmen's National Land Trust license plates; creating the Future Farmers of America license plate and providing for use of funds received from the sale of the plates; amending s. 320.0807, F.S.; providing for license plates for legislative presiding officers; amending s. 320.089, F.S.; providing for Operation Iraqi Freedom and Operation Enduring Freedom license plates for qualified military personnel; amending s. 320.27, F.S.; revising motor vehicle dealer licensing requirements; revising certain training provisions; correcting terminology; correcting a cross-reference; providing for denial, suspension, or revocation of a license for failure to register a mobile home salesperson; amending s. 320.405, F.S.; authorizing the department to enter into agreements to schedule payments to settle certain liabilities under the International Registration Plan; amending s. 320.77, F.S.; revising mobile home dealer license requirements; defining "mobile home salesperson"; requiring licensees to register salespersons; providing registration criteria and procedures; requiring the licensee to report salesperson separation from employment to the department; amending s. 320.781, F.S.; revising criteria for use of funds in the Mobile Home and Recreational Vehicle Protection Trust Fund to settle a judgment or claim against a mobile home or recreational vehicle dealer or broker for damages, restitution, or expenses; revising conditions for filing a claim and for receiving payment; revising application provisions; amending s. 322.01, F.S.; revising the definition of "driver's license"; defining "identification card," "temporary driver's license," and "temporary identification card"; amending s.

322.05, F.S.; revising requirements for a person who has not attained 18 years of age to be issued a driver license; amending s. 322.051, F.S.; revising the age requirement for issuance of an identification card; revising criteria for proof of the identity and status of an applicant for an identification card; revising the period of issuance for certain temporary identification cards; amending s. 322.08, F.S.; revising criteria for proof of the identity and status of an applicant for a driver license; revising the period of issuance for certain temporary driver licenses or permits; amending s. 322.12, F.S.; requiring all first-time applicants for licensure to operate a motorcycle to provide proof of completion of a motorcycle safety course; amending s. 322.121, F.S.; revising periodic license examination requirements; providing for such testing of applicants for renewal of a license under provisions requiring an endorsement permitting the applicant to operate a tank vehicle transporting hazardous materials; amending s. 322.2615, F.S.; revising provisions for suspension of driver licenses and review of suspension by the department; revising procedures; revising terms of suspension; revising validity of temporary permit issued; revising criteria for notice of the suspension; revising requirements for information provided by the officer to the department; providing that certain materials shall be considered self-authenticating and available to a hearing officer; revising authority of the hearing officer to subpoena and question witnesses; revising provisions for review of the suspension; removing provision for the department and the person arrested to subpoena witnesses; revising provisions for the scope of a review of the suspension; revising duties of the department upon a determination by the hearing officer; revising provisions for issuance of a license for business or employment purposes only; providing for appeal by a law enforcement agency of a department decision invalidating a suspension; providing that the court review may not be used in a trial for driving under the influence; amending s. 322.27, F.S.; providing for an increase in driver license points assessed for certain speed limit violations and for traffic control signal device violations resulting in a crash; defining "conviction" for specified purposes; amending s. 320.08056, F.S.; exempting collegiate license plates from the requirement for maintaining a specified number of license plate registrations; amending s. 316.172, F.S.; providing for school bus stop zones; prohibiting exceeding the posted speed limit within such zones; providing penalties; amending s. 318.18, F.S.; providing a penalty for exceeding the posted speed limit in a school bus stop zone by a certain speed; providing a short title; amending s. 316.006, F.S.; authorizing the board of directors of a homeowner's association to provide for local law enforcement agencies to enforce state traffic laws on private roads that are controlled by the association; amending s. 318.1215, F.S.; increasing the amount of a local option surcharge on traffic penalties; amending s. 318.15, F.S.; providing for the collection of certain service charges by authorized driver licensing agents; amending s. 320.08056, F.S.; exempting collegiate license plates from the requirement for maintaining a specified number of license plate registrations; amending s. 627.733, F.S.; revising security requirements for certain vehicles; amending s. 324.032, F.S.; revising financial responsibility requirements for certain for-hire vehicles; directing the department to study the outsourcing of its driver license services to a provider or other governmental agency, in whole or in part, while retaining responsibility and accountability for the services; requiring that the department submit a report to the Governor and Legislature by a specified date; providing requirements for the department with respect to issues to be included in the study; requiring a cost-benefit analysis and a transition and implementation plan; amending s. 206.606, F.S.; authorizing the use of certain funds for local boating related projects and activities; amending s. 327.59, F.S.; authorizing marina owners, operators, employees, and agents to take actions to secure vessels during severe weather and to charge fees and be held harmless for such service; holding marina operators, employees, and agents liable for damage caused by intentional acts or negligence while removing or securing vessels; authorizing contract provisions and providing contract notice requirements relating to removing or securing vessels; amending s. 327.60, F.S.; providing for local regulation of anchoring within mooring fields; amending s. 328.64, F.S.; requiring the Department of Highway Safety and Motor Vehicles to provide forms for certain notification related to vessels; requiring the department to provide by rule for the surrender and replacement of certificates of registration to reflect change of address; amending s. 328.72, F.S.; requiring counties to use funds for specific boating related purposes; requiring counties to provide reports demonstrating specified expenditure of such funds; providing penalties for failure to comply; amending s. 376.11, F.S.; authorizing the distribution of revenues from the Florida Coastal Protection Trust Fund to all local governments for the removal of certain vessels; amending s. 376.15, F.S.; revising provisions relating to the removal of abandoned and derelict vessels; specifying officers authorized to remove such vessels; providing that certain costs are recoverable; requiring the Department of Legal Affairs to represent the Fish and Wildlife Conservation Commission in certain actions; expanding eligibility for disbursement of grant funds for the removal of certain vessels; amending s. 403.813, F.S.; providing exemptions from permitting, registration, and regulation of floating vessel platforms or floating boat lifts by a local government; authorizing local governments to require certain permits or registration for floating vessel platforms or floating boat lifts under certain circumstances; amending s. 705.101, F.S.; revising the definition of "abandoned property" to include certain vessels; amending s. 705.103, F.S.; revising the terminology relating to abandoned or lost property to conform; amending s. 823.11, F.S.; revising provisions relating to abandoned and derelict vessels and the removal of such vessels; providing a definition of "derelict vessel"; specifying which officers may remove such vessels; directing the Fish and Wildlife Conservation Commission to implement a plan for the procurement of federal disaster funds for the removal of derelict vessels; requiring the Department of Legal Affairs to represent the commission in certain actions; deleting a provision authorizing the commission to delegate certain authority to local governments under certain circumstances; authorizing private property owners to remove certain vessels with required notice; providing that cost of such removal is recoverable; prohibiting private property owners from hindering the removal of certain vessels by vessel owners or agents; providing for jurisdictional imposition of civil penalties for violations relating to certain vessels; providing that riparian rights shall include the right to moor a vessel under certain conditions; providing effective dates.

—as amended May 3 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 (220694)** by Senator Sebesta, as amended, was adopted May 3.

On motion by Senator Baker, the rules were waived and the Senate reconsidered the vote by which **Amendment 1H (280532)** by Senator Baker was adopted May 3.

Senators Baker and Aronberg offered the following substitute amendment for **Amendment 1H** which was moved by Senator Baker and adopted by two-thirds vote:

Amendment 1J (023084)(with directory amendment)—On page 29, before line 1, insert:

(3)(a) Except as otherwise provided in this section, $60 for all moving violations not requiring a mandatory appearance.

(b) For moving violations involving unlawful speed, the fines are as follows:

For speed exceeding the limit by:	Fine:
1-5 m.p.h.	Warning
6-9 m.p.h.	$ 25
10-14 m.p.h.	$100
15-19 m.p.h.	$125
20-29 m.p.h.	$150
30 m.p.h. and above	$250

(c) Notwithstanding paragraph (b), a person cited for exceeding the speed limit by up to 5 m.p.h. in a legally posted school zone will be fined $50. A person exceeding the speed limit in a school zone shall pay a fine double the amount listed in paragraph (b).

(d) A person cited for exceeding the speed limit in a posted construction zone shall pay a fine double the amount listed in paragraph (b). The fine shall be doubled for construction zone violations only if construction personnel are present or operating equipment on the road or immediately adjacent to the road under construction.

(e) If a violation of s. 316.1301 or s. 316.1303 results in an injury to the pedestrian or damage to the property of the pedestrian, an additional fine of up to $250 shall be paid. This amount must be distributed pursuant to s. 318.21.

(f) A person cited for exceeding the speed limit within a zone posted for any electronic or manual toll collection facility shall pay a fine double

the amount listed in paragraph (b). However, no person cited for exceeding the speed limit in any toll collection zone shall be subject to a doubled fine unless the governmental entity or authority controlling the toll collection zone first installs a traffic control device providing warning that speeding fines are doubled. Any such traffic control device must meet the requirements of the uniform system of traffic control devices.

(g) A person cited for a second or subsequent conviction of speed exceeding the limit by 30 miles per hour and above within a 12-month period shall pay a fine that is double the amount listed in paragraph (b). For purposes of this paragraph, the term "conviction" means a finding of guilt as a result of a jury verdict, nonjury trial, or entry of a plea of guilty. Moneys received from the increased fine imposed by this paragraph shall be remitted to the Department of Revenue and deposited into the Department of Health Administrative Trust Fund to provide financial support to certified trauma centers to assure the availability and accessibility of trauma services throughout the state. Funds deposited into the Administrative Trust Fund under this section shall be allocated as follows:

1. Fifty percent shall be allocated equally among all Level I, Level II, and pediatric trauma centers in recognition of readiness costs for maintaining trauma services.

2. Fifty percent shall be allocated among Level I, Level II, and pediatric trauma centers based on each center's relative volume of trauma cases as reported in the Department of Health Trauma Registry.

And the directory clause is amended as follows:

On page 28, line 27, delete that line and insert:

Section 23. Subsections (3) and (12) of section 318.18, Florida

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

On motion by Senator Sebesta, **HB 7079** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	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
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Constantine

HB 1039—A bill to be entitled An act relating to the planned east coast buffer water resources management plan of the South Florida Water Management District; amending s. 373.4149, F.S.; revising the geographic boundaries of the Miami-Dade County Lake Belt Area; amending s. 373.41492, F.S.; revising the geographic boundaries for mining areas subject to mitigation fees under the Miami-Dade County Lake Belt Mitigation Plan; providing for mitigation fee increases and imposing a water treatment plant upgrade fee; authorizing proceeds of mitigation fees to be allocated to the South Florida Water Management District and Miami-Dade County for specific purposes; authorizing the proceeds of the water treatment plant upgrade fee to be used for updating a water treatment plant near the Lake Belt Area; revising the reporting requirements for the interagency committee; designating the Site 1 Impoundment project of the Comprehensive Everglades Restoration Plan sponsored by the South Florida Water Management District as the Fran Reich Preserve; directing the South Florida Water Management District to erect suitable markers; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Webster, **HB 1039** as amended 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

CS for CS for SB 1766—A bill to be entitled An act relating to transportation; amending s. 112.061, F.S.; authorizing metropolitan planning organizations and certain separate entities to establish per diem and travel reimbursement rates; amending s. 121.021, F.S.; revising the definition of "local agency employer" to include metropolitan planning organizations and certain separate entities for purposes of the Florida Retirement System Act; revising the definition of "regularly established position" to include positions in metropolitan planning organizations; amending s. 121.051, F.S.; providing for metropolitan planning organizations to participate in the Florida Retirement System; amending s. 121.055, F.S.; requiring certain metropolitan planning organization and similar entity staff positions to be in the Senior Management Service Class of the Florida Retirement System; amending s. 121.061, F.S.; providing for enforcement of certain employer funding contributions required under the Florida Retirement System; authorizing deductions of amounts owed from certain funds distributed to a metropolitan planning organization; authorizing the governing body of a metropolitan planning organization to file and maintain an action in court to require an employer to remit retirement or social security member contributions or employer matching payments; amending s. 121.081, F.S.; providing for metropolitan planning organization officers and staff to claim past service for retirement benefits; amending s. 311.22, F.S.; revising the funding for certain dredging projects; amending s. 320.20, F.S.; revising the distribution of license tax moneys deposited in the State Transportation Trust Fund for the funding of the Florida Seaport Transportation and Economic Development program and certain seaport intermodal access projects; requiring the Florida Seaport Transportation and Economic Development Council to submit a list of certain freight mobility projects to the Department of Transportation; requiring the council and the department to agree upon the projects selected for funding; requiring the department to include the selected projects for funding in the tentative work program; providing that refunding bonds shall be issued by the Division of Bond Finance at the request of the department; providing for funding the construction of wharves and docks; requiring that a certain sum of money be deposited in the State Transportation Trust Fund for the funding of the Florida Seaport Transportation and Economic Development program and certain seaport intermodal access projects; providing for distribution of revenues for the funding of certain seaport intermodal access projects; creating s. 336.68, F.S.; providing that a property owner having real property located within the boundaries of a community development district and a special road and bridge district may select the community development district to be the provider of the road and drainage improvements to the property of the owner; authorizing the owner of the property to withdraw the property from the special road and bridge district; specifying the procedures and criteria required in order to remove the real property from the special road and bridge district; authorizing the governing body of the special road and bridge district to file a written objection to the proposed withdrawal of the property; amending s. 339.155, F.S.; authorizing the development of additional regional transportation plans by regional transportation planning organizations in certain areas; providing membership requirements for regional transportation planning organiza-

tions comprising representatives of transportation planning and economic development interests within a region; authorizing a regional transportation planning organization to be expanded upon agreement of the regional transportation authority and representatives of the area to be expanded into, or mode to be included; providing for the development of by-laws and establishing minimum terms for certain members of the regional transportation authority; creating the Bay Area Transportation Regional Planning Organization in Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota Counties, comprised of representatives of transportation planning and economic development interests within the region; authorizing the Bay Area Regional Transportation Planning Organization to be expanded upon agreement of the regional transportation authority and of the area to be expanded into, or mode to be included; providing for the development of by-laws and establishing minimum terms for certain members of the regional transportation representatives authority; precluding regional transportation organization members from compensation; providing an appropriation; amending s. 339.2819, F.S.; providing that the Transportation Regional Incentive Program may fund up to 75 percent of costs for projects identified in a regional transportation plan developed by a regional transportation planning organization; amending s. 339.175, F.S.; specifying that a metropolitan planning organization is a separate legal entity independent of entities represented on the M.P.O. and signatories to the agreement creating the M.P.O.; providing for transfer of responsibilities and liabilities to the new M.P.O. upon execution of a new interlocal agreement by the governmental entities constituting the M.P.O.; providing for selection of certain officers and an agency clerk; revising requirements for voting membership; specifying that certain constitutional officers are not elected officials of a general-purpose local government for voting membership purposes; establishing a process for appointing alternate members; revising provisions for nonvoting advisers; revising provisions for employment of staff by an M.P.O.; providing for training of certain persons who serve on an M.P.O. for certain purposes; providing additional powers and duties of M.P.O.'s; revising voting requirements for approval of certain plans and programs and amendments thereto; requiring the Florida Transportation Commission to conduct a study of the progress made by M.P.O.'s to establish improved coordinated transportation planning processes; requiring a report; detailing the issues the report must consider; requiring that the report be submitted to the Governor and the Legislature by a specified date; amending s. 20.23, F.S.; providing that the salary and benefits of the executive director of the Florida Transportation Commission shall be set in accordance with the Senior Management Service; amending s. 332.007, F.S.; authorizing the Department of Transportation to provide funds for certain general aviation projects under certain circumstances; amending s. 332.007, F.S., relating to the administration and financing of aviation and airport operational and maintenance projects of publicly owned airports; changing the expiration date of the financial programs to the year 2012 from 2007; amending s. 212.055, F.S.; deleting a restriction on the frequency with which bonds may be issued under s. 212.055(2), F.S.; allowing counties that are not charter counties to levy, by ordinance, a county transportation system surtax; requiring that a discretionary sales surtax that is to be adopted by referendum be placed on the ballot at a time set at the discretion of the governing body of a county; requiring that the proceeds from a surtax be distributed to a county and to each municipality within the county according to an interlocal agreement or an apportionment factor; providing that the proceeds from the surtax be used for certain purposes as considered appropriate by the county commission; amending s. 336.025, F.S.; deleting a restriction on the frequency with which bonds may be issued under this section; amending s. 339.08, F.S.; allowing moneys in the State Transportation Trust Fund to be used to pay the cost of the Enhanced Bridge Program; creating s. 339.282, F.S.; creating the Enhanced Bridge Program for Sustainable Transportation within the Department of Transportation; providing for the use of funds in the program; providing project guidelines for program funding; creating s. 339.284, F.S.; providing certain incentives for certain private-sector contributions to improve transportation facilities; providing for the contribution to be applied as a credit against transportation concurrency requirements; providing procedures and criteria; amending s. 316.650, F.S.; revising procedures for disposition of citations issued for failure to pay toll; providing that the citation will not be submitted to the court and no points will be assessed on the driver's license if the person cited elects to make payment directly to the governmental entity that issued the citation; providing for reporting of the citation by the governmental entity to the Department of Highway Safety and Motor Vehicles; amending s. 318.14, F.S.; providing for the amount required to be paid under certain procedures for disposition of a citation issued for failure to pay a toll; providing for the person cited to request a court hearing; amending s. 318.18, F.S.; revising penalties for failure to pay a prescribed toll; providing for disposition of amounts received by the clerk of court; revising procedures for withholding of adjudication; providing for suspension of a driver's license under certain circumstances; amending s. 348.754, F.S.; authorizing the Orlando-Orange County Expressway Authority to waive payment and performance bonds on certain construction contracts if the contract is awarded pursuant to an economic development program for the encouragement of local small businesses; providing criteria for participation in the program; providing criteria for the bond waiver; providing for certain determinations by the authority's executive director or a designee as to the suitability of a project; providing for certain payment obligations if a payment and performance bond is waived; requiring the authority to record notice of the obligation; limiting eligibility to bid on the projects; providing for the authority to conduct bond-eligibility training for certain businesses; requiring the authority to submit biennial reports to the Orange County legislative delegation; amending s. 348.0004, F.S.; authorizing transportation authorities, bridge authorities, or toll authorities to enter agreements with private entities to provide transportation facilities; amending s. 348.0012, F.S.; clarifying certain exemptions from the Florida Expressway Authority Act; requiring the Legislative Committee on Intergovernmental Relations to study methods to incentivize and reward certain local governments; requiring state agencies to provide data for the study; requiring the committee to submit a report summarizing its findings; providing an effective date.

—as amended May 3 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:

Senator Sebesta offered the following amendment which was moved by Senator Webster and adopted by two-thirds vote:

Amendment 1 (143108)—On page 20, line 29 through page 25, line 21, delete those lines and insert: *Department of Transportation shall approve the prioritization and selection of projects for funding. The Department of Transportation shall include the selected projects for funding in the tentative work program developed pursuant to s. 339.135.* The council and the Department of Transportation are authorized to perform such acts as are required to facilitate and implement the provisions of this subsection*, including the funding of approved projects by the use of other state funding programs, local contributions from seaports, and the creative use of federal funds*. To better enable the ports to cooperate to their mutual advantage, the governing body of each port may exercise powers provided to municipalities or counties in s. 163.01(7)(d) subject to the provisions of chapter 311 and special acts, if any, pertaining to a port. The use of funds provided pursuant to this subsection are limited to eligible projects listed in this subsection. Income derived from a project completed with the use of program funds, beyond operating costs and debt service, shall be restricted to further port capital improvements consistent with maritime purposes and for no other purpose. Use of such income for nonmaritime purposes is prohibited. The provisions of s. 311.07(4) do not apply to any funds received pursuant to this subsection. The revenues available under this subsection shall not be pledged to the payment of any bonds other than the Florida Ports Financing Commission Series 1996 and Series 1999 Bonds currently outstanding; provided, however, such revenues may be pledged to secure payment of refunding bonds to refinance the Florida Ports Financing Commission Series 1996 and Series 1999 Bonds. ~~No refunding bonds secured by revenues available under this subsection may be issued with a final maturity later than the final maturity of the Florida Ports Financing Commission Series 1996 and Series 1999 Bonds or which provide for higher debt service in any year than is currently payable on such bonds.~~ Any revenue bonds or other indebtedness issued after July 1, 2000, *including* ~~other than~~ refunding bonds*,* shall be issued by the Division of Bond Finance at the request of the Department of Transportation pursuant to the State Bond Act. *This provision shall expire on June 30, 2037, but shall continue until all bonds are paid from the Florida Ports Financing Commission Series 1996 Bonds or any subsequent refunding bond issue that shall not extend the term of the Series 1996 Bonds, or new bonds issued that shall have a term no later than 2037.*

(4) Notwithstanding any other provision of law except subsections (1), (2), and (3), on July 1, 1999, and annually thereafter, $10 million shall be deposited in the State Transportation Trust Fund solely for the

purposes of funding the Florida Seaport Transportation and Economic Development Program as provided in chapter 311 and for funding seaport intermodal access projects of statewide significance as provided in s. 341.053. Such revenues shall be distributed to any port listed in s. 311.09(1), to be used for funding projects as follows:

(a) For any seaport intermodal access projects that are identified in the 1997-1998 Tentative Work Program of the Department of Transportation, up to the amounts needed to offset the funding requirements of this section.

(b) For seaport intermodal access projects as described in s. 341.053(5) that are identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3). Funding for such projects shall be on a matching basis as mutually determined by the Florida Seaport Transportation and Economic Development Council and the Department of Transportation, provided a minimum of 25 percent of total project funds shall come from any port funds, local funds, private funds, or specifically earmarked federal funds.

(c) On a 50-50 matching basis for projects as described in s. 311.07(3)(b).

(d) For seaport intermodal access projects that involve the dredging or deepening of channels, turning basins, or harbors,~~;~~ or the *construction or* rehabilitation of wharves, docks, or similar structures. Funding for such projects shall require a 25-percent match of the funds received pursuant to this subsection. Matching funds shall come from any port funds, federal funds, local funds, or private funds.

Such revenues may be assigned, pledged, or set aside as a trust for the payment of principal or interest on bonds, tax anticipation certificates, or any other form of indebtedness issued by an individual port or appropriate local government having jurisdiction thereof, or collectively by interlocal agreement among any of the ports, or used to purchase credit support to permit such borrowings. However, such debt shall not constitute a general obligation of the state. This state does hereby covenant with holders of such revenue bonds or other instruments of indebtedness issued hereunder that it will not repeal or impair or amend this subsection in any manner which will materially and adversely affect the rights of holders so long as bonds authorized by this subsection are outstanding. Any revenues that are not pledged to the repayment of bonds as authorized by this section may be utilized for purposes authorized under the Florida Seaport Transportation and Economic Development Program. This revenue source is in addition to any amounts provided for and appropriated in accordance with s. 311.07 and subsection (3). The Florida Seaport Transportation and Economic Development Council shall *submit to the Department of Transportation a list of strategic transportation, economic development, and freight mobility projects that contribute to the economic growth of the state and that* ~~approve distribution of funds to ports for projects that~~ have been approved pursuant to s. 311.09(5)-(9), or *that have been approved* for seaport intermodal access projects identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3) ~~and mutually agreed upon by the FSTED Council and the Department of Transportation~~. *The Department of Transportation shall approve the prioritization and selection of projects for funding. The Department of Transportation shall include the selected projects for funding in the tentative work program developed pursuant to s. 339.135.* All contracts for actual construction of projects authorized by this subsection must include a provision encouraging employment of participants in the welfare transition program. The goal for employment of participants in the welfare transition program is 25 percent of all new employees employed specifically for the project, unless the Department of Transportation and the Florida Seaport Transportation and Economic Development Council demonstrate that such a requirement would severely hamper the successful completion of the project. In such an instance, Workforce Florida, Inc., shall establish an appropriate percentage of employees that must be participants in the welfare transition program. The council and the Department of Transportation are authorized to perform such acts as are required to facilitate and implement the provisions of this subsection*, including the funding of approved projects by the use of other state funding programs, local contributions from seaports, and the creative use of federal funds*. To better enable the ports to cooperate to their mutual advantage, the governing body of each port may exercise powers provided to municipalities or counties in s. 163.01(7)(d) subject to the provisions of chapter 311 and special acts, if any, pertaining to a port. The use of funds provided pursuant to this subsection is limited to eligible projects listed in this subsection. The provisions of s. 311.07(4) do not apply to any funds received pursuant to this subsection. The revenues available under this subsection shall not be pledged to the payment of any bonds other than the Florida Ports Financing Commission Series 1996 and Series 1999 Bonds currently outstanding; provided, however, such revenues may be pledged to secure payment of refunding bonds to refinance the Florida Ports Financing Commission Series 1996 and Series 1999 Bonds. ~~No refunding bonds secured by revenues available under this subsection may be issued with a final maturity later than the final maturity of the Florida Ports Financing Commission Series 1996 and Series 1999 Bonds or which provide for higher debt service in any year than is currently payable on such bonds.~~ Any revenue bonds or other indebtedness issued after July 1, 2000, *including* ~~other than~~ refunding bonds*,* shall be issued by the Division of Bond Finance at the request of the Department of Transportation pursuant to the State Bond Act. *This provision shall expire on June 30, 2037, but shall continue until all bonds are paid from the Florida Ports Financing Commission Series 1996 Bonds or any subsequent refunding bond issue that shall not extend the term of the Series 1996 Bonds, or new bonds issued that shall have a term no later than 2037.*

MOTION

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

Senators Clary and Sebesta offered the following amendment which was moved by Senator Clary and adopted by two-thirds vote:

Amendment 2 (295584)(with title amendment)—On page 68, between lines 8 and 9, insert:

Section 30. Subsection (13) is added to section 338.251, Florida Statutes, to read:

(13) Notwithstanding subsection (1), and any other provision of law, the department is authorized to make loans for administrative expenses to multi-county transportation/expressway authorities created under chapter 343 or chapter 348 where jurisdiction for the authority includes a portion of the State Highway System. The proposed administrative expense budget shall be submitted to the secretary for consideration to ensure the proposed expenses are in accordance with law and are being conducted in good faith in the furtherance of the duties and responsibilities of the authority. The authority shall outline the repayment source of funds on the loan in the application to the secretary.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 9, line 2, after the semicolon (;) insert: amending s. 338.251, F.S.; authorizing the department to make loans to multi-county transportation authorities;

On motion by Senator Sebesta, **CS for CS for SB 1766** as amended was passed, ordered engrossed and then 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 1563—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; revising the date until which a confidential and exempt social security number or an exempt complete bank account,

debit, charge, or credit card number included in a court file may be included as part of a court record available for public inspection and copying unless redaction is requested; providing that the clerk of the circuit court has no liability for the inadvertent release of certain confidential and exempt social security numbers or exempt bank account, debit, charge, or credit card numbers; revising the date until which a social security number or a complete bank account, debit, charge, or credit card number included in a document presented to the county recorder for recording in the official records of the county may be made available as part of the official record available for public inspection and copying; requiring the county recorder to use his or her best efforts to redact all social security numbers and complete bank account, debit, charge, or credit card numbers from electronic copies of official records documents; providing that the county recorder is not liable for the inadvertent release of certain confidential and exempt social security numbers or exempt bank account, debit, charge, or credit card numbers; revising the date on which the clerk of the circuit court and the county recorder must commence keeping complete bank account, debit, charge, and credit card numbers exempt and must commence keeping social security numbers confidential and exempt without any person having to request redaction; making editorial changes; reenacting s. 1007.35(8)(b), F.S., relating to access to information necessary to evaluate the effectiveness of delivered services from the Florida Partnership for Minority and Underrepresented Student Achievement, to incorporate the amendments made to s. 119.071, F.S., in a reference thereto; providing an effective date.

—was read the third time by title.

On motion by Senator Argenziano, **HB 1563** 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 1117—A bill to be entitled An act relating to public records; creating s. 343.59, F.S.; providing an exemption from public records requirements for certain appraisal reports, offers, and counteroffers relating to land acquisition by the South Florida Regional Transportation Authority; providing that the exemption expires upon execution of a certain contract or at a certain time before a purchase contract or agreement is considered for approval; providing exceptions to the exemption; providing for future legislative review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Geller, **HB 1117** 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

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

Nays—None

HB 1115—A bill to be entitled An act relating to the South Florida Regional Transportation Authority; amending s. 343.54, F.S.; revising language relating to powers and duties of the authority; deleting the term "commuter rail"; amending s. 343.55, F.S.; providing pledge to bondholders that the state will not alter certain rights vested in the authority that affect the rights of bondholders while bonds are outstanding; amending s. 343.58, F.S.; revising provisions for funding of the authority; requiring counties served by the authority to annually transfer certain funds before a certain date; removing provisions for sources of that funding; removing authorization for a vehicle registration tax; providing for a certain funding source for capital, operating, and maintenance expenses; revising county funding amounts to fund operations; providing for cessation of specified county funding contributions and providing for certain refunding of the contributions under certain circumstances; revising timeframe for repeal of specified funding provisions under certain circumstances; providing a statement of important state interest; providing an effective date.

—was read the third time by title.

On motion by Senator Geller, **HB 1115** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Pruitt

CS for CS for CS for SB 2490—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.135, F.S.; establishing certain endorsement fees for the taking of blue crabs; establishing an annual trap tag fee; authorizing the Fish and Wildlife Conservation Commission to establish an amount of equitable rent by rule; providing for legislative approval of the rule; authorizing the commission to waive endorsement and trap tag fees for a 1-year period; authorizing the waiver of blue crab trap replacement tag fees under certain conditions; requiring the deposit of certain proceeds into the Marine Resources Conservation Trust Fund; specifying the use of such proceeds; providing administrative penalties for certain violations; prohibiting the unauthorized possession of blue crab trap gear or removal of blue crab trap contents and providing penalties therefor; providing penalties for certain other prohibited activities relating to blue crab traps, lines, buoys, and trap tags; providing penalties for fraudulent reports related to endorsement transfers; prohibiting certain activities during endorsement suspension and revocation; preserving state jurisdiction for certain convictions; providing requirements for certain license renewal; providing for the expiration of certain provisions unless reenacted by the Legislature during the 2008 Regular Session; appropriating certain fee revenues to the commission for blue crab effort management program costs;

amending s. 370.13, F.S.; providing for legislative approval of commission rules establishing equitable rent; authorizing the waiver of stone crab trap replacement tag fees under certain conditions; amending s. 370.14, F.S.; clarifying provisions regulating spiny lobsters; amending s. 370.142, F.S.; providing administrative penalties for certain violations of the spiny lobster trap certificate program; authorizing the waiver of spiny lobster trap replacement tag fees under certain conditions; providing for legislative approval of rules establishing equitable rent; amending s. 370.143, F.S.; revising provisions for certain trap retrieval programs and fees; amending s. 370.0603, F.S.; authorizing the deposit of certain funds into the Marine Resources Conservation Trust Fund; providing purposes for which funds may be used; amending s.370.025, F.S.; revising rulemaking authority; amending s. 20.331, F.S.; requiring the commission to adopt an adequate due-process rule; providing legislative intent; amending s. 921.0022, F.S.; deleting certain Level One offense designations; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Argenziano, **CS for CS for CS for SB 2490** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Constantine

Votes Recorded:

May 5, 2006: Yea—Hill

HB 7177—A bill to be entitled An act relating to time limitations for criminal prosecutions; amending s. 775.15, F.S.; specifying the applicability period of a provision allowing an additional limitations period for specified offenses in certain circumstances; providing that a prosecution for specified offenses, unless otherwise barred by law, may be commenced at any time after the date on which the identity of the accused is established, or should have been established by the exercise of due diligence, through the analysis of deoxyribonucleic acid (DNA) evidence; providing an effective date.

—was read the third time by title.

On motion by Senator Diaz de la Portilla, **HB 7177** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Constantine	King
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
Sebesta	Villalobos	Wilson
Siplin	Webster	Wise
Smith		

Nays—None

CS for CS for CS for SB 2280—A bill to be entitled An act relating to high-risk offenders; amending s. 322.141, F.S.; requiring distinctive markings for driver's licenses and identification cards issued to persons who are designated as sexual predators or subject to registration as sexual offenders; amending s. 322.212, F.S.; prohibiting the alteration of sexual predator or sexual offender markings on driver's licenses or identification cards, for which there are criminal penalties; amending s. 775.21, F.S.; redefining the terms "permanent residence" and "temporary residence" in order to reduce the number of consecutive days and days in the aggregate which constitute the residence of a sexual predator for purposes of requirements that the predator register with the Department of Law Enforcement, the sheriff's office, or the Department of Corrections; requiring sexual predators to obtain a distinctive driver's license or identification card; amending s. 943.0435, F.S.; requiring sexual offenders to obtain a distinctive driver's license or identification card; amending s. 944.607, F.S.; requiring specified offenders who are under the supervision of the Department of Corrections but are not incarcerated to obtain a distinctive driver's license or identification card; amending s. 1012.465, F.S.; amending background screening requirements for certain noninstructional school district employees and contractors; adding noninstructional contractors to those who must meet the screening requirements; defining the terms "noninstructional contractor," "convicted," and "school grounds"; creating s. 1012.467, F.S.; providing for the submission of fingerprints; requiring school districts to screen results of criminal records checks; requiring the cost of background screening requirements to be borne by certain parties; providing a cap on fees that may be charged; authorizing the retention of fingerprints; providing a list of violations that such persons must not have committed if they are to satisfy the screening requirements; providing penalties; providing grounds for contesting denial of access to school grounds; providing reporting requirements; providing that the failure to meet requirements is a misdemeanor of the first degree; allowing certain educational entities to share information derived from checks of criminal history records; authorizing the Department of Law Enforcement to adopt rules; providing immunity from civil or criminal liability; creating s. 1012.468, F.S.; specifying exemptions for contractors; providing criteria and conditions; providing for rulemaking by the State Board of Education; providing that exempted contractors are subject to a search of certain databases that list sexual predators and sexual offenders; providing consequences of a failure to meet the screening requirements; prohibiting school districts from conducting additional criminal history checks; creating s. 1012.321, F.S.; creating an exception for certain instructional personnel; providing criteria; providing effective dates.

—as amended May 3 was read the third time by title.

On motion by Senator Argenziano, **CS for CS for CS for SB 2280** as amended 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

CS for SB 2298—A bill to be entitled An act relating to legal actions; amending s. 48.193, F.S.; providing that entering into certain specified contracts subjects a person to the jurisdiction of the courts of this state; amending s. 55.502, F.S.; redefining the term "foreign judgment" under the Florida Enforcement of Foreign Judgments Act; amending s. 685.102, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was read the third time by title.

On motion by Senator Webster, **CS for SB 2298** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dockery	Peaden
Alexander	Fasano	Posey
Argenziano	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
Diaz de la Portilla	Miller	

Nays—None

CS for CS for CS for SB 856—A bill to be entitled An act relating to domestic security; amending s. 282.318, F.S.; requiring the Department of Management Services to recommend minimum operating procedures for the security of data and information technology resources; requiring each agency to conduct certain procedures to assure the security of data, information, and information technology resources; requiring that the results of certain internal audits and evaluations be available to the Auditor General; requiring the department to establish an Office of Information Security and to designate a Chief Information Security Officer; requiring the office to develop a strategic plan; providing that the office is responsible for certain procedures and standards; providing legislative findings with respect to the provision of additional funds for enhancements and improvements to the radio system used by state law enforcement agencies; providing for the implementation of certain recommendations contingent upon appropriation; providing an appropriation and authorizing positions; prescribing requirements for fire hydrants to prevent backflow contamination of the domestic water supply; providing an effective date.

—was read the third time by title.

Senator Bennett moved the following amendment:

Amendment 1 (803668)(with title amendment)—On page 5, between lines 8 and 9, insert:

Section 5. Subsection (16) is added to section 318.18, Florida Statutes, to read:

318.18 Amount of civil penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 are as follows:

(16) In addition to any penalties imposed, a surcharge of $4 must be paid for all criminal offenses listed in s. 318.17 and for all noncriminal moving traffic violations under chapter 316. Revenue from the surcharge shall be remitted to the Department of Revenue and deposited quarterly into the State Agency Law Enforcement Radio System Trust Fund of the Department of Management Services for the state agency law enforcement radio system, as described in s. 282.1095.

Section 6. Subsection (15) is added to section 318.21, Florida Statutes, to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(15) Notwithstanding subsections (1) and (2), the proceeds from the surcharge imposed under s. 318.18(16) shall be distributed as provided in that subsection.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 27, after the semicolon (;) insert: amending s. 318.18, F.S.; a surcharge to be paid for specified traffic-related criminal offenses and all noncriminal moving traffic violations; providing for the proceeds of the surcharge to be used for the state agency law enforcement radio system; amending s. 318.21, F.S.; revising provisions for disposition of civil penalties to provide for distribution of a specified surcharge;

MOTION

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

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

Amendment 2 (302526)(with title amendment)—On page 5, between lines 8 and 9, insert:

Section 5. Subsection (12) of section 318.18, Florida Statutes, is amended, and subsection (16) is added to that section, to read:

318.18 Amount of civil penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 are as follows:

(12) *Two* ~~One~~ hundred dollars for a violation of s. 316.520(1) or (2). If, at a hearing, the alleged offender is found to have committed this offense, the court shall impose a minimum civil penalty of *$200* ~~$100~~. For a second or subsequent adjudication within a period of 5 years, the department shall suspend the driver's license of the person for not less than *1 year* ~~180 days~~ and not more than *2 years* ~~1 year~~.

(16) In addition to any penalties imposed, a surcharge of $4 must be paid for all criminal offenses listed in s. 318.17 and for all noncriminal moving traffic violations under chapter 316. Revenue from the surcharge shall be remitted to the Department of Revenue and deposited quarterly into the State Agency Law Enforcement Radio System Trust Fund of the Department of Management Services for the state agency law enforcement radio system, as described in s. 282.1095. The Department of Management Services may retain funds sufficient to recover the costs and expenses incurred for the purposes of managing, administering, and overseeing the Statewide Law Enforcement Radio System. The Department of Management Services working in conjunction with the Joint Task Force on State Agency Law Enforcement Communications shall determine and direct the purposes for which these funds are used to enhance and improve the radio system.

Section 6. Subsection (15) is added to section 318.21, Florida Statutes, to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(15) Notwithstanding subsections (1) and (2), the proceeds from the surcharge imposed under s. 318.18(16) shall be distributed as provided in that subsection.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 27, after the semicolon (;) insert: imposing a surcharge to be paid for specified traffic-related criminal offenses and all noncriminal moving traffic violations; providing for the proceeds of the surcharge to be used for the state agency law enforcement radio system; amending s. 318.21, F.S.; revising provisions for disposition of civil penalties to provide for distribution of a specified surcharge;

MOTION

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

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

Amendment 3 (852922)(with title amendment)—On page 2, before line 1, insert:

Section 1. Paragraph (w) is added to subsection (2) of section 252.35, Florida Statutes, to read:

252.35 Emergency management powers; Division of Emergency Management.—

(2) The division is responsible for carrying out the provisions of ss. 252.31-252.90. In performing its duties under ss. 252.31-252.90, the division shall:

(w) In cooperation with the local governing board or county commission, local emergency management agencies shall establish and maintain a vendor and price list for contractual services of disaster-relief cleanup for use by the county and municipalities during emergencies declared by the Governor pursuant to s. 252.36. Such contracts must be awarded after a competitive solicitation process, must require the establishment of hauling rates and debris removal and reduction, and must comply with all guidelines of the Federal Emergency Management Agency which are established at the time of the contract. Purchases by any county, municipality, or other local governmental agency from a state term contract for the collection, removal, or reduction of disaster debris are exempt from competitive-solicitation requirements.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: amending s. 252.35, F.S.; permitting the Division of Emergency Management to create a statewide vendor list for emergency cleanup; providing guidelines for contracts awarded for such cleanup services;

On motion by Senator Diaz de la Portilla, **CS for CS for CS for SB 856** as amended was passed, ordered engrossed and then 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 7187—A bill to be entitled An act relating to criminal justice; amending s. 921.0022, F.S.; ranking in the offense severity ranking chart of the Criminal Punishment Code several offenses relating to failure by a sexual predator or sexual offender to comply with certain reporting requirements; amending s. 943.04351, F.S.; requiring a search of the National Sex Offender Public Registry before a person may work or volunteer at a place where children regularly congregate; amending s. 948.063, F.S.; requiring that the court order electronic monitoring as a condition of probation or community control following a violation of probation or community control by certain offenders who are designated as sexual offenders or sexual predators; amending s. 948.30, F.S.; requiring that the court order mandatory electronic monitoring as a condition of probation or community control supervision for certain sex offenders whose crimes involved young children; amending s. 947.1405, F.S.; expanding the eligibility criteria for the conditional release program; providing an effective date.

—as amended May 2 was read the third time by title.

On motion by Senator Argenziano, **HB 7187** as amended 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 7183—A bill to be entitled An act relating to property tax exemptions; creating s. 196.1987, F.S.; exempting from ad valorem taxation certain property owned by an organization exempt from federal income taxes and used to display aspects of Biblical history; providing limitations; providing an effective date.

—was read the third time by title.

POINT OF ORDER

Senator Siplin raised a point of order that pursuant to Rules 3.3 and 4.6 the bill should be considered as a Local Bill.

RULING ON POINT OF ORDER

The President ruled the point not well taken.

On motion by Senator Webster, **HB 7183** was passed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Atwater	Fasano	Pruitt
Baker	Garcia	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Villalobos
Campbell	Jones	Webster
Carlton	King	Wise
Clary	Lawson	
Constantine	Margolis	

Nays—10

Aronberg	Lynn	Siplin
Dawson	Miller	Smith
Geller	Rich	Wilson
Klein		

Vote after roll call:

Yea—Alexander, Crist

HB 241—A bill to be entitled An act relating to the Florida KidCare program; amending s. 409.814, F.S.; providing for certain children who are ineligible to participate in the Florida KidCare program to be eligible for the Medikids program or the Florida Healthy Kids program; requiring that the Agency for Health Care Administration begin enrollment under the revised program criteria by a specified date; providing an effective date.

—was read the third time by title.

On motion by Senator Rich, **HB 241** 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 7027—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding long-term care facilities; amending s. 400.119, F.S., which provides exemptions from public records requirements for specified reports and notifications with respect to long-term care facilities licensed under pt. II or pt. III of ch. 400, F.S., and which provides an exemption from public meeting requirements for the meetings of an internal risk management and quality assurance committee of a long-term care facility and an exemption from public records requirements for the records of such meetings; reorganizing provisions and making editorial changes; removing the scheduled repeal of the exemptions under the Open Government Sunset Review Act; providing an effective date.

—was read the third time by title.

On motion by Senator Peaden, **HB 7027** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Miller
Alexander	Dockery	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—None

Vote after roll call:

Yea—Diaz de la Portilla

On motion by Senator Webster, by two-thirds vote **HB 7035** was withdrawn from the Committees on Transportation; Governmental Oversight and Productivity; and Rules and Calendar.

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

HB 7035—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding motor vehicle crash reports; amending s. 316.066, F.S., which provides an exemption from public records requirements for required motor vehicle crash reports that reveal the identity, home or employment telephone number, or home or employment address of, or other personal information concerning, parties involved in a motor vehicle crash and that are held by any agency that regularly receives or prepares information from or concerning the parties to motor vehicle crashes; reorganizing provisions, making editorial and conforming changes, and removing superfluous language; removing the scheduled repeal of the exemption under the Open Government Sunset Review Act; amending ss. 324.051 and 921.0022, F.S.; correcting cross-references; providing an effective date.

—a companion measure, was substituted for **CS for SB 2116** and read the second time by title.

Senator Garcia offered the following amendment which was moved by Senator Webster and adopted:

Amendment 1 (612062)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (85) of section 316.003, Florida Statutes, is amended to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(85) VICTIM SERVICES *PROGRAM* ~~PROGRAMS~~.—Any community-based organization whose primary purpose is to act as an advocate for the victims and survivors of traffic crashes and for their families *on a statewide basis*. The victims services offered by these programs may include grief and crisis counseling, assistance with preparing victim compensation claims excluding third-party legal action, ~~or~~ connecting persons with other service providers, and providing emergency financial assistance. *The community-based organization must be qualified for nonprofit status under the provisions of s. 501(c)(3) of the United States Internal Review Code and have a valid consumer's certificate of exemption issued to the organization by the Department of Revenue.*

Section 2. Section 316.066, Florida Statutes, is amended to read:

316.066 Written reports of crashes.—

(1) The driver of a vehicle which is in any manner involved in a crash resulting in bodily injury to or death of any person or damage to any vehicle or other property in an apparent amount of at least $500 shall, within 10 days after the crash, forward a written report of such crash to the department or traffic records center. However, when the investigating officer has made a written report of the crash pursuant to *subsection* ~~paragraph~~ (3)~~(a)~~, no written report need be forwarded to the department or traffic records center by the driver.

(2) The receiving entity may require any driver of a vehicle involved in a crash of which a written report must be made as provided in this section to file supplemental written reports whenever the original report is insufficient in the opinion of the department and may require witnesses of crashes to render reports to the department.

(3)(a) Every law enforcement officer who in the regular course of duty investigates a motor vehicle crash:

1. Which crash resulted in death or personal injury shall, within 10 days after completing the investigation, forward a written report of the crash to the department or traffic records center.

2. Which crash involved a violation of s. 316.061(1) or s. 316.193 shall, within 10 days after completing the investigation, forward a written report of the crash to the department or traffic records center.

3. In which crash a vehicle was rendered inoperative to a degree which required a wrecker to remove it from traffic may, within 10 days after completing the investigation, forward a written report of the crash to the department or traffic records center if such action is appropriate, in the officer's discretion.

(b) ~~However,~~ In every case in which a crash report is required by this section and a written report to a law enforcement officer is not prepared, the law enforcement officer shall provide each party involved in the crash a short-form report, prescribed by the state, to be completed by the party. The short-form report must include~~, but is not limited to~~:

1. The date, time, and location of the crash;

2. A description of the vehicles involved;

3. The names and addresses of the parties involved;

4. The names and addresses of witnesses;

5. The name, badge number, and law enforcement agency of the officer investigating the crash; and

6. The names of the insurance companies for the respective parties involved in the crash.

(c) Each party to the crash shall provide the law enforcement officer with proof of insurance to be included in the crash report. If a law enforcement officer submits a report on the accident, proof of insurance must be provided to the officer by each party involved in the crash. Any party who fails to provide the required information is guilty of an infraction for a nonmoving violation, punishable as provided in chapter 318 unless the officer determines that due to injuries or other special circumstances such insurance information cannot be provided immediately. If the person provides the law enforcement agency, within 24 hours after the crash, proof of insurance that was valid at the time of the crash, the law enforcement agency may void the citation.

(4)(a)~~(b)~~ One or more counties may enter into an agreement with the appropriate state agency to be certified by the agency to have a traffic records center for the purpose of tabulating and analyzing countywide traffic crash reports. The agreement must include: certification by the agency that the center has adequate auditing and monitoring mechanisms in place to ensure the quality and accuracy of the data; the time period in which the traffic records center must report crash data to the agency; and the medium in which the traffic records must be submitted to the agency.

(b) In the case of a county or multicounty area that has a certified central traffic records center, a law enforcement agency or driver must submit to the center within the time limit prescribed in this section a written report of the crash. A driver who is required to file a crash report must be notified of the proper place to submit the completed report.

(c) Fees for copies of public records provided by a certified traffic records center shall be charged and collected as follows:

For a crash report . . . . . $2 per copy.

For a homicide report . . . . . $25 per copy.

For a uniform traffic citation . . . . . $0.50 per copy.

The fees collected for copies of the public records provided by a certified traffic records center shall be used to fund the center or otherwise as designated by the county or counties participating in the center.

(5)(a)~~(c)~~ Crash reports *and the uniform traffic citations (HSMV75901) associated with such crashes and crash investigations that* ~~required by this section which~~ reveal the identity, home or employment telephone number or home or employment address of, or other personal information concerning the parties involved in the crash and *that* ~~which~~ are *held* ~~received or prepared~~ by any agency that regularly receives or prepares information from or concerning the parties to motor vehicle crashes are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for a period of 60 days after the date the report is filed.

(b) Crash ~~However, such~~ reports *and citations held by an agency under paragraph (a)* may be made immediately available to the parties involved in the crash, their legal representatives, their licensed insurance agents, their insurers or insurers to which they have applied for coverage, persons under contract with such insurers to provide claims or underwriting information, prosecutorial authorities, victim services programs, radio and television stations licensed by the Federal Communications Commission, newspapers qualified to publish legal notices under ss. 50.011 and 50.031, and free newspapers of general circulation, published once a week or more often, available and of interest to the public generally for the dissemination of news. For the purposes of this section, the following products or publications are not newspapers as referred to in this section: those intended primarily for members of a particular profession or occupational group; those with the primary purpose of distributing advertising; and those with the primary purpose of publishing names and other personal identifying information concerning parties to motor vehicle crashes.

(c) Any local, state, or federal agency~~, victim services program, agent, or employee~~ that is authorized to have access to *crash* ~~such~~ reports *and citations* by any provision of law shall be granted such access in the furtherance of the agency's statutory duties ~~notwithstanding the provisions of this paragraph~~. ~~Any local, state, or federal agency, agent, or employee receiving such crash reports shall maintain the confidential and exempt status of those reports and shall not disclose such crash reports to any person or entity.~~

(d) As a condition precedent to accessing a crash report *or uniform traffic citation* within 60 days after the date the report is filed, a person must present a valid driver's license or other photographic identification, proof of status, or identification that demonstrates his or her qualifications to access that information, and file a written sworn statement with the state or local agency in possession of the information stating that information from a crash report *or uniform traffic citation* made confidential *and exempt* by this section will not be used for any commercial solicitation of accident victims, or knowingly disclosed to any third party for the purpose of such solicitation, during the period of time that the information remains confidential *and exempt*. In lieu of requiring the written sworn statement, an agency may provide crash reports *or uniform traffic citations* by electronic means to third-party vendors under contract with one or more insurers, but only when such contract states that information from a crash report *or uniform traffic citation* made confidential *and exempt* by this section will not be used for any commercial solicitation of accident victims by the vendors, or knowingly disclosed by the vendors to any third party for the purpose of such solicitation, during the period of time that the information remains confidential *and exempt*, and only when a copy of such contract is furnished to the agency as proof of the vendor's claimed status.

(e) This subsection does not prevent the dissemination or publication of news to the general public by any legitimate media entitled to access confidential *and exempt* information pursuant to this section. ~~A law enforcement officer as defined in s. 943.10(1) may enforce this subsection.~~

(f) This exemption is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, *2011* ~~2006~~, unless reviewed and saved from repeal through reenactment by the Legislature.

(6)(a)~~(d)~~ *Any driver failing to file the written report required under subsection (1) or subsection (2) commits a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.*

(b) Any employee of a state or local agency in possession of information made confidential *and exempt* by this section who knowingly discloses such confidential *and exempt* information to a person not entitled to access such information under this section is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c)~~(e)~~ Any person, knowing that he or she is not entitled to obtain information made confidential *and exempt* by this section, who obtains or attempts to obtain such information is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d)~~(f)~~ Any person who knowingly uses confidential *and exempt* information in violation of a filed written sworn statement or contractual agreement required by this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(7)~~(4)~~ Except as specified in this subsection, each crash report made by a person involved in a crash and any statement made by such person to a law enforcement officer for the purpose of completing a crash report required by this section shall be without prejudice to the individual so reporting. No such report or statement shall be used as evidence in any trial, civil or criminal. However, subject to the applicable rules of evidence, a law enforcement officer at a criminal trial may testify as to any statement made to the officer by the person involved in the crash if that person's privilege against self-incrimination is not violated. The results of breath, urine, and blood tests administered as provided in s. 316.1932 or s. 316.1933 are not confidential and shall be admissible into evidence

in accordance with the provisions of s. 316.1934(2). Crash reports made by persons involved in crashes shall not be used for commercial solicitation purposes; however, the use of a crash report for purposes of publication in a newspaper or other news periodical or a radio or television broadcast shall not be construed as "commercial purpose."

(8) A law enforcement officer, as defined in s. 943.10(1), may enforce this section.

~~(5) For purposes of this section, a written report includes a report generated by a law enforcement agency through the use of a computer.~~

~~(6) Any driver failing to file the written report required under subsection (1) or subsection (2) commits a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.~~

Section 3. *The Legislature finds that there is a public necessity that uniform traffic citations and portions of crash reports which are mandated to be provided by law immediately to certain parties as specified in s. 316.066, Florida Statutes, be held confidential and exempt for 60 days after the date the report or citation is filed to protect the privacy of persons that have been the subject of a motor vehicle crash report. Further, the exemption is necessary to protect the public from unscrupulous individuals who promote the filing of fraudulent insurance claims by obtaining such information immediately after a crash and exploiting a crash victim at a time of emotional distress. The Second Interim Report of the Fifteenth Statewide Grand Jury on insurance fraud related to personal injury protection noted a "strong correlation" between illegal solicitation and the commission of a variety of frauds. The grand jury found "the wholesale availability of these reports is a major contributing factor to this illegal activity and likely the single biggest factor contributing to the high level of illegal solicitation." Virtually anyone involved in a car accident in the state is fair game for "runners" who collect crash reports within the 60-day public-records-exemption period under false pretenses from law enforcement officials and then provide the information to solicit crash victims and defraud insurers. Continuing to make this information available, in the words of the grand jury, "can be emotionally, physically, and ultimately financially destructive." The 2003 Senate Select Committee on Automobile Insurance/PIP Reform found that despite reforms enacted in 1998 and 2001, fraud continues to permeate the PIP insurance market in Florida. Referrals to the Division of Insurance Fraud for personal injury protection fraud increased over 400 percent from 2002-2003 to 2004-2005. Motor vehicle insurance fraud is fueled by early access to crash reports and uniform traffic citations, which provides the opportunity for the filing of fraudulent insurance claims. Crash reports and uniform traffic citations made by law enforcement officers should not be used for commercial solicitation purposes. However, the use of a crash report by a victim services program that is qualified for nonprofit status under s. 501(c)(3) of the Internal Revenue Code and has a valid certificate of exemption which was issued to the program by the Department of Revenue and acts as an advocate for the victims and survivors of traffic crashes and their families may not be construed as a "commercial purpose." Such programs act as an advocate for the victims and survivors of traffic crashes and their families by providing services such as grief and crisis counseling, assistance with preparing victim compensation claims excluding third-party legal action, connecting persons with other service providers, and providing emergency financial assistance. The Legislature finds that crash reports should be made immediately available to nonprofit victim services programs. The Legislature also finds that uniform traffic citations should be made immediately available to certain parties, such as those persons involved in the motor vehicle crash and their legal representatives, their insurers or insurers to which they have applied for coverage, their licensed insurance agents, persons under contract with such insurers to provide claims or underwriting information, victim services programs, and representatives of law enforcement agencies and other regulatory agencies, and prosecutorial authorities within 60 days after the crash report is filed.*

Section 4. Paragraph (a) of subsection (1) of section 324.051, Florida Statutes, is amended to read:

324.051 Reports of crashes; suspensions of licenses and registrations.—

(1)(a) Every law enforcement officer who, in the regular course of duty either at the time of and at the scene of the crash or thereafter by interviewing participants or witnesses, investigates a motor vehicle crash which he or she is required to report pursuant to s. 316.066(3)~~(a)~~ shall forward a written report of the crash to the department within 10 days of completing the investigation. However, when the investigation of a crash will take more than 10 days to complete, a preliminary copy of the crash report shall be forwarded to the department within 10 days of the occurrence of the crash, to be followed by a final report within 10 days after completion of the investigation. The report shall be on a form and contain information consistent with the requirements of s. 316.068.

Section 5. Paragraph (c) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(c) LEVEL 3
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
316.066*(6)(a)-(d)* ~~(3)(d)-(f)~~	3rd	Unlawfully obtaining or using confidential crash reports.
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
327.35(2)(b)	3rd	Felony BUI.
328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
370.12(1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
370.12(1)(e)6.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
400.903(3)	3rd	Operating a clinic without a license or filing false license application or other required information.
440.105(3)(b)	3rd	Receipt of fee or consideration without approval by judge of compensation claims.
440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than $20,000.
626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
697.08	3rd	Equity skimming.
790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
796.05(1)	3rd	Live on earnings of a prostitute.
806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.

Florida Statute	Felony Degree	Description
810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
812.014(2)(c)2.	3rd	Grand theft; $5,000 or more but less than $10,000.
812.0145(2)(c)	3rd	Theft from person 65 years of age or older; $300 or more but less than $10,000.
815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than $20,000.
817.233	3rd	Burning to defraud insurer.
817.234(8)(b)-(c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
817.234(11)(a)	3rd	Insurance fraud; property value less than $20,000.
817.236	3rd	Filing a false motor vehicle insurance application.
817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
817.413(2)	3rd	Sale of used goods as new.
817.505(4)	3rd	Patient brokering.
828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
843.19	3rd	Injure, disable, or kill police dog or horse.
860.15(3)	3rd	Overcharging for repairs and parts.
870.01(2)	3rd	Riot; inciting or encouraging.
893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).
893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of university.
893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of public housing facility.
893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
893.13(8)(a)2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
944.47(1)(a)1.-2.	3rd	Introduce contraband to correctional facility.
944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
985.3141	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding motor vehicle crash reports; amending s. 316.003, F.S.; revising the definition of "victim services programs" to include only organizations that are qualified for nonprofit status under s. 501(c)(3) of the United States Internal Revenue Code and have a valid consumer's certificate of exemption issued to the organization by the Department of Revenue; amending s. 316.066, F.S., which provides an exemption from public records requirements for required motor vehicle crash reports that reveal the identity, home or employment telephone number, or home or employment address of, or other personal information concerning, parties involved in a motor vehicle crash and that are held by any agency that regularly receives or prepares information from or concerning the parties to motor vehicle crashes; creating a public-records exemption for uniform traffic citations related to a motor vehicle crash; providing that such citations be made immediately available to certain parties; reorganizing provisions, making editorial and conforming changes, and removing superfluous language; providing for the future review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; amending ss. 324.051 and 921.0022, F.S.; conforming cross-references; providing an effective date.

On motion by Senator Webster, further consideration of **HB 7035** as amended was deferred.

HB 1325—A bill to be entitled An act relating to controlled substances; amending s. 39.301, F.S.; requiring the Department of Children and Family Services to file a petition for dependency for the children of parents involved in certain controlled substance crimes; amending s. 893.13, F.S.; revising provisions relating to criminal penalties for controlled substance violations that result in serious injury to specified individuals; creating s. 627.4107, F.S.; prohibiting cancellation or nonrenewal of life or health insurance policies or certificates of insurance providing coverage to specified local, state, or federal employees due to exposure to toxic chemicals or due to disease or injury incurred in their duties related to controlled substance law violations committed by others; providing penalties; permitting cancellations or nonrenewals for specified fraud or misrepresentation; amending s. 907.041, F.S.; revising a definition; revising provisions relating to pretrial release of certain defendants charged with certain controlled substance offenses; providing an effective date.

—was read the third time by title.

On motion by Senator Baker, **HB 1325** was passed and certified to the House. The vote on passage was:

Yeas—40

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

Villalobos Wilson Wise
Webster

Nays—None

HB 7153—A bill to be entitled An act relating to financial entities and transactions; amending s. 494.001, F.S.; defining the term "control person"; amending s. 494.0011, F.S.; authorizing the Financial Services Commission to require electronic submission of forms, documents, or fees; providing a limitation; authorizing the commission to adopt rules accommodating a technological or financial hardship; requiring that a grant or denial of a license be in accordance with ch. 120, F.S.; amending s. 494.0016, F.S.; authorizing the commission to prescribe requirements for destroying books, accounts, records, and documents; amending s. 494.0029, F.S.; requiring that certain entities who offer or conduct mortgage business training obtain a permit; providing requirements and procedures for obtaining a permit; specifying that permits are not transferable or assignable; providing for expiration and recertification of permits; authorizing permit fees; requiring that curriculum, training, and training materials be available for inspection; requiring electronic notification to the office of persons who have successfully completed certain education requirements; requiring the commission to adopt rules; amending s. 494.00295, F.S.; revising professional education provisions to apply to continuing education; providing requirements; waiving such requirements for license renewals for certain persons under certain circumstances; amending s. 494.003, F.S.; revising the list of entities exempt from certain mortgage broker licensure requirements; amending s. 494.0031, F.S.; requiring licensure of mortgage brokerage businesses; revising requirements and procedures for issuing licenses; providing duties and authority of the commission and office; providing duties of the Department of Law Enforcement; specifying that certain licenses are not transferable or assignable; revising the grounds on which a license may be denied; deleting certain provisions relating to cancellation and reinstatement of licenses; amending s. 494.0032, F.S.; requiring renewal of branch office licenses with renewal of mortgage brokerage business licenses; amending s. 494.0033, F.S.; revising mortgage broker licensure requirements and procedures; authorizing the commission to prescribe additional testing fees; authorizing the commission to waive certain examination requirements under specified circumstances; providing duties and authority of the commission and office; providing duties of the Department of Law Enforcement; deleting provisions relating to cancellation and reinstatement of licenses; amending s. 494.0036, F.S.; revising mortgage brokerage business branch office licensure requirements and procedures; deleting a requirement for displaying licenses; amending s. 494.0039, F.S.; deleting mortgage brokerage business change of address reporting and license display requirements; amending s. 494.004, F.S.; revising mortgage broker licensee requirements; providing requirements for acquiring a controlling interest in a licensee; providing a definition; providing duties and authority of the commission; authorizing the office to bring an administrative action under certain circumstances; amending s. 494.0041, F.S.; specifying additional grounds for taking disciplinary action; amending s. 494.006, F.S.; revising the list of entities exempt from mortgage lender licensure requirements; amending s. 494.0061, F.S.; requiring the licensure of mortgage lenders; revising mortgage lender license requirements and procedures; providing duties and authority of the commission and office; providing duties of the Department of Law Enforcement; providing for commission rules; revising provisions governing grounds for imposing discipline; deleting certain provisions relating to cancellation and reinstatement of licenses; authorizing the commission to prescribe additional testing fees; revising provisions governing principal representatives; amending s. 494.0062, F.S.; requiring licensure of correspondent mortgage lenders; revising correspondent mortgage lender license requirements and procedures; providing duties and authority of the commission and office; providing duties of the Department of Law Enforcement; providing educational requirements for principal representatives; revising grounds for disciplinary action; deleting certain provisions relating to cancellation and reinstatement of licenses; authorizing the commission to prescribe additional testing fees; providing for commission rules; amending s. 494.0064, F.S.; revising mortgage lender branch office licensee professional continuing education requirements; amending s. 494.0065, F.S.; revising saving clause requirements and procedures; revising the duties and authority of the office and commission; providing duties of the Department of Law Enforcement; providing for commission rules; providing requirements for education and testing for certain principal representatives and for transfer applications; authorizing the commission to prescribe additional testing fees; revising provisions governing the denial of transfers; providing personal representative designation requirements; amending s. 494.0066, F.S.; revising branch office licensure requirements; providing for commission rules; amending s. 494.0067, F.S.; deleting a license display requirement; providing information reporting requirements; providing requirements for acquiring a controlling interest in a licensee; providing a definition; providing duties and authority of the commission; authorizing the office to bring an administrative action under certain circumstances; revising professional continuing education requirements; amending s. 494.0072, F.S.; providing additional grounds for taking disciplinary action; amending s. 494.00721, F.S.; conforming cross-references; amending s. 501.137, F.S.; providing mortgage lender liability for attorney's fees and costs for certain violations; amending s. 516.01, F.S.; defining the term "control person"; amending s. 516.03, F.S.; revising requirements and procedures for issuing consumer finance loan licenses; specifying certain fees as nonrefundable; authorizing the commission to adopt rules; revising certain fee requirements; providing for technological or financial hardship exemptions under certain circumstances; amending s. 516.031, F.S.; increasing a reimbursement charge for certain investigation costs; amending s. 516.05, F.S.; revising investigation procedures; deleting provisions relating to certain fees for licenses that have been denied; providing licensee information reporting requirements; providing requirements for acquiring a controlling interest in a licensee; providing a definition; providing duties and authority of the commission and office; providing for commission rules; authorizing the office to bring an administrative action under certain circumstances; deleting provisions authorizing the office to grant temporary licenses; amending s. 516.07, F.S.; providing an additional ground for taking disciplinary action; repealing s. 516.08, F.S., relating to requirements for posting a license; amending s. 516.12, F.S.; authorizing the commission to adopt rules specifying the minimum information to be shown in a licensee's books, accounts, records, and documents and the requirements for destroying a licensee's books, accounts, records, and documents; amending s. 516.19, F.S.; correcting cross-references; amending s. 517.021, F.S.; redefining the term "branch office"; authorizing the commission to adopt rules; amending s. 517.051, F.S.; revising required accounting principles; amending s. 517.061, F.S.; revising a provision governing exempt transactions; amending s. 517.081, F.S.; revising required accounting principles; amending s. 517.12, F.S.; revising requirements and procedures for registration of dealers, associated persons, investment advisers, and branch offices; revising duties and authority of the commission and office; providing for commission rules; providing duties of the Department of Law Enforcement; revising requirements, procedures, and exemptions relating to activities of Canadian dealers and associated persons; providing for certain fees; providing that certain fees are nonrefundable; providing for the collection of fees; amending s. 517.131, F.S.; revising criteria under which recovery can be made from the Securities Guaranty Fund; authorizing the commission to adopt rules; amending s. 517.141, F.S.; revising requirements for claimant reimbursements to the fund; authorizing the commission to adopt rules; amending s. 517.161, F.S.; revising a ground for a registration adverse action; providing an additional ground; amending ss. 520.02, 520.31, and 520.61, F.S.; defining the term "control person"; amending ss. 520.03, 520.32, 520.52, and 520.63, F.S.; revising requirements and procedures for licensing motor vehicle retail installment sellers, retail installment transaction retail sellers, sales finance companies, and home improvement finance sellers; revising duties and authority of the commission and office; specifying certain fees as nonrefundable; amending s. 520.994, F.S.; revising commission authority to adopt rules to include electronic submissions; providing for accommodating a technological or financial hardship; amending s. 520.995, F.S.; providing an additional ground for taking disciplinary action; revising a provision applying disciplinary actions to certain persons; amending s. 520.997, F.S.; revising commission authority to adopt rules relating to a licensee's books, accounts, records, and documents; creating s. 520.999, F.S.; providing additional requirements of licensees in sales and finance; authorizing the office to bring an administrative action under certain circumstances; authorizing the commission to adopt rules; amending s. 537.009, F.S., relating to the Florida Title Loan Act; revising provisions relating to a licensee's books, accounts, records, and documents; amending s. 559.9232, F.S.; correcting cross-references; amending s. 560.105, F.S., relating to the Money Transmitters' Code; authorizing the commission to adopt rules for electronic submission of money transmitter licensee forms, documents, or fees; providing for exemptions due to technological or financial hardship; amending s. 560.114, F.S.; providing an additional ground for taking disciplinary action; amending s. 560.121, F.S.; authorizing the commission to adopt rules relating to a licensee's books, accounts, records, and documents; amending s. 560.126, F.S.;

revising information reporting requirements; providing requirements for acquiring a controlling interest; authorizing the office to bring an administrative action under certain circumstances; authorizing the commission to adopt rules; amending s. 560.127, F.S.; revising criteria for determining control over a money transmitter; deleting provisions regulating the acquisition or purchase of a money transmitter; amending s. 560.205, F.S.; revising requirements and procedures for registering money transmitters; revising duties of the commission and office; providing duties of the Department of Law Enforcement; amending s. 560.207, F.S.; revising requirements and procedures for renewing a registration; authorizing the commission to adopt rules; providing that specified fees are nonrefundable; providing conditions for reinstating a registration; providing an additional fee; providing for expiration of registration; amending s. 560.210, F.S.; revising required accounting principles; amending s. 560.211, F.S.; revising certain recordkeeping requirements; amending s. 560.305, F.S., relating to the Check Cashing and Foreign Currency Exchange Act; revising requirements and procedures for registration; amending s. 560.306, F.S.; revising fingerprinting requirements and procedures; providing duties of the office and Department of Law Enforcement; amending s. 560.308, F.S.; revising requirements for renewal of registration; providing for expiration of registration; providing that specified fees are nonrefundable; providing conditions for reinstatement of a registration; amending s. 560.310, F.S.; revising certain recordkeeping requirements; amending s. 560.403, F.S.; revising requirements for registration renewal notices of intent; providing that specified fees are nonrefundable; providing conditions for reinstatement of a notice of intent; creating s. 655.851, F.S.; providing that credit balances that result from the performance of or participation in check-clearing functions are not subject to certain reporting requirements; amending s. 655.935, F.S.; authorizing the search of a safe-deposit box co-leased by a decedent; providing construction; amending s. 655.936, F.S.; providing for the delivery of a safe-deposit box to a court-appointed personal representative; amending s. 655.937, F.S.; revising provisions for access to safe-deposit boxes; providing a penalty; amending s. 679.705, F.S.; extending the effective date of a financing statement filed under previous law; amending s. 733.6065, F.S.; revising provisions relating to the initial opening of certain safe-deposit boxes; providing an appropriation; providing effective dates.

—as amended May 3 was read the third time by title.

On motion by Senator Atwater, **HB 7153** as amended 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 421—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.031, F.S.; continuing an exemption from the tax on rental or license fees which is provided for certain property rented, leased, or licensed by a convention or exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility for a specified period; providing for future repeal; postponing the repeal of and reviving and readopting s. 212.031(10), F.S., relating to an exemption provided for certain charges imposed by a convention or exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility upon a lessee or licensee; providing for future repeal; amending s. 212.04, F.S., relating to the tax on admissions; continuing in effect a provision that excludes certain service charges from the sale price or actual value of an admission; continuing an exemption from the tax which is provided for admission charges to an event sponsored by a governmental entity, sports authority, or sports commission; providing for future repeal; continuing in effect provisions governing the remitting of certain admission taxes to the Department of Revenue; providing an effective date.

—was read the third time by title.

On motion by Senator Margolis, **HB 421** 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

Consideration of **HB 151** was deferred.

HB 687—A bill to be entitled An act relating to public records; creating s. 790.0601, F.S.; creating an exemption from public records requirements for certain personal identifying information held by the Division of Licensing of the Department of Agriculture and Consumer Services; providing for retroactive application of the exemption; providing for disclosure of such information under specified conditions; providing for review and repeal; providing a statement of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Haridopolos, **HB 687** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—37

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

Nays—2

Margolis	Rich

HB 285—A bill to be entitled An act relating to emergency management; amending s. 252.36, F.S.; providing construction with respect to the authority of the Governor to seize, take, or confiscate firearms in the event of an emergency beyond local control; amending s. 870.044, F.S.; providing construction with respect to the seizure, taking, or confiscation of firearms during a state of emergency; reenacting s. 377.703(3)(a),

F.S., relating to the authority of the Governor to utilize specified emergency management powers to carry out emergency actions required by a serious shortage of energy sources under the energy emergency contingency plan of the Department of Environmental Protection, for the purpose of incorporating the amendment to s. 252.36, F.S., in a reference thereto; providing an effective date.

—was read the third time by title.

On motion by Senator Baker, **HB 285** 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 1001—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; exempting from public records requirements biometric identification information held by an agency before, on, or after the effective date of the exemption; providing a definition; providing for future legislative review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Fasano, **HB 1001** was passed by the required constitutional two-thirds vote of the members present 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 7131—A bill to be entitled An act relating to the redevelopment of brownfields; amending ss. 199.1055, 220.1845, 376.30781, 376.80, and 376.86, F.S.; increasing the amount and percentage of the credit that may be applied against the intangible personal property tax and the corporate income tax for the cost of voluntary cleanup of a contaminated site; increasing the amount that may be received by the taxpayer as an incentive to complete the cleanup in the final year; increasing the total amount of credits that may be granted in any year; providing tax credits for voluntary cleanup activities related to solid waste disposal facilities; providing criteria for eligible sites and activities; increasing the amount of the Brownfield Areas Loan Guarantee; reducing the job creation requirements; directing the Department of Environmental Protection to apply certain criteria, requirements, and limitations for implementation of such provisions; providing certain exceptions; amending s. 288.9015, F.S.; requiring Enterprise Florida, Inc., to aggressively market brownfields; amending ss. 196.012 and 196.1995, F.S., to include brownfield areas in the implementation of the economic development ad valorem tax exemption authorized under s. 3, Art VII of the Florida Constitution; repealing s. 376.87, F.S., relating to the Brownfield Property Ownership Clearance Assistance; repealing s. 376.875, F.S., relating to the Brownfield Property Ownership Clearance Assistance Revolving Loan Trust Fund; amending s. 14.2015, F.S.; deleting a reference to the trust fund to conform; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Constantine, **HB 7131** as amended 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

Consideration of **CS for SB 1544** was deferred.

HB 7061—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding deferred presentment providers; amending s. 560.4041, F.S., which provides an exemption from public records requirements for information that identifies a drawer or a deferred presentment provider contained in the database for deferred presentment providers maintained by the Office of Financial Regulation of the Financial Services Commission; making clarifying and editorial changes; removing superfluous language; removing the scheduled repeal of the exemption; providing an effective date.

—was read the third time by title.

On motion by Senator Webster, **HB 7061** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—1

Campbell

HB 7059—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding temporary cash assistance; amending s. 414.106, F.S., which provides an exemption from public meetings requirements for that portion of a meeting held by the Department of Children and Family Services, Workforce Florida, Inc., or a regional workforce board or local committee at which personal identifying information contained in records relating to temporary cash assistance is discussed; removing the scheduled repeal of the exemption; amending s. 414.295, F.S., which provides an exemption from public records requirements for personal identifying information of a temporary cash assistance program participant, a participant's family, or a participant's family or household member, except for information identifying a noncustodial parent, held by the Department of Children and Family Services, the Agency for Workforce Innovation, Workforce Florida, Inc., the Department of Health, the Department of Revenue, the Department of Education, or a regional workforce board or local committee; narrowing the exemption; making editorial changes; revising provisions relating to the authorized release of such confidential and exempt information; removing superfluous language; removing the scheduled repeal of the exemption; amending s. 445.007, F.S.; removing the exemption from public meetings requirements for any meeting or portion of a meeting held by Workforce Florida, Inc., or a regional workforce board or local committee at which specified personal identifying information contained in records relating to temporary cash assistance is discussed; providing an effective date.

—was read the third time by title.

On motion by Senator King, **HB 7059** 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

Consideration of **HB 371** was deferred.

HB 683—A bill to be entitled An act relating to growth management; amending s. 163.01, F.S.; revising provisions for filing certain interlocal agreements and amendments; amending s. 163.3177, F.S.; encouraging local governments to adopt recreational surface water use policies; providing criteria and exemptions for such policies; authorizing assistance for the development of such policies; directing the Office of Program Policy Analysis and Government Accountability to submit a report to the Legislature; revising a provision relating to the amount of transferrable land use credits; amending s. 163.3180, F.S.; conforming a cross-reference; amending s. 197.303, F.S.; revising the criteria for ad valorem tax deferral waterfront properties; amending s. 342.07, F.S.; including hotels and motels within the definition of the term "recreational and commercial working waterfront"; creating s. 373.4132, F.S.; directing water management district governing boards and the Department of Environmental Protection to require permits for certain activities relating to certain dry storage facilities; providing criteria for application of such permits; preserving regulatory authority for the department and governing boards; amending s. 380.06, F.S.; providing for the state land planning agency to determine the amount of development that remains to be built in certain circumstances; specifying certain requirements for a development order; revising the circumstances in which a local government may issue permits for development subsequent to the buildout date; revising the definition of an essentially built-out development; revising the criteria under which a proposed change constitutes a substantial deviation; providing criteria for calculating certain deviations; clarifying the criteria under which the extension of a buildout date is presumed to create a substantial deviation; requiring that notice of any change to certain set-aside areas be submitted to the local government; requiring that notice of certain changes be given to the state land planning agency, regional planning agency, and local government; revising the statutory exemptions from development-of-regional-impact review for certain facilities; removing waterport and marina developments from development-of-regional-impact review; providing statutory exemptions and partial statutory exemptions for the development of certain facilities; providing that the impacts from an exempt use that will be part of a larger project be included in the development-of-regional-impact review of the larger project; providing that vesting provisions relating to authorized developments of regional impact are not applicable to certain projects; revising provisions for the abandonment of developments of regional impact; providing an exemption from such provisions for certain developments of regional impact; providing requirements for developments following abandonment; amending s. 380.0651, F.S.; revising the statewide guidelines and standards for development-of-regional-impact review of office developments; deleting such guidelines and standards for port facilities; revising such guidelines and standards for residential developments; providing such guidelines and standards for workforce housing; amending s. 380.07, F.S.; revising the appellate procedures for development orders within a development of regional impact to the Florida Land and Water Adjudicatory Commission; amending s. 380.115, F.S.; providing that a change in a development-of-regional-impact guideline and standard does not abridge or modify any vested right or duty under a development order; providing a process for the rescission of a development order by the local government in certain circumstances; providing an exemption for certain applications for development approval and notices of proposed changes; amending s. 403.813, F.S.; revising permitting exceptions for the construction of private docks in certain waterways; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Bennett, **HB 683** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	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—Baker, King

HB 849—A bill to be entitled An act relating to regulation of foreign language court interpreters; requiring the Supreme Court to establish standards and procedures for qualifications, certification, conduct, discipline, and training of appointed foreign language court interpreters; requiring the Supreme Court to set fees for certification applications; specifying the use and deposit of such fees; authorizing the Supreme Court to appoint or employ personnel for certain administration assistance purposes; providing an effective date.

—was read the third time by title.

On motion by Senator Villalobos, **HB 849** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Margolis
Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
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

Nays—None

CS for CS for SB 2300—A bill to be entitled An act relating to transportation; amending s. 311.22, F.S.; authorizing a 25-percent match of funds for certain dredging projects; amending s. 320.20, F.S.; requiring the Florida Seaport Transportation and Economic Development Council to submit to the Department of Transportation a list of recommended projects; requiring the department to approve final distribution of funds for selected projects for funding in the tentative work program; appropriating $5 million annually for funding the Florida Seaport Transportation and Economic Development Program as provided in ch. 311, F.S., and for funding seaport intermodal access projects of statewide significance in s. 341.053, F.S.; amending s. 334.351, F.S., relating to youth work experience programs in the Department of Transportation; providing criteria for participation in the program; amending s. 339.08, F.S.; allowing moneys in the State Transportation Trust Fund to be used to pay the cost of the Enhanced Bridge Program; creating s. 339.282, F.S.; creating the Enhanced Bridge Program for Sustainable Transportation within the Department of Transportation; providing for the use of funds in the program; providing project guidelines for program funding; providing an effective date.

—was read the third time by title.

On motion by Senator Webster, **CS for CS for SB 2300** 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 7009—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding local government managers; amending s. 119.071, F.S.; narrowing the public records exemption for personal identifying information of current or former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of any local government agency or water management district with specified duties and the spouses and children of such personnel; removing the scheduled repeal of the exemption under the Open Government Sunset Review Act; providing an effective date.

—was read the third time by title.

On motion by Senator Bennett, **HB 7009** 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

Vote after roll call:

Yea—Klein

HB 1243—A bill to be entitled An act relating to education personnel; amending s. 1012.985, F.S.; authorizing a regional professional development academy to receive funds from certain sources for the purpose of developing programs and services; providing that a regional professional development academy is not a component of any school district or governmental unit to which it provides services; providing an effective date.

—was read the third time by title.

On motion by Senator King, **HB 1243** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	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 7119—A bill to be entitled An act relating to interscholastic athletics; requiring the Florida High School Athletic Association to hold certain bylaws in abeyance; providing for creation of a task force to review student athlete recruiting issues; providing for task force membership and duties; requiring recommendations to the Governor and the Legislature; requiring the Office of Program Policy Analysis and Government Accountability to conduct a review of recruiting violations by Florida High School Athletic Association member schools; providing an appropriation; amending s. 1006.20, F.S.; requiring the Florida High School Athletic Association to facilitate a 1-year drug testing program to randomly test for anabolic steroid use by students in grades 9 through 12 who participate in postseason competition in football, baseball, girls' softball, and weightlifting in its member schools; requiring schools to consent to the provisions of the program as a prerequisite for membership in the organization; requiring the organization to establish procedures for the conduct of the program, including contracting with a testing agency to administer the program; providing that the finding of a drug test shall be separate from a student's educational records; providing for disclosure; requiring students and their parents to consent to the provisions of the program as a prerequisite for eligibility to participate

in interscholastic athletics; providing penalties for students selected for testing who fail to provide a specimen; requiring the administration of a school to meet with a student who tests positive and his or her parent to review the finding, penalties, and procedure for challenge and appeal; providing penalties for positive findings; providing due process procedures for challenge and appeal; requiring the organization to provide a report to the Legislature on the results of the program; providing an exemption from civil liability resulting from implementation of the program; requiring the Department of Legal Affairs to provide defense in claims of civil liability; requiring program expenses to be paid through legislative appropriation; providing for expiration of the program; providing an effective date.

—as amended May 2 was read the third time by title.

On motion by Senator Saunders, **HB 7119** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	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 7011—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding code enforcement officers; amending s. 119.071, F.S.; narrowing the public records exemption for personal identifying information of current and former code enforcement officers and the spouses and children of such officers; removing the scheduled repeal of the exemption under the Open Government Sunset Review Act; providing an effective date.

—was read the third time by title.

On motion by Senator Bennett, **HB 7011** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

HB 7049—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding the Florida Surplus Lines Service Office; amending s. 626.921, F.S., which provides an exemption from public records requirements for information furnished to the Department of Financial Services by surplus lines agents, information contained in records of surplus lines agents subject to examination by the department, and information furnished to the Florida Surplus Lines Service Office under the Surplus Lines Law; making editorial changes; removing superfluous language; removing the scheduled repeal of the exemption; providing an effective date.

—was read the third time by title.

On motion by Senator Garcia, **HB 7049** 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

Consideration of **HB 911** was deferred.

HB 605—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public records requirements for the home addresses, telephone numbers, and photographs of current or former juvenile probation officers, juvenile probation supervisors, detention superintendents, assistant detention superintendents, senior juvenile detention officers, juvenile detention officer supervisors, juvenile detention officers, house parents I and II, house parent supervisors, group treatment leaders, group treatment leader supervisors, rehabilitation therapists, and social services counselors of the Department of Juvenile Justice, the names, home addresses, telephone numbers, and places of employment of spouses and children of such personnel, and the names and locations of schools and day care facilities attended by the children of such personnel; providing for review and repeal; reenacting s. 409.2577, F.S., relating to disclosure of information to the parent locator service of the Department of Children and Family Services, for the purpose of incorporating the amendment to s. 119.071, F.S., in a reference thereto; providing a statement of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Crist, **HB 605** 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

Mr. President	Dawson	Miller
Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	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—None

Vote after roll call:

Yea—Garcia

HB 911—A bill to be entitled An act relating to the use of state facilities as emergency shelters; amending s. 252.385, F.S.; providing for use of certain state facilities as emergency shelters; requiring the Department of Management Services to list state-owned facilities that are suitable for use as emergency shelters; providing requirements with respect to such listing; defining terms; providing an effective date.

—was read the third time by title.

On motion by Senator Bullard, **HB 911** 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 7151—A bill to be entitled An act relating to adoption; amending s. 63.054, F.S.; requiring a petitioner in a proceeding for termination of parental rights to provide notice to the Office of Vital Statistics of the Department of Health; prohibiting the office from recording a claim of paternity after the date that a termination of parental rights is filed; requiring the department to remove a registrant's name from the Florida Putative Father Registry upon a finding that the registrant has no parental rights; amending s. 63.062, F.S.; modifying consent required for adoption; amending s. 63.182, F.S.; providing that the interest that entitles a person to notice of an adoption must be direct, financial, and immediate; providing an exception; providing that a showing of an indirect, inconsequential, or contingent interest is wholly inadequate; providing construction and applicability; providing an effective date.

—was read the third time by title.

MOTION

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

Senator Lawson moved the following amendment:

Amendment 1 (983212)(with title amendment)—On line 20, insert:

Section 1. *(1) This section establishes circumstances under which a male may disestablish paternity or terminate a child support obligation when the male is not the biological father of the child. To disestablish paternity or terminate a child support obligation, the male must file a petition in the circuit court having jurisdiction over the child support obligation. The petition must be served on the mother or other legal guardian or custodian of the child. If the child support obligation was determined administratively and has not been ratified by a court, then the petition must be filed in the circuit court where the mother or legal guardian or custodian resides. Such a petition must be served on the Department of Revenue and on the mother or legal guardian or custodian. If the mother or legal guardian or custodian no longer resides in the state, the petition may be filed in the circuit court in the county where the petitioner resides. The petition must include:*

(a) An affidavit executed by the petitioner that newly discovered evidence relating to the paternity of the child has come to the petitioner's knowledge since the initial paternity determination or establishment of a child support obligation.

(b) The results of scientific tests that are generally acceptable within the scientific community to show a probability of paternity, administered within 90 days prior to the filing of such petition, which results indicate that the male ordered to pay such child support cannot be the father of the child for whom support is required, or an affidavit executed by the petitioner stating that he did not have access to the child to have scientific testing performed prior to the filing of the petition. A male who suspects he is not the father but does not have access to the child to have scientific testing performed may file a petition requesting the court to order the child to be tested.

(c) An affidavit executed by the petitioner stating that the petitioner is current on all child support payments for the child for whom relief is sought or that he has substantially complied with his child support obligation for the applicable child and that any delinquency in his child support obligation for that child arose from his inability for just cause to pay the delinquent child support when the delinquent child support became due.

(2) The court shall grant relief on a petition filed in accordance with subsection (1) upon a finding by the court of all of the following:

(a) Newly discovered evidence relating to the paternity of the child has come to the petitioner's knowledge since the initial paternity determination or establishment of a child support obligation.

(b) The scientific test required in paragraph (1)(b) was properly conducted.

(c) The male ordered to pay child support is current on all child support payments for the applicable child or that the male ordered to pay child support has substantially complied with his child support obligation for the applicable child and that any delinquency in his child support obligation for that child arose from his inability for just cause to pay the delinquent child support when the delinquent child support became due.

(d) The male ordered to pay child support has not adopted the child.

(e) The child was not conceived by artificial insemination while the male ordered to pay child support and the child's mother were in wedlock.

(f) The male ordered to pay child support did not act to prevent the biological father of the child from asserting his paternal rights with respect to the child.

(g) The child was younger than 18 years of age when the petition was filed.

(3) Notwithstanding subsection (2), a court shall not set aside the paternity determination or child support order if the male engaged in the following conduct after learning that he is not the biological father of the child:

1. Married the mother of the child while known as the reputed father in accordance with s. 742.091, Florida Statutes, and voluntarily assumed the parental obligation and duty to pay child support;

2. Acknowledged his paternity of the child in a sworn statement;

3. Consented to be named as the child's biological father on the child's birth certificate;

4. Voluntarily promised in writing to support the child and was required to support the child based on that promise;

5. Received written notice from any state agency or any court directing him to submit to scientific testing which he disregarded; or

6. Signed a voluntary acknowledgment of paternity as provided in s. 742.10(4), Florida Statutes.

(4) In the event the petitioner fails to make the requisite showing required by this section, the court shall deny the petition.

(5) In the event relief is granted pursuant to this section, relief shall be limited to the issues of prospective child support payments and termination of parental rights, custody, and visitation rights. The male's previous status as father continues to be in existence until the order granting relief is rendered. All previous lawful actions taken based on reliance on

that status are confirmed retroactively but not prospectively. This section shall not be construed to create a cause of action to recover child support that was previously paid.

(6) The duty to pay child support and other legal obligations for the child shall not be suspended while the petition is pending except for good cause shown. However, the court may order the child support to be held in the registry of the court until final determination of paternity has been made.

(7)(a) In an action brought pursuant to this section, if the scientific test results submitted in accordance with paragraph (1)(b) are provided solely by the male ordered to pay child support, the court on its own motion may, and on the petition of any party shall, order the child and the male ordered to pay child support to submit to applicable scientific tests. The court shall provide that such scientific testing be done no more than 30 days after the court issues its order.

(b) If the male ordered to pay child support willfully fails to submit to scientific testing or if the mother or legal guardian or custodian of the child willfully fails to submit the child for testing, the court shall issue an order determining the relief on the petition against the party so failing to submit to scientific testing. If a party shows good cause for failing to submit to testing, such failure shall not be considered willful. Nothing in this paragraph shall prevent the child from reestablishing paternity under s. 742.10, Florida Statutes.

(c) The party requesting applicable scientific testing shall pay any fees charged for the tests. If the custodian of the child is receiving services from an administrative agency in its role as an agency providing enforcement of child support orders, that agency shall pay the cost of the testing if it requests the test and may seek reimbursement for the fees from the person against whom the court assesses the costs of the action.

(8) If the relief on a petition filed in accordance with this section is granted, the clerk of the court shall, within 30 days following final disposition, forward to the Office of Vital Statistics of the Department of Health a certified copy of the court order or a report of the proceedings upon a form to be furnished by the department, together with sufficient information to identify the original birth certificate and to enable the department to prepare a new birth certificate. Upon receipt of the certified copy or the report, the department shall prepare and file a new birth certificate that deletes the name of the male ordered to pay child support as the father of the child. The certificate shall bear the same file number as the original birth certificate. All other items not affected by the order setting aside a determination of paternity shall be copied as on the original certificate, including the date of registration and filing. If the child was born in a state other than Florida, the clerk shall send a copy of the report or decree to the appropriate birth registration authority of the state where the child was born. If the relief on a petition filed in accordance with this section is granted and the mother or legal guardian or custodian requests that the court change the child's surname, the court may change the child's surname. If the child is a minor, the court shall consider whether it is in the child's best interests to grant the request to change the child's surname.

(9) The rendition of an order granting a petition filed pursuant to this section shall not affect the legitimacy of a child born during a lawful marriage.

(10) If relief on a petition filed in accordance with this section is not granted, the court shall assess the costs of the action and attorney's fees against the petitioner.

(11) Nothing in this section precludes an individual from seeking relief from a final judgment, decree, order, or proceeding pursuant to Rule 1.540, Florida Rules of Civil Procedure, or from challenging a paternity determination pursuant to s. 742.10(4), Florida Statutes.

(Redesignate subsequent sections.)

And the title is amended as follows:

On line 2, delete that line and insert: An act relating to the welfare of children; permitting a petition to set aside a determination of paternity or terminate a child support obligation; specifying contents of the petition; providing standards upon which relief shall be granted; providing remedies; prohibiting the suspension of child support obligations while a petition is pending; providing for scientific testing; providing for the amendment of the child's birth certificate; providing for assessment of costs and attorney's fees; amending s. 63.054, F.S.;

On motion by Senator Campbell, further consideration of **HB 7151** with pending **Amendment 1 (983212)** was deferred.

SB 1592—A bill to be entitled An act relating to local occupational license taxes; amending s. 205.0535, F.S.; updating provisions authorizing reclassification and new rate-structure revisions to local occupational license taxes by ordinance; deleting counties from such authorization provisions; providing construction relating to decreasing or repealing such taxes; providing an effective date.

—as amended May 2 was read the third time by title.

On motion by Senator Rich, **SB 1592** as amended 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 1369—A bill to be entitled An act relating to public records and public meetings; amending s. 119.071, F.S.; creating a temporary exemption from public records requirements for rejected bids and proposals received by a state agency if the agency reissues the invitation to bid or request for proposals; providing for review and repeal; providing a statement of public necessity; creating a temporary exemption from public records requirements for a competitive sealed reply in response to an invitation to negotiate; providing an extension of the temporary exemption if the agency reissues the invitation to negotiate; providing for review and repeal; providing a statement of public necessity; amending s. 286.0113, F.S.; creating an exemption from public meetings requirements for a meeting at which negotiation with a vendor is conducted; requiring a recording of the meeting; temporarily exempting the recording from disclosure; providing an extension of the temporary exemption under specified circumstances; providing for review and repeal; providing a statement of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Sebesta, **HB 1369** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Crist	Lawson
Alexander	Dawson	Lynn
Argenziano	Dockery	Margolis
Aronberg	Fasano	Miller
Atwater	Garcia	Peaden
Baker	Geller	Posey
Bennett	Haridopolos	Pruitt
Bullard	Hill	Saunders
Carlton	Jones	Sebesta
Clary	King	Siplin
Constantine	Klein	Smith

Villalobos	Wilson	Wise
Webster		

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla

HB 135—A bill to be entitled An act relating to charter schools; creating s. 1002.335, F.S.; providing findings and intent; establishing the Florida Schools of Excellence Commission as a charter school authorizing entity; providing for startup funds; providing for membership of the commission; providing powers and duties of the commission, including serving as a sponsor of charter schools, approving certain entities to act as cosponsors, approving or denying applications for Florida Schools of Excellence (FSE) charter schools, and developing standards for and evaluating the performance of cosponsors and charter schools; requiring collaboration with municipalities, state universities, community colleges, and regional educational consortia as cosponsors for FSE charter schools; providing chartering authority; prescribing procedures under which a district school board may become the exclusive authority to authorize charter schools within a school district; providing for challenges to grants of exclusive authority; prescribing conditions to be considered by the State Board of Education in determining whether to grant exclusive authority; providing requirements for approval of cosponsors by the commission; providing components of required cosponsor agreements; providing causes for revocation of approval of a cosponsor; providing for FSE charter school application and review procedures; authorizing existing charter schools to apply as FSE charter schools; providing for application of specified provisions of law; requiring access to information by parents; requiring the commission to submit an annual report; requiring rulemaking; amending s. 1002.33, F.S.; providing that the sponsor of a charter school shall not be liable for civil damages for certain actions; providing that the duty to monitor a charter school shall not be the basis for a private cause of action; prescribing limits on immunities of a charter school sponsor; providing requirements with respect to the right to appeal the denial of a charter school application; expanding a school district's immunity from assumption of contractual debts; revising provisions relating to reporting of charter school student enrollment for purposes of funding; providing appropriations and authorizing positions; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Wise, **HB 135** as amended was passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—6

Argenziano	Klein	Miller
Carlton	Lynn	Wilson

Vote after roll call:

Yea to Nay—Bullard, Rich

Nay to Yea—Klein

HB 151—A bill to be entitled An act relating to law enforcement; amending s. 790.065, F.S.; requiring the Department of Law Enforcement to review any records available to evaluate a potential buyer or transferee of a firearm, including an adjudication of mental defectiveness or a commitment to a mental institution as criteria that prohibit a person from purchasing a firearm; providing definitions; requiring the department to maintain an automated database of persons who are prohibited from purchasing a firearm; requiring each clerk of court to submit certain court records to the department within a certain period; requiring the department to delete certain records from the automated database upon the request of an individual meeting specified conditions; authorizing the department to disclose collected data to other federal or state agencies with regard to the sale or transfer of a firearm; authorizing the department to disclose certain information to the Department of Agriculture and Consumer Services for determining the eligibility of an applicant for a concealed weapons or concealed firearms license; requiring the clerk of court or mental hospital to provide additional information upon request following an appeal of an unapproved sale or transfer of a firearm; amending s. 914.25, F.S.; providing for recertification for protective services for an additional period, with reimbursement for expenses from the Victim and Witness Protection Review Committee; providing for unlimited protective services for a victim or witness without reimbursement; amending s. 937.021, F.S.; providing immunity to the Department of Law Enforcement, other law enforcement agencies, media representatives, and dealers of communications services from civil liability for complying in good faith with a request to record or report information of an Amber Alert or Missing Child Alert; providing that a technical or clerical error or incorrect or incomplete information does not overcome the presumption of good faith in reporting information about an Amber Alert or Missing Child Alert; providing that it is a discretionary decision to report, record, or display Amber Alert or Missing Child Alert information received from the local law enforcement agency having jurisdiction; amending s. 938.07, F.S.; requiring that a portion of certain court costs imposed for a conviction of driving or boating under the influence be deposited into the Operating Trust Fund of the Department of Law Enforcement instead of the Criminal Justice Standards and Training Trust Fund; amending s. 938.27, F.S.; requiring that investigative costs recovered on behalf of the Department of Law Enforcement be deposited into the department's Forfeiture and Investigative Trust Fund; amending s. 943.052, F.S.; requiring that disposition reports for dispositions relating to minor offenders are mandatory after a specified date; amending s. 68.07, F.S.; requiring a set of fingerprints as part of a name change petition; amending s. 943.05, F.S.; authorizing the Department of Law Enforcement to retain fingerprints in certain circumstances and use retained fingerprints for certain purposes; providing for an annual fee; providing for waiver of the fee for good cause shown; providing for free services for certain purposes; amending s. 943.053, F.S.; requiring the department to make certain information available to judges; limiting use of information; authorizing a criminal justice agency to obtain a criminal history background check of a noncertified agency employee by submitting fingerprints to the department; requiring that the criminal history check be provided by the department in certain circumstances; amending s. 943.0585, F.S.; prohibiting a court from expunging a criminal history record containing certain sexual offenses or certain offenses that require registration as a sexual offender; requiring a valid certificate of eligibility for expunction in a petition to expunge a criminal history record; specifying the time during which a certificate of eligibility for expunction is valid; requiring that a trial may not have occurred in order for a person to obtain a statement from the state attorney authorizing the expunction of a criminal record; authorizing a person who has secured a prior sealing of a criminal history record to seek a certificate of eligibility for expunction if the criminal history record was previously sealed for a certain number of years and is otherwise eligible for expunction; providing that a person who is seeking authorization for employment within or access to a seaport may not deny or fail to acknowledge arrests covered by expunged records; providing that the department may acknowledge expunged criminal history records under certain circumstances; prohibiting seaport employees from disclosing expunged criminal history record information except to certain persons; providing penalties; amending s. 943.059, F.S.; enumerating certain sexual offenses and offenses that require registration as a sexual offender which may not be sealed; requiring a valid certificate of eligibility for sealing in a petition to seal a criminal history record; specifying the period during which a certificate of eligibility for sealing is valid; providing that the information contained in a sealed criminal record is available to a criminal justice agency for the purpose of conducting a criminal history background check for approval of a firearms purchase or transfer; prohibiting a person from denying arrests covered by his or her sealed criminal record when attempting to purchase a firearm; providing that a person who is seeking authorization for employment within or access to a seaport may not deny or fail to acknowl-

edge arrests covered by sealed records; providing that the department may acknowledge sealed criminal history records under certain circumstances; prohibiting seaport employees from disclosing sealed criminal history record information except to certain persons; providing penalties; amending s. 943.13, F.S.; requiring the department to enter law enforcement, correctional, and correctional probation officers' fingerprints into a statewide automated fingerprint identification system; requiring the department to search each arrest fingerprint card received against fingerprints retained in the statewide automated fingerprint identification system; providing for refingerprinting by a certain date; amending ss. 943.1715 and 943.1716, F.S.; deleting the minimum number of hours required for basic skills training and continued employment training relating to diverse populations for law enforcement, correctional, and correctional probation officers; repealing s. 943.2569, F.S., relating to an annual financial audit of criminal justice selection centers; amending s. 943.257, F.S.; authorizing the Criminal Justice Standards and Training Commission and the advisory board of a criminal justice selection center to inspect and copy any documents from a center in order to carry out oversight responsibilities, including documents pertaining to any internal or independent audits; amending s. 943.401, F.S.; requiring the department to investigate all public assistance that is provided by the state; requiring public assistance recipients to consent in writing to an investigation into their employment and financial histories by the Agency for Workforce Innovation; requiring the department to report the results of the investigations to the Agency for Workforce Innovation; authorizing the department to purchase goodwill and promotional materials; limiting the annual amount of such expenditures; prohibiting the unauthorized use of the department's emblems and names; providing a penalty; amending s. 932.7055, F.S.; deleting certain reporting requirements; repealing s. 932.707, F.S., relating to penalty for noncompliance with reporting requirements; providing effective dates.

—was read the third time by title.

On motion by Senator Fasano, **HB 151** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

HB 1589—A bill to be entitled An act relating to specialty license plates; amending s. 320.08056, F.S.; revising specialty license plate use fee provisions to change a name; establishing an annual use fee for the Homeownership For All license plate; exempting collegiate license plates from discontinuance requirements; amending s. 320.08058, F.S.; revising authorized uses of the use fees received from sales of the Keep Kids Drug-Free license plate; changing the name of the Florida Memorial College license plate to the Florida Memorial University license plate; revising authorized uses of the use fees received from sales of the Sportsmen's National Land Trust license plate; creating the Homeownership For All license plate and providing for distribution of the fees received from sales of the plate; amending s. 320.0807, F.S.; creating special license plates for legislative presiding officers; amending s. 320.08056, F.S.; establishing an annual use fee for the Future Farmers of America license plate; amending s. 320.08058, F.S.; creating the Future Farmers of America license plate and providing for use of funds received from the sale of the plates; providing an effective date.

—was read the third time by title.

On motion by Senator Aronberg, **HB 1589** 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

CS for CS for SB 472—A bill to be entitled An act relating to guardianship; amending s. 744.102, F.S.; defining the terms "audit" and "surrogate guardian"; amending s. 744.1083, F.S.; revising the information that is required to identify a professional guardian; providing that the Statewide Public Guardianship Office need not review credit and criminal investigations from a college or university before registering the institution as a professional guardian; amending s. 744.301, F.S.; providing that in the event of death, the surviving parent is the sole natural guardian of a minor; prohibiting a natural guardian from using the property of the ward for the guardian's benefit without a court order; creating s. 744.3025, F.S.; authorizing a court to appoint a guardian ad litem to represent a minor's interest in certain claims that exceed a specified amount; requiring a court to appoint a guardian ad litem to represent a minor's interest in certain claims that exceed a specified amount; providing that a court need not appoint a guardian ad litem under certain circumstances; requiring a court to award reasonable fees and costs to the guardian ad litem; amending s. 744.3031, F.S.; increasing the time an emergency temporary guardian may serve to 90 days; authorizing an extension; requiring an emergency temporary guardian to file a final report; providing for the contents of the final report; amending s. 744.304, F.S.; specifying the persons who may file a petition for a standby guardian; requiring that notice of the appointment hearing be served on the ward's next of kin; clarifying when a standby guardian may assume the duties of guardian; requiring that each standby guardian submit to credit and criminal background checks; amending s. 744.3115, F.S.; providing a cross-reference; amending s. 744.3135, F.S.; providing procedures for completing a guardian's criminal history record check; authorizing a guardian to use electronic fingerprinting equipment that is available for criminal history record checks of public employees; providing that a guardian need not be rescreened if he or she uses certain electronic fingerprinting equipment; requiring the Department of Law Enforcement to retain electronically submitted fingerprints and to enter them into the statewide automated fingerprint identification system; requiring the department to search all fingerprint cards received from each guardian and each employee of such guardian against fingerprints retained in the statewide automated fingerprint identification system; requiring a guardian to pay an annual fee to the clerk of court for the background investigation; requiring a guardian and each employee of such guardian to complete an investigation of his or her credit history; requiring the Statewide Public Guardianship Office to adopt a rule for credit investigations of guardians; authorizing the office to inspect the results of any criminal or credit investigation; amending s. 744.3145, F.S.; reducing the time in which a guardian must complete the education courses from 1 year to 4 months; amending s. 744.3215, F.S.; providing that an incapacitated person retains the right to receive necessary services and rehabilitation necessary to maximize the quality of the person's life; amending s. 744.331, F.S.; requiring that the court appoint an attorney from a specified registry; requiring attorneys to complete certain training programs; providing that a member of the examining committee may not be related to or associated with certain persons; prohibiting a person who served on an examining committee from being appointed as the guardian; requiring each member of an examining committee to file an affidavit stating that he or she has

completed the mandatory training; providing for training programs; requiring each member to file a report regarding his or her examination of an alleged incapacitated person; providing for an award of attorney's fees; amending s. 744.341, F.S.; requiring the voluntary guardian to include certain information in the annual report; amending s. 744.361, F.S.; requiring a professional guardian to ensure that each of his or her wards is personally visited at least quarterly; providing for the assessment of certain conditions during the personal visit; amending s. 744.365, F.S.; requiring that the verified inventory include information on any trust to which a ward is a beneficiary; amending s. 744.367, F.S.; requiring that the annual report of the guardian be filed on or before April 1 of each year; amending s. 744.3675, F.S.; requiring that the annual guardianship plan include information on the mental condition of the ward; providing for an annual guardianship plan for wards who are minors; amending s. 744.3678, F.S.; providing that property of or a trust benefiting the ward which is not under the control of the guardian is not subject to annual accounting; requiring certain documentation for the annual accounting; amending s. 744.3679, F.S.; removing a provision prohibiting the clerk of court from having responsibility for monitoring or auditing accounts in certain cases; amending s. 744.368, F.S.; requiring that the verified inventory and the accountings be audited within a specified time period; amending s. 744.441, F.S.; providing that a guardian, with the approval of the court, may amend a revocable trust of the property of the ward; creating s. 744.442, F.S.; providing that a guardian may designate a surrogate guardian to exercise the powers of the guardian if the guardian is unavailable to act; requiring the surrogate guardian to be a professional guardian; providing the procedures to be used in appointing a surrogate guardian; providing the duties of a surrogate guardian; requiring the guardian to be liable for the acts of the surrogate guardian; authorizing the guardian to terminate the services of the surrogate guardian by filing a written notice of the termination with the court; amending s. 744.464, F.S.; removing the state attorney from the list of persons to be served a notice of a hearing on restoration of capacity; removing a time limitation on the filing of a suggestion of capacity; amending s. 744.474, F.S.; revising the circumstances under which a guardian may be removed; providing a rebuttable presumption that certain relatives act in the best interests of the ward; amending s. 744.511, F.S.; providing that a ward who is a minor need not be served with the final report of a removed guardian; amending s. 744.527, F.S.; providing that final reports for a deceased ward be filed at a specified time; amending s. 744.528, F.S.; providing for a notice of the hearing for objections to a report filed by a guardian; amending s. 744.708, F.S.; requiring each office of public guardian to undergo an audit; requiring the Statewide Public Guardianship Office to conduct an investigation into the practices of each office of public guardian; requiring a report to the Secretary of Elderly Affairs; deleting a definition; requiring a public guardian to ensure that each of his or her wards is personally visited at least quarterly; providing for the assessment of certain conditions during the personal visit; amending s. 765.101, F.S.; redefining the term "health care decision" to include informed consent for mental health treatment services; amending ss. 121.091, 121.4501, 709.08, and 744.1085, F.S.; conforming cross-references; reenacting s. 117.107(4), F.S., relating to prohibited acts of a notary public, to incorporate the amendment made to s. 744.3215, F.S., in a reference thereto; providing an effective date.

—as amended May 2 was read the third time by title.

Amendments were considered and adopted to conform **CS for CS for SB 472** to **HB 457**.

Pending further consideration of **CS for CS for SB 472** as amended, on motion by Senator Saunders, by two-thirds vote **HB 457** was withdrawn from the Committees on Judiciary; Criminal Justice; and Justice Appropriations.

On motion by Senator Saunders by two-thirds vote—

HB 457—A bill to be entitled An act relating to guardianship; amending s. 744.102, F.S.; defining the terms "audit" and "surrogate guardian"; amending s. 744.1083, F.S.; revising provisions relating to identification information provided by professional guardians for registration; authorizing revocation or suspension of a professional guardian's registration; providing that the Statewide Public Guardianship Office need not review credit and criminal investigations from a state college or university before registering the institution as a professional guardian; amending s. 744.301, F.S.; providing that in the event of death, the surviving parent is the sole natural guardian of a minor; prohibiting a natural guardian from using the property of the ward for the guardian's benefit without a court order; creating s. 744.3025, F.S.; authorizing a court to appoint a guardian ad litem to represent a minor's interest in certain claims that exceed a specified amount; requiring a court to appoint a guardian ad litem to represent a minor's interest in certain claims that exceed a specified amount; providing that a court need not appoint a guardian ad litem under certain circumstances; requiring a court to award reasonable fees and costs to the guardian ad litem; amending s. 744.3031, F.S.; increasing the time an emergency temporary guardian may serve; increasing the time of an extension; requiring an emergency temporary guardian to file a final report; providing for the contents of the final report; amending s. 744.304, F.S.; specifying the persons who may file a petition for a standby guardian; requiring that notice of the appointment hearing be served on the ward's next of kin; clarifying when a standby guardian may assume the duties of guardian; requiring that each standby guardian submit to credit and criminal history record checks; amending s. 744.3115, F.S.; defining the term "health care decision"; amending s. 744.3135, F.S.; providing procedures for completing a guardian's criminal history record check; authorizing a guardian to use electronic fingerprinting equipment that is available for criminal history record checks of public employees; providing that a guardian need not be rescreened if he or she uses certain electronic fingerprinting equipment; providing for fees; requiring the Statewide Public Guardianship Office to request that the Department of Law Enforcement forward certain fingerprints to the Federal Bureau of Investigation; requiring the Statewide Public Guardianship Office to adopt a rule for credit investigations of guardians; amending s. 744.3145, F.S.; reducing the time in which a guardian must complete the education courses; amending s. 744.3215, F.S.; providing that an incapacitated person retains the right to receive services and rehabilitation necessary to maximize the quality of the person's life; revising provisions relating to rights that may be removed from a person determined incapacitated; amending s. 744.331, F.S.; requiring that the court appoint an attorney for an alleged incapacitated person from a specified registry; requiring attorneys to complete certain training programs; providing that a member of the examining committee may not be related to or associated with certain persons; prohibiting a person who served on an examining committee from being appointed as the guardian; requiring each member of an examining committee to file an affidavit stating that he or she has completed or will timely complete the mandatory training; providing for training programs; requiring each member to file a report regarding his or her examination of an alleged incapacitated person; providing for dismissal of a petition alleging incapacity based on the reports of the majority of the committee members; providing for an award of attorney's fees; amending s. 744.341, F.S.; requiring the voluntary guardian to include certain information in the annual report; amending s. 744.361, F.S.; requiring a professional guardian to ensure that each of his or her wards is personally visited at least quarterly; providing for the assessment of certain conditions during the personal visit; providing an exemption; amending s. 744.365, F.S.; requiring that the verified inventory include information on any trust to which a ward is a beneficiary; amending s. 744.367, F.S.; requiring that the annual report of the guardian filing on a calendar-year basis be filed on or before a specified date; exempting all minor wards from service of the annual report; amending s. 744.3675, F.S.; requiring that the annual guardianship plan include information on the mental condition of the ward; providing for an annual guardianship plan for wards who are minors; amending s. 744.3678, F.S.; providing that property of the ward which is not under the control of the guardian, including certain trusts, is not subject to annual accounting; requiring certain documentation for the annual accounting; amending s. 744.3679, F.S.; removing a provision prohibiting the clerk of the court from having responsibility for monitoring or auditing accounts in certain cases; amending s. 744.368, F.S.; requiring that the verified inventory and the accountings be audited within a specified time period; amending s. 744.441, F.S.; requiring the court to retain oversight for assets of a ward transferred to a trust; creating s. 744.442, F.S.; providing that a guardian may designate a surrogate guardian to exercise the powers of the guardian if the guardian is unavailable to act; requiring the surrogate guardian to be a professional guardian; providing the procedures to be used in appointing a surrogate guardian; providing the duties of a surrogate guardian; requiring the guardian to be liable for the acts of the surrogate guardian; authorizing the guardian to terminate the services of the surrogate guardian by filing a written notice of the termination with the court; amending s. 744.464, F.S.; removing the state attorney from the list of persons to be served a notice of a hearing on restoration of capacity; removing a time limitation on the filing of a suggestion of capacity; amending s. 744.474, F.S.; revising provisions relating to removal of a guardian who is not a family member;

revising provisions relating to removal of a guardian upon a showing that removal of the current guardian is in the best interest of the ward; amending s. 744.511, F.S.; providing that a ward who is a minor need not be served with the final report of a removed guardian; amending s. 744.527, F.S.; providing that final reports for a deceased ward be filed at a specified time; amending s. 744.528, F.S.; providing for a notice of the hearing for objections to a report filed by a guardian; amending s. 744.708, F.S.; revising provisions relating to audits and investigations of each office of public guardian; requiring a public guardian to ensure that each of his or her wards is personally visited at least quarterly; providing for the assessment of certain conditions during the personal visit; providing for additional distribution of a specified annual report; deleting a definition; amending s. 765.101, F.S.; redefining the term "health care decision" to include informed consent for mental health treatment services; amending ss. 121.091, 121.4501, 709.08, and 744.1085, F.S.; conforming cross-references; reenacting s. 117.107(4), F.S., relating to prohibited acts of a notary public, to incorporate the amendment made to s. 744.3215, F.S., in a reference thereto; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 472** as amended and read the second time by title.

MOTION

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

Senator Saunders moved the following amendment which was adopted:

Amendment 1 (560218)—Delete lines 510 through 621, and insert: *credit or criminal history record check is required, the court must consider the results of any investigation before appointing a guardian. At any time, the court may require a guardian or the guardian's employees to submit to an investigation of the person's credit history and complete a level 1 background screening as set forth in s. 435.03. The court shall consider the results of any investigation when reappointing a guardian. The clerk of the court shall maintain a file on each guardian appointed by the court and retain in the file documentation of the result of any investigation conducted under this section. A professional guardian must pay the clerk of the court a fee of up to $7.50 for handling and processing professional guardian files.*

(2) The court and the Statewide Public Guardianship Office shall accept the satisfactory completion of a criminal history record check by any method described in this subsection. A guardian satisfies the requirements of this section by undergoing:

(a) An electronic fingerprint criminal history record check. A guardian may use any electronic fingerprinting equipment used for criminal history record checks of public employees. The guardian shall pay the actual costs incurred by the Federal Bureau of Investigation and the Department of Law Enforcement for the criminal history record check. The agency that operates the equipment used by the guardian may charge the guardian an additional fee, not to exceed $10, for the use of the equipment. The agency completing the record check must immediately send the results of the criminal history record check to the clerk of the court and the Statewide Public Guardianship Office. The clerk of the court shall maintain the results in the guardian's file and shall make the results available to the court; or

(b) A criminal history record check using a fingerprint card. The clerk of the court shall obtain fingerprint cards from the Federal Bureau of Investigation and make them available to guardians. Any guardian who is so required shall have his or her fingerprints taken and forward the proper fingerprint card along with the necessary fee to the ~~Florida~~ Department of Law Enforcement for processing. ~~The professional guardian shall pay to the clerk of the court a fee of up to $7.50 for handling and processing professional guardian files.~~ The results of the fingerprint *card criminal history record* checks shall be forwarded to the clerk of the court who shall maintain the results in *the guardian's* ~~a guardian~~ file and ~~shall~~ make the results available to the court *and the Statewide Public Guardianship Office*.

(3)(a) A professional guardian, and each employee of a professional guardian who has a fiduciary responsibility to a ward, must complete, at his or her own expense, a level 2 background screening as set forth in s. 435.04 before and at least once every 5 years after the date the guardian is appointed. A professional guardian, and each employee of a professional guardian who has a fiduciary responsibility to a ward, must complete, at his or her own expense, a level 1 background screening as set forth in s. 435.03 at least once every 2 years after the date the guardian is appointed. However, a person is not required to resubmit fingerprints for a criminal history record check if he or she has been screened using electronic fingerprinting equipment and the fingerprints are retained by the Department of Law Enforcement in order to notify the clerk of the court of any crime charged against the person in this state or elsewhere, as appropriate.

(b) Effective December 15, 2006, all fingerprints electronically submitted to the Department of Law Enforcement under this section shall be retained by the Department of Law Enforcement in a manner provided by rule and entered in the statewide automated fingerprint identification system authorized by s. 943.05(2)(b). The fingerprints shall thereafter be available for all purposes and uses authorized for arrest fingerprint cards entered in the Criminal Justice Information Program under s. 943.051.

(c) Effective December 15, 2006, the Department of Law Enforcement shall search all arrest fingerprint cards received under s. 943.051 against the fingerprints retained in the statewide automated fingerprint identification system under paragraph (b). Any arrest record that is identified with the fingerprints of a person described in this paragraph must be reported to the clerk of court. The clerk of court must forward any arrest record received for a professional guardian to the Statewide Public Guardianship Office within 5 days. Each guardian who elects to submit fingerprint information electronically shall participate in this search process by paying an annual fee to the Statewide Public Guardianship Office of the Department of Elderly Affairs and by informing the clerk of court and the Statewide Public Guardianship Office of any change in the status of his or her guardianship appointment. The amount of the annual fee to be imposed for performing these searches and the procedures for the retention of guardian fingerprints and the dissemination of search results shall be established by rule of the Department of Law Enforcement. At least once every 5 years, the Statewide Public Guardianship Office must request that the Department of Law Enforcement forward the fingerprints maintained under this section to the Federal Bureau of Investigation.

(4)(a) A professional guardian, and each employee of a professional guardian who has a fiduciary responsibility to a ward, must complete, at his or her own expense, an investigation of his or her credit history before and at least once every 2 years after the date of the guardian's appointment.

(b) The Statewide Public Guardianship Office shall adopt a rule detailing the acceptable methods for completing a credit investigation under this section. If appropriate, the Statewide Public Guardianship Office may administer credit investigations. If the office chooses to administer the credit investigation, the office may adopt a rule setting a fee, not to exceed $25, to reimburse the costs associated with the administration of a credit investigation.

(5) The Statewide Public Guardianship Office may inspect at any time the results of any credit or criminal history record check of a public or professional guardian conducted under this section. The office shall maintain copies of the credit or criminal history record check results in the guardian's registration file. If the

On motion by Senator Saunders, by two-thirds vote **HB 457** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Clary	Jones
Alexander	Constantine	King
Argenziano	Crist	Klein
Aronberg	Dawson	Lawson
Atwater	Dockery	Lynn
Baker	Fasano	Margolis
Bennett	Garcia	Miller
Bullard	Geller	Peaden
Campbell	Haridopolos	Posey
Carlton	Hill	Pruitt

Saunders	Smith	Wilson
Sebesta	Villalobos	Wise
Siplin	Webster	

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla

HB 755—A bill to be entitled An act relating to the Department of the Lottery; amending s. 24.109, F.S.; requiring an administrative law judge to conduct certain reviews in a competitive procurement protest and providing guidelines for such review; providing an effective date.

—was read the third time by title.

On motion by Senator Clary, **HB 755** 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 1593—A bill to be entitled An act relating to cybercrime; creating s. 16.61, F.S.; creating the Cybercrime Office within the Department of Legal Affairs; authorizing the office to investigate certain violations of state law pertaining to the sexual exploitation of children; providing that investigators employed by the office are law enforcement officers of the state; authorizing the Attorney General to carry out certain duties and responsibilities; requiring the Attorney General to provide notice of an arrest to the local sheriff; providing an effective date.

—was read the third time by title.

On motion by Senator Crist, **HB 1593** 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 595—A bill to be entitled An act relating to community behavioral health agencies; creating s. 394.9085, F.S.; providing that certain facilities or programs have liability limits in negligence actions under certain circumstances; limiting net economic damages allowed per claim; requiring that damages be offset by collateral source payment in accordance with s. 768.76, F.S.; requiring that costs to defend actions be assumed by the provider or its insurer; specifying occasions upon which the limitations on liability enjoyed by the provider extend to the employee; requiring that providers obtain and maintain specified liability coverage; specifying that persons providing contractual services to the state are not considered agents or employees under ch. 440, F.S.; providing for an annual increase in the conditional limitations on damages; providing definitions; providing construction; preserving sovereign immunity for governmental units and entities protected by sovereign immunity; providing an effective date.

—was read the third time by title.

On motion by Senator Fasano, **HB 595** 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 459—A bill to be entitled An act relating to public records; amending s. 744.7082, F.S.; creating an exemption from public records requirements for identifying information of persons making a donation of funds or property to the direct-support organization of the Statewide Public Guardianship Office; providing for review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Fasano, **HB 459** was passed by the required constitutional two-thirds vote of the members present 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 749—A bill to be entitled An act relating to sewage treatment and disposal systems; amending s. 153.54, F.S.; requiring county commissions to include certain studies for the construction of a new proposed sewerage system or the extension of an existing sewerage system in

certain reports; amending s. 153.73, F.S.; requiring county water and sewer districts to conduct certain studies for the construction of a new proposed sewerage system or the extension of an existing sewerage system prior to the levying of certain assessments; amending s. 163.3180, F.S.; authorizing local governments to use certain onsite sewage treatment and disposal systems to meet certain concurrency requirements; amending s. 180.03, F.S.; requiring municipalities to conduct certain studies for the construction of a new proposed sewerage system or the extension of an existing sewerage system prior to the adoption of certain resolutions or ordinances; amending s. 381.00655, F.S.; authorizing local governments and certain water and sewer districts to grant variances from connecting to a publicly owned or investor-owned sewerage system under certain circumstances; providing construction; amending s. 381.0067, F.S.; authorizing the department or its agents to require repair or replacement of drainfields under certain circumstances; requiring the department or its agents to issue an order for the replacement of an onsite sewage treatment and disposal system under certain circumstances; providing construction; amending s. 489.554, F.S.; increasing annual continuing education requirements for septic tank contractors and master septic tank contractors; providing an effective date.

—was read the third time by title.

On motion by Senator Argenziano, **HB 749** 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

HJR 353—A joint resolution proposing an amendment to Section 6 of Article VII and the creation of Section 26 of Article XII of the State Constitution to increase the maximum additional homestead exemption for low-income seniors from $25,000 to $50,000 and to schedule the amendment to take effect January 1, 2007, if adopted.

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

That the following amendment to Section 6 of Article VII and the creation of Section 26 of Article XII 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 VII
FINANCE AND TAXATION

Section 1. Homestead exemptions.—

(a) Every person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, or another legally or naturally dependent upon the owner, shall be exempt from taxation thereon, except assessments for special benefits, up to the assessed valuation of five thousand dollars, upon establishment of right thereto in the manner prescribed by law. The real estate may be held by legal or equitable title, by the entireties, jointly, in common, as a condominium, or indirectly by stock ownership or membership representing the owner's or member's proprietary interest in a corporation owning a fee or a leasehold initially in excess of ninety-eight years.

(b) Not more than one exemption shall be allowed any individual or family unit or with respect to any residential unit. No exemption shall exceed the value of the real estate assessable to the owner or, in case of ownership through stock or membership in a corporation, the value of the proportion which the interest in the corporation bears to the assessed value of the property.

(c) By general law and subject to conditions specified therein, the exemption shall be increased to a total of twenty-five thousand dollars of the assessed value of the real estate for each school district levy. By general law and subject to conditions specified therein, the exemption for all other levies may be increased up to an amount not exceeding ten thousand dollars of the assessed value of the real estate if the owner has attained age sixty-five or is totally and permanently disabled and if the owner is not entitled to the exemption provided in subsection (d).

(d) By general law and subject to conditions specified therein, the exemption shall be increased to a total of the following amounts of assessed value of real estate for each levy other than those of school districts: fifteen thousand dollars with respect to 1980 assessments; twenty thousand dollars with respect to 1981 assessments; twenty-five thousand dollars with respect to assessments for 1982 and each year thereafter. However, such increase shall not apply with respect to any assessment roll until such roll is first determined to be in compliance with the provisions of section 4 by a state agency designated by general law. This subsection shall stand repealed on the effective date of any amendment to section 4 which provides for the assessment of homestead property at a specified percentage of its just value.

(e) By general law and subject to conditions specified therein, the Legislature may provide to renters, who are permanent residents, ad valorem tax relief on all ad valorem tax levies. Such ad valorem tax relief shall be in the form and amount established by general law.

(f) The legislature may, by general law, allow counties or municipalities, for the purpose of their respective tax levies and subject to the provisions of general law, to grant an additional homestead tax exemption not exceeding *fifty* ~~twenty-five~~ thousand dollars to any person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner and who has attained age sixty-five and whose household income, as defined by general law, does not exceed twenty thousand dollars. The general law must allow counties and municipalities to grant this additional exemption, within the limits prescribed in this subsection, by ordinance adopted in the manner prescribed by general law, and must provide for the periodic adjustment of the income limitation prescribed in this subsection for changes in the cost of living.

ARTICLE XII
SCHEDULE

Section 2. *Increased homestead exemption.—The amendment to Section 6 of Article VII increasing the maximum additional amount of the homestead exemption for low-income seniors shall take effect January 1, 2007.*

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

CONSTITUTIONAL AMENDMENT
ARTICLE VII, SECTION 6
ARTICLE XII, SECTION 26

INCREASED HOMESTEAD EXEMPTION.—Proposing amendment of the State Constitution to increase the maximum additional homestead exemption for low-income seniors from $25,000 to $50,000 and to schedule the amendment to take effect January 1, 2007, if adopted.

—was read the third time in full.

On motion by Senator Haridopolos, **HJR 353** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Atwater	Bullard
Alexander	Baker	Campbell
Aronberg	Bennett	Carlton

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

Nays—None

Vote after roll call:

Yea—Garcia

SB 1126—A bill to be entitled An act relating to criminal sentencing; amending s. 775.0823, F.S.; providing that adjudication of guilt or imposition of sentence may not be suspended, deferred, or withheld for an attempted felony murder committed against a law enforcement officer, correctional officer, state attorney, assistant state attorney, justice, or judge; amending s. 921.0024, F.S., relating to the worksheet for the Criminal Punishment Code; providing for computing sentence points if the primary offense is a violation of s. 775.0823, F.S.; amending s. 947.146, F.S., relating to inmates who are ineligible for control release; conforming cross-references to changes made by the act; providing an effective date.

—was read the third time by title.

On motion by Senator Rich, **SB 1126** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dockery	Peaden
Alexander	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
Diaz de la Portilla	Miller	

Nays—None

Vote after roll call:

Yea—Argenziano

CS for SB 1174—A bill to be entitled An act relating to the Family and School Partnership for Student Achievement Act; amending s. 1002.23, F.S.; requiring that the Department of Education include in the parents' guide to student achievement information about parents' rights relating to their child's permanent record; requiring that a checklist of parental actions that can strengthen parental involvement in their child's education be reviewed during parent-teacher conferences; requiring school districts to include, when adopting specified rules, certain requirements requiring notification of parents concerning the academic performance or behavior of their child in school; providing an effective date.

—was read the third time by title.

On motion by Senator King, **CS for SB 1174** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla, Pruitt

The Senate resumed consideration of—

HB 7035—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding motor vehicle crash reports; amending s. 316.066, F.S., which provides an exemption from public records requirements for required motor vehicle crash reports that reveal the identity, home or employment telephone number, or home or employment address of, or other personal information concerning, parties involved in a motor vehicle crash and that are held by any agency that regularly receives or prepares information from or concerning the parties to motor vehicle crashes; reorganizing provisions, making editorial and conforming changes, and removing superfluous language; removing the scheduled repeal of the exemption under the Open Government Sunset Review Act; amending ss. 324.051 and 921.0022, F.S.; correcting cross-references; providing an effective date.

—which was previously considered and amended this day.

RECONSIDERATION OF AMENDMENT

On motion by Senator Garcia, the Senate reconsidered the vote by which **Amendment 1 (612062)** by Senator Garcia was adopted. **Amendment 1** was withdrawn.

MOTION

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

Senator Garcia moved the following amendment which was adopted:

Amendment 2 (445550)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 316.066, Florida Statutes, is amended to read:

316.066 Written reports of crashes.—

(1) The driver of a vehicle which is in any manner involved in a crash resulting in bodily injury to or death of any person or damage to any vehicle or other property in an apparent amount of at least $500 shall, within 10 days after the crash, forward a written report of such crash to the department or traffic records center. However, when the investigating officer has made a written report of the crash pursuant to *subsection* ~~paragraph~~ (3)~~(a)~~, no written report need be forwarded to the department or traffic records center by the driver.

(2) The receiving entity may require any driver of a vehicle involved in a crash of which a written report must be made as provided in this section to file supplemental written reports whenever the original report is insufficient in the opinion of the department and may require witnesses of crashes to render reports to the department.

(3)(a) Every law enforcement officer who in the regular course of duty investigates a motor vehicle crash:

1. Which crash resulted in death or personal injury shall, within 10 days after completing the investigation, forward a written report of the crash to the department or traffic records center.

2. Which crash involved a violation of s. 316.061(1) or s. 316.193 shall, within 10 days after completing the investigation, forward a written report of the crash to the department or traffic records center.

3. In which crash a vehicle was rendered inoperative to a degree which required a wrecker to remove it from traffic may, within 10 days after completing the investigation, forward a written report of the crash to the department or traffic records center if such action is appropriate, in the officer's discretion.

(b) ~~However,~~ In every case in which a crash report is required by this section and a written report to a law enforcement officer is not prepared, the law enforcement officer shall provide each party involved in the crash a short-form report, prescribed by the state, to be completed by the party. The short-form report must include~~, but is not limited to~~:

1. The date, time, and location of the crash;

2. A description of the vehicles involved;

3. The names and addresses of the parties involved;

4. The names and addresses of witnesses;

5. The name, badge number, and law enforcement agency of the officer investigating the crash; and

6. The names of the insurance companies for the respective parties involved in the crash.

(c) Each party to the crash shall provide the law enforcement officer with proof of insurance to be included in the crash report. If a law enforcement officer submits a report on the accident, proof of insurance must be provided to the officer by each party involved in the crash. Any party who fails to provide the required information is guilty of an infraction for a nonmoving violation, punishable as provided in chapter 318 unless the officer determines that due to injuries or other special circumstances such insurance information cannot be provided immediately. If the person provides the law enforcement agency, within 24 hours after the crash, proof of insurance that was valid at the time of the crash, the law enforcement agency may void the citation.

(4)(a)~~(b)~~ One or more counties may enter into an agreement with the appropriate state agency to be certified by the agency to have a traffic records center for the purpose of tabulating and analyzing countywide traffic crash reports. The agreement must include: certification by the agency that the center has adequate auditing and monitoring mechanisms in place to ensure the quality and accuracy of the data; the time period in which the traffic records center must report crash data to the agency; and the medium in which the traffic records must be submitted to the agency.

(b) In the case of a county or multicounty area that has a certified central traffic records center, a law enforcement agency or driver must submit to the center within the time limit prescribed in this section a written report of the crash. A driver who is required to file a crash report must be notified of the proper place to submit the completed report.

(c) Fees for copies of public records provided by a certified traffic records center shall be charged and collected as follows:

For a crash report . . . . . $2 per copy.

For a homicide report . . . . . $25 per copy.

For a uniform traffic citation . . . . . $0.50 per copy.

The fees collected for copies of the public records provided by a certified traffic records center shall be used to fund the center or otherwise as designated by the county or counties participating in the center.

(5)(a)~~(c)~~ Crash reports *that* ~~required by this section which~~ reveal the identity, home or employment telephone number or home or employment address of, or other personal information concerning the parties involved in the crash and *that* ~~which~~ are *held* ~~received or prepared~~ by any agency that regularly receives or prepares information from or concerning the parties to motor vehicle crashes are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for a period of 60 days after the date the report is filed.

(b) Crash ~~However, such~~ reports *held by an agency under paragraph (a)* may be made immediately available to the parties involved in the crash, their legal representatives, their licensed insurance agents, their insurers or insurers to which they have applied for coverage, persons under contract with such insurers to provide claims or underwriting information, prosecutorial authorities, victim services programs, radio and television stations licensed by the Federal Communications Commission, newspapers qualified to publish legal notices under ss. 50.011 and 50.031, and free newspapers of general circulation, published once a week or more often, available and of interest to the public generally for the dissemination of news. For the purposes of this section, the following products or publications are not newspapers as referred to in this section: those intended primarily for members of a particular profession or occupational group; those with the primary purpose of distributing advertising; and those with the primary purpose of publishing names and other personal identifying information concerning parties to motor vehicle crashes.

(c) Any local, state, or federal agency~~, victim services program, agent, or employee~~ that is authorized to have access to *crash* ~~such~~ reports by any provision of law shall be granted such access in the furtherance of the agency's statutory duties ~~notwithstanding the provisions of this paragraph. Any local, state, or federal agency, agent, or employee receiving such crash reports shall maintain the confidential and exempt status of those reports and shall not disclose such crash reports to any person or entity.~~

(d) As a condition precedent to accessing a crash report within 60 days after the date the report is filed, a person must present a valid driver's license or other photographic identification, proof of status, or identification that demonstrates his or her qualifications to access that information, and file a written sworn statement with the state or local agency in possession of the information stating that information from a crash report made confidential *and exempt* by this section will not be used for any commercial solicitation of accident victims, or knowingly disclosed to any third party for the purpose of such solicitation, during the period of time that the information remains confidential *and exempt*. In lieu of requiring the written sworn statement, an agency may provide crash reports by electronic means to third-party vendors under contract with one or more insurers, but only when such contract states that information from a crash report made confidential *and exempt* by this section will not be used for any commercial solicitation of accident victims by the vendors, or knowingly disclosed by the vendors to any third party for the purpose of such solicitation, during the period of time that the information remains confidential *and exempt*, and only when a copy of such contract is furnished to the agency as proof of the vendor's claimed status.

(e) This subsection does not prevent the dissemination or publication of news to the general public by any legitimate media entitled to access confidential *and exempt* information pursuant to this section. ~~A law enforcement officer as defined in s. 943.10(1) may enforce this subsection. This exemption is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.~~

(6)(a)~~(d)~~ *Any driver failing to file the written report required under subsection (1) or subsection (2) commits a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.*

(b) Any employee of a state or local agency in possession of information made confidential *and exempt* by this section who knowingly discloses such confidential *and exempt* information to a person not entitled to access such information under this section is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c)~~(e)~~ Any person, knowing that he or she is not entitled to obtain information made confidential *and exempt* by this section, who obtains or attempts to obtain such information is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d)~~(f)~~ Any person who knowingly uses confidential *and exempt* information in violation of a filed written sworn statement or contractual agreement required by this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(7)~~(4)~~ Except as specified in this subsection, each crash report made by a person involved in a crash and any statement made by such person to a law enforcement officer for the purpose of completing a crash report required by this section shall be without prejudice to the individual so reporting. No such report or statement shall be used as evidence in any trial, civil or criminal. However, subject to the applicable rules of evidence, a law enforcement officer at a criminal trial may testify as to any statement made to the officer by the person involved in the crash if that person's privilege against self-incrimination is not violated. The results of breath, urine, and blood tests administered as provided in s. 316.1932 or s. 316.1933 are not confidential and shall be admissible into evidence in accordance with the provisions of s. 316.1934(2). Crash reports made by persons involved in crashes shall not be used for commercial solicitation purposes; however, the use of a crash report for purposes of publication in a newspaper or other news periodical or a radio or television broadcast shall not be construed as "commercial purpose."

(8) A law enforcement officer, as defined in s. 943.10(1), may enforce this section.

~~(5) For purposes of this section, a written report includes a report generated by a law enforcement agency through the use of a computer.~~

~~(6) Any driver failing to file the written report required under subsection (1) or subsection (2) commits a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.~~

Section 2. Paragraph (a) of subsection (1) of section 324.051, Florida Statutes, is amended to read:

324.051 Reports of crashes; suspensions of licenses and registrations.—

(1)(a) Every law enforcement officer who, in the regular course of duty either at the time of and at the scene of the crash or thereafter by interviewing participants or witnesses, investigates a motor vehicle crash which he or she is required to report pursuant to s. 316.066(3)~~(a)~~ shall forward a written report of the crash to the department within 10 days of completing the investigation. However, when the investigation of a crash will take more than 10 days to complete, a preliminary copy of the crash report shall be forwarded to the department within 10 days of the occurrence of the crash, to be followed by a final report within 10 days after completion of the investigation. The report shall be on a form and contain information consistent with the requirements of s. 316.068.

Section 3. Paragraph (c) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(c) LEVEL 3
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
316.066*(6)(b)-(d)* ~~(3)(d)-(f)~~	3rd	Unlawfully obtaining or using confidential crash reports.
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
327.35(2)(b)	3rd	Felony BUI.
328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
370.12(1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
370.12(1)(e)6.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
400.903(3)	3rd	Operating a clinic without a license or filing false license application or other required information.
440.105(3)(b)	3rd	Receipt of fee or consideration without approval by judge of compensation claims.
440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than $20,000.
626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
697.08	3rd	Equity skimming.
790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
796.05(1)	3rd	Live on earnings of a prostitute.
806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
812.014(2)(c)2.	3rd	Grand theft; $5,000 or more but less than $10,000.
812.0145(2)(c)	3rd	Theft from person 65 years of age or older; $300 or more but less than $10,000.
815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than $20,000.
817.233	3rd	Burning to defraud insurer.
817.234(8)(b)-(c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
817.234(11)(a)	3rd	Insurance fraud; property value less than $20,000.
817.236	3rd	Filing a false motor vehicle insurance application.
817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
817.413(2)	3rd	Sale of used goods as new.
817.505(4)	3rd	Patient brokering.
828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
843.19	3rd	Injure, disable, or kill police dog or horse.
860.15(3)	3rd	Overcharging for repairs and parts.
870.01(2)	3rd	Riot; inciting or encouraging.
893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).

Florida Statute	Felony Degree	Description
893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of university.
893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of public housing facility.
893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
893.13(8)(a)2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
944.47(1)(a)1.-2.	3rd	Introduce contraband to correctional facility.
944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
985.3141	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).

Section 4. This act shall take effect October 1, 2006.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding motor vehicle crash reports; amending s. 316.066, F.S., which provides an exemption from public records requirements for required motor vehicle crash reports that reveal the identity, home or employment telephone number, or home or employment address of, or other personal information concerning, parties involved in a motor vehicle crash and that are held by any agency that regularly receives or prepares information from or concerning the parties to motor vehicle crashes; reorganizing provisions, making editorial and conforming changes, and removing superfluous language; removing the scheduled repeal of the exemption under the Open Government Sunset Review Act; amending ss. 324.051 and 921.0022, F.S.; conforming cross-references; providing an effective date.

On motion by Senator Garcia, by two-thirds vote **HB 7035** as amended was read the third time by title, passed as amended by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Pruitt

HB 959—A bill to be entitled An act relating to a motor vehicle safety pilot program; requiring certain limited access facilities that are adjacent to a canal or other water body to have a system of guardrails, retention cables, or other barriers between the highway and the canal or water body; providing for the Department of Transportation to establish certain standards governing the installation and maintenance of the barriers; requiring that barriers be installed for existing highways by a specified date; providing for future review and repeal; providing an effective date.

—was read the third time by title.

On motion by Senator Bullard, **HB 959** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Margolis
Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
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

Nays—None

Vote after roll call:

Yea—Pruitt

HB 93—A bill to be entitled An act relating to automated external defibrillators; amending s. 401.2915, F.S.; revising legislative intent with respect to the use of an automated external defibrillator; defining the terms "automated external defibrillator" and "defibrillation"; providing that it is a first degree misdemeanor for a person to commit certain acts involving the misuse of an automated external defibrillator; providing penalties and an exception; requiring the Department of Health to implement an educational campaign to inform persons who acquire automated external defibrillator devices of the scope and limitations of the immunity from liability provided under the Cardiac Arrest Survival Act; amending s. 768.1325, F.S.; revising the definition of the term "automated external defibrillator"; providing an effective date.

—was read the third time by title.

On motion by Senator Geller, **HB 93** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Argenziano	Atwater
Alexander	Aronberg	Baker

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

Vote after roll call:

Yea—Bennett

HB 1503—A bill to be entitled An act relating to persons with disabilities; amending s. 20.197, F.S.; requiring the director of the Agency for Persons with Disabilities to be subject to confirmation by the Senate; requiring the agency to create a Division of Budget and Planning and a Division of Operations; authorizing the director to recommend creating additional subdivisions of the agency in order to promote efficient and effective operation of the agency; amending s. 39.001, F.S., relating to the development of a comprehensive state plan for children; conforming provisions to the transfer of duties from the Developmental Disabilities Program Office within the Department of Children and Family Services to the Agency for Persons with Disabilities; amending s. 39.202, F.S.; providing for certain employees, agents, and contract providers of the agency to have access to records concerning cases of child abuse or neglect for specified purposes; amending s. 39.407, F.S.; deleting provisions authorizing the treatment of a child under ch. 393, F.S., if the child is alleged to be dependent; amending s. 287.155, F.S.; authorizing the agency to purchase vehicles under certain circumstances; amending ss. 381.0072 and 383.14, F.S., relating to food service licenses and the Genetics and Newborn Screening Advisory Council, respectively; conforming provisions to the transfer of duties from the Developmental Disabilities Program Office within the Department of Children and Family Services to the Agency for Persons with Disabilities; repealing s. 393.061, F.S., relating to a short title; amending s. 393.062, F.S.; revising legislative findings and intent to conform to changes in terminology; amending s. 393.063, F.S.; revising the definitions applicable to ch. 393, F.S., relating to developmental disabilities; amending s. 393.064, F.S.; revising the duties of the Agency for Persons with Disabilities with respect to prevention services, evaluations and assessments, intervention services, and support services; amending s. 393.0641, F.S.; defining the term "severe self-injurious behavior" for purposes of a program of prevention and treatment for individuals exhibiting such behavior; amending s. 393.065, F.S., relating to application for services and the determination of eligibility for services; providing for children in the child welfare system to be placed at the top of the agency's wait list for waiver services; authorizing the agency to adopt rules; amending s. 393.0651, F.S., relating to support plans for families and individuals; revising the age at which support plans are developed for children; deleting a prohibition against assessing certain fees; creating s. 393.0654, F.S.; specifying circumstances under which an employee of the agency may own, operate, or work in a private facility under contract with the agency; amending s. 393.0655, F.S.; revising the screening requirements for direct service providers; providing a temporary exemption from screening requirements for certain providers; amending s. 393.0657, F.S.; revising an exemption from certain requirements for refingerprinting and rescreening; amending s. 393.066, F.S.; revising certain requirements for the services provided by the agency; requiring agency approval for purchased services; revising the agency's rulemaking authority; amending s. 393.067, F.S.; revising requirements governing the agency's licensure procedures; revising the requirements for background screening of applicants for licensure and managers, supervisors, and staff members of service providers; requiring that the agency adopt rules governing the reporting of incidents; deleting certain responsibilities of the Agency for Health Care Administration with respect to the development and review of emergency management plans; amending s. 393.0673, F.S.; providing circumstances under which the agency may deny, revoke, or suspend a license or impose a fine; requiring the Agency for Persons with Disabilities to adopt rules for evaluating violations and determining the amount of fines; amending s. 393.0674, F.S.; providing a penalty for failure by a provider to comply with background screening requirements; amending s. 393.0675, F.S.; deleting certain obsolete provisions requiring that a provider be of good moral character; amending s. 393.0678, F.S.; deleting provisions governing receivership proceedings for an intermediate care facility for the developmentally disabled; amending s. 393.068, F.S.; requiring that the family care program emphasize self-determination; removing supported employment from the list of services available under the family care program; revising certain requirements for reimbursing a family care program provider; amending s. 393.0695, F.S., relating to in-home subsidies; requiring that the Agency for Persons with Disabilities adopt rules for such subsidies; amending s. 393.075, F.S., relating to liability coverage for facilities licensed by the agency; conforming terminology; amending s. 393.11, F.S.; revising provisions governing the involuntary admission of a person to residential services; clarifying provisions governing involuntary commitment; requiring that a person who is charged with a felony will have his or her competency determined under ch. 916, F.S.; conforming terminology; amending s. 393.122, F.S.; clarifying requirements governing applications for continued residential services; amending s. 393.13, F.S., relating to the Bill of Rights of Persons Who are Developmentally Disabled; deleting a provision protecting minimum wage compensation for certain programs; limiting the use of restraint and seclusion; requiring the agency to adopt rules governing the use of restraint or seclusion; revising requirements for client records; deleting certain requirements governing local advocacy councils; allowing the resident government to include disability advocates from the community; amending s. 393.135, F.S.; revising definitions; clarifying provisions making such misconduct a second-degree felony; amending s. 393.15, F.S.; establishing the Community Resources Development Loan Program to provide loans to foster homes, group homes, and supported employment programs; providing legislative intent; providing eligibility requirements; providing authorized uses of loan funds; requiring that the agency adopt rules governing the loan program; providing requirements for repaying loans; amending s. 393.17, F.S.; authorizing the agency to establish certification programs for persons providing services to clients; requiring that the agency establish a certification program for behavior analysts; requiring that the program be reviewed and validated; creating s. 393.18, F.S.; providing for a comprehensive transition education program for persons who have severe or moderate maladaptive behaviors; specifying the types of treatment and education centers providing services under the program; providing requirements for licensure; requiring individual education plans for persons receiving services; limiting the number of persons who may receive services in such a program; authorizing licensure of certain existing programs; creating s. 393.23, F.S.; requiring that receipts from operating canteens, vending machines, and other like activities in a developmental disabilities institution be deposited in a trust account in a bank, credit union, or savings and loan association; describing how the moneys earned may be expended; allowing for the investment of the funds; requiring that the accounting system at the institution account for the revenues and expenses of the activities; requiring that sales tax moneys be remitted to the Department of Revenue; amending s. 393.501, F.S.; revising the agency's rulemaking authority; providing requirements for rules governing alternative living centers and independent living education centers; amending s. 394.453, F.S.; declaring that the policy of the state is to achieve an ongoing reduction of the use of restraint and seclusion on persons with mental illness who are served by programs and facilities operated, licensed, or monitored by the agency; amending s. 394.455, F.S.; defining the terms "restraint" and "seclusion" for purposes of the Baker Act; amending s. 394.457, F.S.; requiring the Department of Children and Family Services to adopt rules for the use of restraint and seclusion for cases handled under the Baker Act; amending s. 394.879, F.S.; requiring that rules be adopted for the use of restraint and seclusion; amending s. 397.405, F.S.; clarifying an exemption from licensure provided to certain facilities licensed under ch. 393, F.S.; amending s. 400.419, F.S.; requiring that a list of facilities subject to sanctions or fines be disseminated to the Agency for Persons with Disabilities; amending s. 400.960, F.S.; revising definitions for purposes of part XI of ch. 400, F.S., relating to nursing homes and related facilities; amending 400.962, F.S.; requiring an applicant for a license to operate an intermediate care facility to agree to provide or arrange for active treatment services; providing rulemaking authority; amending s. 400.967, F.S., relating to rules and classification of deficiencies; conforming provisions to the transfer of duties from the Department of Children and Family Services to the Agency for Persons with Disabilities; requiring that rules be adopted for the use of restraint and seclusion; amending ss. 402.115, 402.17, 402.181, 402.20, 402.22, and 402.33, F.S.; including the Agency for Persons with Disabilities within provisions governing the sharing of information, claims for

the care and maintenance of facility residents, county contracts for services for persons with developmental disabilities, education programs for students who reside in state facilities, and fees for services; conforming provisions to changes made by the act; correcting a cross-reference; amending s. 408.036, F.S., relating to projects that are exempt from obtaining a certificate of need; conforming terminology; amending s. 409.221, F.S., relating to the consumer directed care program; conforming provisions to changes made by the act; amending ss. 409.908 and 409.9127, F.S., relating to the Medicaid program; conforming a cross-reference; deleting obsolete provisions; amending ss. 411.224 and 411.232, F.S.; conforming provisions to the transfer of duties from the Developmental Disabilities Program Office within the Department of Children and Family Services to the Agency for Persons with Disabilities; amending ss. 415.102, 415.1035, 415.1055, and 415.107, F.S.; conforming terminology; including the Agency for Persons with Disabilities within provisions providing requirements that a facility inform residents of certain rights, notification requirements for administrative entities, and requirements for maintaining the confidentiality of reports and records; amending s. 435.03, F.S., relating to screening standards; conforming terminology and a cross-reference; amending ss. 490.014 and 491.014, F.S., relating to exemptions from licensure for psychologists and certain specified counselors, respectively; conforming provisions to changes made by the act; amending ss. 944.602, 945.025, 947.185, and 985.224, F.S., relating to the Department of Corrections, the Parole Commission, and petitions alleging delinquency; conforming provisions to the transfer of duties from the Developmental Disabilities Program Office within the Department of Children and Family Services to the Agency for Persons with Disabilities; amending s. 1003.58, F.S.; including facilities operated by the Agency for Persons with Disabilities within provisions governing the residential care of students; amending ss. 17.61 and 400.464, F.S., relating to investment of certain funds and home health services for persons with disabilities, respectively; conforming provisions to changes made by the act; amending s. 744.704, F.S.; correcting a cross-reference; amending s. 984.22, F.S.; removing a provision that specifies fines be deposited into the Community Resources Development Trust Fund; creating part III of ch. 282, F.S.; requiring that the executive, legislative, and judicial branches of state government provide to individuals with disabilities access to and use of information and data that is comparable to the information and data provided to individuals who do not have disabilities; providing certain exceptions; providing definitions; requiring that each state agency use accessible electronic information and information technology that conforms with specified provisions of federal law; providing certain exceptions; requiring the Department of Management Services to adopt rules; providing an exception for electronic information and information technology involving military activities or criminal intelligence activities; specifying that the act applies to competitive solicitations; providing legislative intent; providing an effective date.

—was read the third time by title.

On motion by Senator Baker, **HB 1503** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Carlton, Constantine

SENATOR CARLTON PRESIDING

SB 2274—A bill to be entitled An act relating to prostitution; amending s. 796.07, F.S.; providing for penalties for certain violations committed within a specified distance of certain locations; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Crist, **SB 2274** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Bullard, Saunders

On motion by Senator Bennett, by unanimous consent—

HB 1145—A bill to be entitled An act relating to official state designations; creating s. 15.0301, F.S.; designating an official state motto; creating s. 15.052, F.S.; designating the future Admiral John H. Fetterman State of Florida Maritime Museum and Research Center in Pensacola as the official state maritime museum; providing for future review and repeal of the designation; providing an effective date.

—was taken up out of order and read the third time by title.

On motion by Senator Bennett, **HB 1145** 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 61—A bill to be entitled An act relating to the testing of DNA evidence; amending s. 925.11, F.S.; revising the circumstances under which a person who has been sentenced for committing a felony may petition the court for postsentencing testing of DNA evidence; abolishing certain time limitations imposed upon such testing; revising requirements regarding submittal and review of a petition; authorizing a governmental entity to dispose of physical evidence if the sentence imposed has expired and another law or rule does not require that the evidence

be retained; creating s. 925.12, F.S.; providing for postsentencing DNA testing under specified circumstances; requiring a court to make specified inquiries of a defendant seeking to enter a plea of guilty or nolo contendere to a felony; providing legislative intent that the Supreme Court adopt certain rules; providing that a postponement for specified reasons be considered attributable to the defendant for speedy trial purposes; repealing a specified Florida Rule of Criminal Procedure; providing retroactive and certain contingent effect; providing effective dates.

—was read the third time by title.

On motion by Senator Villalobos, **HB 61** 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

Consideration of **CS for CS for SB 954** was deferred.

HB 7175—A bill to be entitled An act relating to vessels; amending s. 206.606, F.S.; authorizing the use of certain funds for local boating related projects and activities; amending s. 327.59, F.S.; authorizing marina owners, operators, employees, and agents to take actions to secure vessels during severe weather and to charge fees and be held harmless for such service; holding marina operators, employees, and agents liable for damage caused by intentional acts or negligence while removing or securing vessels; authorizing contract provisions and providing contract notice requirements relating to removing or securing vessels; amending s. 327.60, F.S.; providing for local regulation of anchoring within mooring fields; amending s. 328.64, F.S.; requiring the Department of Highway Safety and Motor Vehicles to provide forms for certain notification related to vessels; requiring the department to provide by rule for the surrender and replacement of certificates of registration to reflect change of address; amending s. 328.72, F.S.; requiring counties to use funds for specific boating related purposes; requiring counties to provide reports demonstrating specified expenditure of such funds; providing penalties for failure to comply; amending s. 376.11, F.S.; authorizing the distribution of revenues from the Florida Coastal Protection Trust Fund to all local governments for the removal of certain vessels; amending s. 376.15, F.S.; revising provisions relating to the removal of abandoned and derelict vessels; specifying officers authorized to remove such vessels; providing that certain costs are recoverable; requiring the Department of Legal Affairs to represent the Fish and Wildlife Conservation Commission in certain actions; expanding eligibility for disbursement of grant funds for the removal of certain vessels; amending s. 403.813, F.S.; providing exemptions from permitting, registration, and regulation of floating vessel platforms or floating boat lifts by a local government; authorizing local governments to require certain permits or registration for floating vessel platforms or floating boat lifts under certain circumstances; amending s. 705.101, F.S.; revising the definition of "abandoned property" to include certain vessels; amending s. 705.103, F.S.; revising the terminology relating to abandoned or lost property to conform; amending s. 823.11, F.S.; revising provisions relating to abandoned and derelict vessels and the removal of such vessels; providing a definition of "derelict vessel"; specifying which officers may remove such vessels; directing the Fish and Wildlife Conservation Commission to implement a plan for the procurement of federal disaster funds for the removal of derelict vessels; requiring the Department of Legal Affairs to represent the commission in certain actions; deleting a provision authorizing the commission to delegate certain authority to local governments under certain circumstances; authorizing private property owners to remove certain vessels with required notice; providing that cost of such removal is recoverable; prohibiting private property owners from hindering the removal of certain vessels by vessel owners or agents; providing for jurisdictional imposition of civil penalties for violations relating to certain vessels; providing an effective date.

—was read the third time by title.

On motion by Senator Baker, **HB 7175** 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 127—A bill to be entitled An act relating to immunizations; amending s. 1002.23, F.S.; requiring the Department of Education to include parental information regarding school entry requirements and recommended immunization schedules in the guidelines for a parent guide; requiring departmental guidelines regarding student health and other resources; specifying that each school district develop and disseminate a parent guide that provides certain health information, including a recommended immunization schedule and information regarding meningococcal disease; amending s. 1002.42, F.S.; requiring the governing authority of each private school to provide certain health information, including a recommended immunization schedule and information regarding meningococcal disease; providing an effective date.

—was read the third time by title.

On motion by Senator Haridopolos, **HB 127** 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

CS for CS for SB 772—A bill to be entitled An act relating to schools; amending s. 1001.47, F.S.; clarifying the applicability of the salary formula and certification programs to elected district school superintendents; amending s. 1001.50, F.S.; authorizing participation by appointed district school superintendents in certification programs established by

the Department of Education; amending s. 1003.02, F.S.; authorizing district school board attendance policies to allow accumulated tardies and early departures to be recorded as unexcused absences; authorizing district school board policies for student referral to a child study team under certain circumstances; amending s. 1003.21, F.S.; providing that students who have attained 16 years of age and have not graduated are subject to compulsory school attendance under certain circumstances; requiring student exit interviews prior to terminating school enrollment; amending s. 1003.26, F.S.; providing district school superintendent's responsibility to support local law enforcement agencies in enforcing school attendance; providing required and authorized child study team interventions; authorizing visits by school representatives; transferring and amending s. 1013.721, F.S.; renaming the Florida Business and Education in School Together Program as "A Business-Community (ABC) School Program"; defining the term "A Business-Community School"; requiring each school board to submit certain documentation to the Department of Education; requiring each school board to designate a school program liaison; requiring each school district to establish an evaluation committee; requiring each school board to provide to the department information about each member of the committee; requiring the committee to submit an annual report to the school board and the superintendent; providing for the committee's responsibilities; providing for admissions of students to the school program; authorizing a school district and a business to enter into a contract for operation of the school program; amending s. 1013.502, F.S.; providing for facilities for the school program; requiring certain public schools to have an operational automated external defibrillator on the school grounds; providing for training; requiring such devices to be registered with a local medical services director; creating s. 1003.493, F.S.; defining "career and professional academy"; providing academy goals and duties; authorizing an academy to be offered as a described small learning community; creating s. 1003.494, F.S.; requiring the Department of Education to establish a Career High-Skill Occupational Initiative for Career Education (CHOICE) project as a competitive process for the designation of school district participants and CHOICE academies; defining "CHOICE academy" and providing purposes thereof; providing eligibility criteria for such designation and duties of participating school districts and the department; providing for the award to school district participants in the CHOICE project of startup funds for the development of CHOICE academies; amending ss. 288.9015 and 445.004, F.S.; providing duties of Enterprise Florida, Inc., and Workforce Florida, Inc., to conform; amending s. 1001.43, F.S., relating to district school board powers and duties; allowing students to wear sun-protective items while outdoors during school hours; authorizing use of federal funds to purchase food when federal program guidelines permit such use; amending s. 1006.22, F.S.; revising provisions for district school board transportation of students in vehicles other than school buses; providing an effective date.

—as amended May 3 was read the third time by title.

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

Amendment 1 (393634)(with title amendment)—On page 31, between lines 17 and 18, insert:

Section 15. *Supplemental educational services in Title I schools; school district and provider responsibilities.—*

(1) INCENTIVES.—A provider or school district may not provide incentives to entice a student or a student's parent to choose a provider. After a provider has been chosen, the student may be awarded incentives for performance or attendance, the total value of which may not exceed $50 per student per year.

(2) RESPONSIBILITIES OF SCHOOL DISTRICT AND PROVIDER.—

(a) School districts must create a streamlined parent enrollment and provider selection process for supplemental educational services and ensure that the process enables eligible students to begin receiving supplemental educational services no later than October 15 of each school year.

(b) Supplemental educational services enrollment forms must be made freely available to the parents of eligible students and providers both prior to and after the start of the school year.

(c) School districts must provide notification to parents of students eligible to receive supplemental educational services prior to and after the start of the school year. Notification shall include contact information for state-approved providers as well as the enrollment form, clear instructions, and timeline for the selection of providers and commencement of services.

(d) State-approved supplemental educational services providers must be able to provide services to eligible students no later than October 15 of each school year contingent upon their receipt of their district-approved student enrollment lists at least 20 days prior to the start date.

(e) In the event that the contract with a state-approved provider is signed less than 20 days prior to October 15, the provider shall be afforded no less than 20 days from the date the contract was executed to begin delivering services.

(f) A school district must hold open student enrollment for supplemental educational services unless or until it has obtained a written election to receive or reject services from parents in accordance with paragraph (3)(a).

(g) School districts, using the same policies applied to other organizations that have access to school sites, shall provide access to school facilities to providers that wish to use these sites for supplemental educational services.

(3) COMPLIANCE; PENALTIES FOR NONCOMPLIANCE.—

(a) Compliance is met when the school district has obtained evidence of reception or rejection of services from the parents of at least a majority of the students receiving free or reduced-price lunch in Title I schools that are eligible for parental choice of transportation or supplemental educational services unless a waiver is granted by the State Board of Education. A waiver shall only be granted if there is clear and convincing evidence of the district's efforts to secure evidence of the parent's decision. Requirements for parental election to receive supplemental educational services shall not exceed the election requirements for the free and reduced-price lunch program.

(b) A provider must be able to deliver supplemental educational services to school districts in which the provider is approved by the state. If a state-approved provider withdraws from offering services to students in a school district in which it is approved and in which it has signed either a contract to provide services or a letter of intent and the minimums per site set by the provider have been met, the school district must report the provider to the department. The provider shall be immediately removed from the state-approved list for the current school year for that school district. Upon the second such withdrawal in any school district, the provider shall be ineligible to provide services in the state the following year.

(4) REALLOCATION OF FUNDS.—If a school district has not spent the required supplemental educational services set-aside funding, the district may apply to the Department of Education after January 1 for authorization to reallocate the funds. If the Commissioner of Education does not approve the reallocation of funds, the district may appeal to the State Board of Education. The State Board of Education must consider the appeal within 60 days of its receipt and the decision of the state board shall be final.

(5) RULES.—The State Board of Education may adopt rules pursuant to ss. 120.536(1) and 120.54, Florida Statutes, to implement the provisions of this section and may enforce the provisions of this section pursuant to s. 1008.32, Florida Statutes.

Section 16. *The Department of Education shall establish a committee of practitioners pursuant to federal requirements of the No Child Left Behind Act of 2001. The committee members shall be appointed by the Commissioner of Education and shall annually report to the Governor, the President of Senate, and the Speaker of the House of Representatives by January 1. The committee shall meet regularly and is authorized to review potential rules and policies that will be considered by the State Board of Education.*

And the title is amended as follows:

On page 3, line 20, after the semicolon (;) insert: providing requirements with respect to the awarding of incentives; authorizing incentives for student performance or attendance and establishing limits; establishing responsibilities of school districts and supplemental educational

services providers; providing requirements for school district and provider compliance; providing penalties for noncompliance; authorizing application for reallocation of funds and providing for appeal; authorizing adoption of rules and providing for enforcement; requiring the Department of Education to establish a committee of practitioners; providing for appointment and authority;

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 2 (900154)(with title amendment)—On page 31, between lines 17 and 18, insert:

Section 15. Section 1001.451, Florida Statutes, is amended to read:

1001.451 Regional consortium service organizations.—In order to provide a full range of programs to larger numbers of students, minimize duplication of services, and encourage the development of new programs and services:

(1) School districts with 20,000 or fewer unweighted full-time equivalent students, developmental research (laboratory) schools established pursuant to s. 1002.32, and the Florida School for the Deaf and the Blind may enter into cooperative agreements to form a regional consortium service organization. Each regional consortium service organization shall provide, at a minimum, three of the following services: exceptional student education; teacher education centers; environmental education; federal grant procurement and coordination; data processing; health insurance; risk management insurance; staff development; purchasing; or planning and accountability.

(2)(a) Each regional consortium service organization that consists of four or more school districts is eligible to receive, through the Department of Education, an incentive grant of $50,000 per school district and eligible member to be used for the delivery of services within the participating school districts. *The determination of services and use of such funds shall be established by the board of directors of the regional consortium service organization.*

(b) Application for incentive grants shall be made to the Commissioner of Education by July 30 of each year for distribution to qualifying regional consortium service organizations by January 1 of the fiscal year.

(3) In order to economically provide programs and services to participating school districts and members, a regional consortium service organization may establish purchasing and bidding programs, including construction and construction management arrangements, in lieu of individual school district bid arrangements pursuant to policies exercised by its member districts. Participation in regional consortium service organization bids shall be accomplished by action of an individual district school board through a letter of intent to participate and shall be reflected in official district school board minutes.

(4) A regional consortium service organization board of directors may elect to establish a direct-support organization pursuant to s. 1001.453 which is independent of its fiscal agent district.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 20, after the semicolon (;) insert: amending s. 1001.451, F.S.; requiring the determination of services and use of funds to be established by the board of directors of a regional consortium service organization; authorizing establishment of purchasing and bidding programs in lieu of individual school district bid arrangements; authorizing establishment of a direct-support organization;

MOTION

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

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

Amendment 3 (723312)(with title amendment)—On page 31, between lines 17 and 18, insert:

Section 15. Section 1003.453, Florida Statutes, is created to read:

1003.453 School wellness and physical education policies; nutrition guidelines.—

(1) By September 1, 2006, each school district shall submit to the Department of Education a copy of its school wellness policy as required by the Child Nutrition and WIC Reauthorization Act of 2004 and a copy of its physical education policy required under s. 1003.455. Each school district shall annually review its school wellness policy and physical education policy and provide a procedure for public input and revisions. In addition, each school district shall send an updated copy of its wellness policy and physical education policy to the department when a change or revision is made.

(2) By December 1, 2006, the department shall post links to each school district's school wellness policy and physical education policy on its website so that the policies can be accessed and reviewed by the public. Each school district shall provide the most current versions of its school wellness policy and physical education policy on the district's website.

(3) By December 1, 2006, the department must provide on its website links to resources that include information regarding:

(a) Classroom instruction on the benefits of exercise and healthful eating.

(b) Classroom instruction on the health hazards of using tobacco and being exposed to tobacco smoke.

(c) The eight components of a coordinated school health program, including health education, physical education, health services, and nutrition services.

(d) The core measures for school health and wellness, such as the School Health Index.

(e) Access for each student to the nutritional content of foods and beverages and to healthful food choices in accordance with the dietary guidelines of the United States Department of Agriculture.

(f) Multiple examples of school wellness policies for school districts.

(g) Examples of wellness classes that provide nutrition education for teachers and school support staff, including encouragement to provide classes that are taught by a licensed nutrition professional from the school nutrition department.

(4) School districts are encouraged to provide basic training in first aid, including cardiopulmonary resuscitation, for all students, beginning in grade 6 and every 2 years thereafter. Private and public partnerships for providing training or necessary funding are encouraged.

Section 16. Section 1003.455, Florida Statutes, is amended to read:

1003.455 Physical education; assessment.—

(1) It is the responsibility of each district school board to develop a physical education program that stresses physical fitness and encourages *healthful* ~~healthy~~, active lifestyles and to encourage all students in prekindergarten through grade 12 to participate in physical education. Physical education shall consist of physical activities of at least a moderate intensity level and for a duration sufficient to provide a significant health benefit to students, subject to the differing capabilities of students. *All physical education programs and curricula must be reviewed by a certified physical education instructor.*

(2) Each district school board shall~~, no later than December 1, 2004,~~ adopt a written physical education policy that details the school district's physical education program and expected program outcomes. ~~Each district school board shall provide a copy of its written policy to the Department of Education by December 15, 2004.~~

(3) *Each district school board is encouraged to provide 150 minutes of physical education each week for students in kindergarten through grade 5 and 225 minutes each week for students in grades 6 through 8.* ~~Any district that does not adopt a physical education policy by December~~

~~1, 2004, shall, at a minimum, implement a mandatory physical education program for kindergarten through grade 5 which provides students with 30 minutes of physical education each day, 3 days a week.~~

Section 17. Subsections (5), (6), and (7) of section 381.0056, Florida Statutes, are amended to read:

381.0056 School health services program.—

(5)*(a)* Each county health department shall develop, jointly with the district school board and the local school health advisory committee, a school health services plan; and the plan *must* ~~shall~~ include, at a minimum, provisions for:

1.~~(a)~~ Health appraisal;

2.~~(b)~~ Records review;

3.~~(c)~~ Nurse assessment;

4.~~(d)~~ Nutrition assessment;

5.~~(e)~~ A preventive dental program;

6.~~(f)~~ Vision screening;

7.~~(g)~~ Hearing screening;

8.~~(h)~~ Scoliosis screening;

9.~~(i)~~ Growth and development screening;

10.~~(j)~~ Health counseling;

11.~~(k)~~ Referral and followup of suspected or confirmed health problems by the local county health department;

12.~~(l)~~ Meeting emergency health needs in each school;

13.~~(m)~~ County health department personnel to assist school personnel in health education curriculum development;

14.~~(n)~~ Referral of students to appropriate health treatment, in cooperation with the private health community whenever possible;

15.~~(o)~~ Consultation with a student's parent or guardian regarding the need for health attention by the family physician, dentist, or other specialist when definitive diagnosis or treatment is indicated;

16.~~(p)~~ Maintenance of records on incidents of health problems, corrective measures taken, and such other information as may be needed to plan and evaluate health programs; except, however, that provisions in the plan for maintenance of health records of individual students must be in accordance with s. 1002.22;

17.~~(q)~~ Health information which will be provided by the school health nurses, when necessary, regarding the placement of students in exceptional student programs and the reevaluation at periodic intervals of students placed in such programs; and

18.~~(r)~~ Notification to the local nonpublic schools of the school health services program and the opportunity for representatives of the local nonpublic schools to participate in the development of the cooperative health services plan.

(b) Each school health advisory committee must, at a minimum, include members who represent the eight component areas of the Coordinated School Health model as defined by the Centers for Disease Control and Prevention. School health advisory committees are encouraged to address the eight components of the Coordinated School Health model in the school district's school wellness policy pursuant to s. 1003.453.

(6) A nonpublic school may request to participate in the school health services program. A nonpublic school voluntarily participating in the school health services program shall:

(a) Cooperate with the county health department and district school board in the development of the cooperative health services plan;

(b) Make available adequate physical facilities for health services;

(c) Provide inservice health training to school personnel;

(d) Cooperate with public health personnel in the implementation of the school health services plan;

(e) Be subject to health service program reviews by the Department of Health and the Department of Education; ~~and~~

(f) At the beginning of each school year, provide parents and guardians with information concerning ways that they can help their children to be physically active and to eat healthful foods; and

(g)~~(f)~~ At the beginning of each school year, inform parents or guardians in writing that their children who are students in the school will receive specified health services as provided for in the district health services plan. A student will be exempt from any of these services if his or her parent or guardian requests such exemption in writing. This paragraph shall not be construed to authorize invasive screening; if there is a need for such procedure, the consent of the student's parent or guardian shall be obtained in writing prior to performing the screening. However, the laws and rules relating to contagious or communicable diseases and sanitary matters shall not be violated.

(7) The district school board shall:

(a) Include health services and health education as part of the comprehensive plan for the school district;

(b) Provide inservice health training for school personnel;

(c) Make available adequate physical facilities for health services; ~~and~~

(d) At the beginning of each school year, provide parents and guardians with information concerning ways that they can help their children to be physically active and to eat healthful foods; and

(e)~~(d)~~ At the beginning of each school year, inform parents or guardians in writing that their children who are students in the district schools will receive specified health services as provided for in the district health services plan. A student will be exempt from any of these services if his or her parent or guardian requests such exemption in writing. This paragraph shall not be construed to authorize invasive screening; if there is a need for such procedure, the consent of the student's parent or guardian shall be obtained in writing prior to performing the screening. However, the laws and rules relating to contagious or communicable diseases and sanitary matters shall not be violated.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 20, after the semicolon (;) insert: creating s. 1003.453, F.S.; requiring each school district to submit to the Department of Education, by a specified deadline, copies of the district's school wellness policy and physical education policy; requiring the school district to review those policies annually; requiring the department and school districts to post links to those policies on their websites; requiring the department to provide website links to certain resources and prescribing the types of information those resources must provide; encouraging school districts to provide basic training in first aid to students in certain grade levels; amending s. 1003.455, F.S.; requiring that school district physical education programs and curricula be reviewed by a certified physical education instructor; encouraging school districts to provide physical education for a specified amount of time; deleting obsolete language; amending s. 381.0056, F.S., the "School Health Services Act"; requiring schools to annually provide certain information to students' parents and guardians; providing requirements relating to membership of school health advisory committees; encouraging the committees to address specified matters;

On motion by Senator Constantine, **CS for CS for SB 772** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	Aronberg	Bennett
Alexander	Atwater	Bullard
Argenziano	Baker	Campbell

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

Nays—None

HB 1247—A bill to be entitled An act relating to developmental disabilities; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to develop a waiver program to serve children and adults with specified disorders; requiring the agency to seek federal approval and implement the approved waiver in the General Appropriations Act, subject to certain limitations; providing an effective date.

—was read the third time by title.

On motion by Senator Rich, **HB 1247** was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

Consideration of **HB 1033** was deferred.

SB 1746—A bill to be entitled An act relating to criminal acts committed during a state of emergency; amending s. 810.02, F.S.; providing enhanced penalties for specified burglaries that are committed during a state of emergency declared by the Governor and facilitated by conditions arising from the emergency; prohibiting the release of a person arrested for committing a burglary during such a state of emergency until that person appears before a magistrate at a first-appearance hearing; requiring that a felony burglary committed during a state of emergency declared by the Governor be reclassified one level above the current ranking of the offense committed; amending s. 812.014, F.S.; providing enhanced penalties for the theft of certain property stolen during a state of emergency declared by the Governor and facilitated by conditions arising from the emergency; requiring that a felony theft committed during such a state of emergency be reclassified one level above the current ranking of the offense committed; providing an effective date.

—was read the third time by title.

On motion by Senator Aronberg, **SB 1746** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—1

Wilson

HB 7199—A bill to be entitled An act relating to forensic treatment and training; amending s. 916.105, F.S.; revising legislative intent with respect to the treatment or training of defendants who have mental illness, mental retardation, or autism and are committed to the Agency for Persons with Disabilities; providing intent with respect to the use of restraint and seclusion; amending s. 916.106, F.S.; providing and revising definitions; amending s. 916.107, F.S., relating to the rights of forensic clients; conforming provisions to the transfer of duties from the Developmental Disabilities Program Office within the Department of Children and Family Services to the Agency for Persons with Disabilities; revising provisions governing the involuntary treatment of clients; requiring the coordination of services between the department, the agency, and the Department of Corrections; amending s. 916.1075, F.S.; revising certain prohibitions on sexual misconduct involving covered persons of the Department of Children and Family Services or the Agency for Persons with Disabilities; defining the term "covered person"; requiring that notice of sexual misconduct be provided to the inspector general of the agency or department; amending s. 916.1081, F.S.; providing that an escape or an attempt to escape from a civil or forensic facility constitutes a second-degree felony; amending s. 916.1085, F.S.; providing for certain prohibitions concerning contraband articles to apply to facilities under the supervision or control of the Agency for Persons with Disabilities; deleting a cross-reference; amending s. 916.1091, F.S.; authorizing the use of chemical weapons by agency personnel; amending s. 916.1093, F.S.; authorizing the agency to enter into contracts and adopt rules; requiring department and agency rules to address the use of restraint and seclusion; providing requirements for such rules; amending s. 916.111, F.S.; revising provisions governing the training of mental health experts; amending s. 916.115, F.S.; requiring that the court appoint experts to determine the mental condition of a criminal defendant; requiring that the Department of Children and Family Services annually provide the courts with a list of certain mental health professionals; amending s. 916.12, F.S.; revising provisions governing the evaluation of a defendant's competence to proceed; amending s. 916.13, F.S.; revising conditions under which a defendant may be involuntarily committed for treatment; amending s. 916.145, F.S., relating to dismissal of charges against a defendant adjudicated incompetent; conforming provisions to changes made by the act; amending s. 916.15, F.S.; clarifying that the determination of not guilty by reason of insanity is made under a specified Florida Rule of Criminal Procedure; amending s. 916.16, F.S.; providing for the continuing jurisdiction of the court over a defendant involuntarily committed due to mental illness; amending s. 916.17, F.S.; clarifying circumstances under which the court may order the conditional release of a defendant; amending s. 916.301, F.S.; requiring that certain evaluations be conducted by certain qualified experts; requiring that the Agency for Persons with Disabilities provide the court with a list of certain available retardation and autism professionals; conforming provisions to the transfer of duties from the Developmental Disabilities Program Office within the Department of Children and Family Services to the agency; amending s. 916.3012, F.S.; clarifying provisions governing the determination of a defendant's mental competence to proceed; amending s. 916.302, F.S., relating to the involuntary commitment of a defendant; conforming provisions to the transfer of duties from the Developmental Disabilities Program Office within the Department of Children and Family Services to the agency; requiring that the department and agency submit an evaluation to the court before the transfer of a defendant from one civil or forensic facility to another; amending s. 916.3025, F.S.; clarifying that the committing court retains jurisdiction over a defendant placed on conditional release; providing for the transfer of continuing jurisdiction to another court where the defendant resides;

amending s. 916.303, F.S.; clarifying provisions governing the dismissal of charges against a defendant found to be incompetent to proceed due to retardation or autism; amending s. 916.304, F.S.; providing for the conditional release of a defendant to a civil facility; amending ss. 921.137 and 985.223, F.S., relating to provisions governing the imposition of the death sentence upon a defendant with mental retardation and the determination of incompetency in cases involving juvenile delinquency; conforming provisions to the transfer of duties from the Developmental Disabilities Program Office within the Department of Children and Family Services to the Agency for Persons with Disabilities; amending ss. 287.057, 408.036, 943.0585, and 943.059, F.S.; conforming cross-references; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Baker, **HB 7199** as amended 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

CS for CS for SB 2602—A bill to be entitled An act relating to health-related education in the public schools; creating s. 1003.453, F.S.; requiring each school district to submit to the Department of Education, by a specified deadline, copies of the district's school wellness policy and physical education policy; requiring the school district to review those policies annually; requiring the department and school districts to post links to those policies on their websites; requiring the department to provide website links to certain resources and prescribing the types of information those resources must provide; encouraging school districts to provide basic training in first aid to students in certain grade levels; amending s. 1003.455, F.S.; requiring that school district physical education programs and curricula be reviewed by a certified physical education instructor; encouraging school districts to provide physical education for a specified amount of time; deleting obsolete language; amending s. 381.0056, F.S., the "School Health Services Act"; requiring schools to annually provide certain information to students' parents and guardians; providing requirements relating to membership of school health advisory committees; encouraging the committees to address specified matters; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **CS for CS for SB 2602** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Constantine	King
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
Sebesta	Villalobos	Wilson
Siplin	Webster	Wise
Smith		

Nays—None

SB 490—A bill to be entitled An act relating to property tax administration; amending s. 195.096, F.S.; requiring the Department of Revenue to notify the county commissioner or the corresponding officer under a consolidation charter that its findings regarding the review of the county tax assessment roll are available upon request; requiring the Department of Revenue to forward its findings within 90 days after a request; providing an effective date.

—as amended May 2 was read the third time by title.

On motion by Senator Diaz de la Portilla, **SB 490** as amended 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

SENATOR PRUITT PRESIDING

HB 1139—A bill to be entitled An act relating to construction defects; amending ss. 558.001, 558.002, and 558.004, F.S.; revising provisions to expand application to construction defects in any property other than public transportation projects; deleting language limiting application to only residential property; amending s. 558.005, F.S.; revising provisions relating to required notices for construction defect claims under certain construction contracts; applying provisions of ch. 558, F.S., notwithstanding certain notice requirements; providing an effective date.

—was read the third time by title.

On motion by Senator Bennett, **HB 1139** 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 1291—A bill to be entitled An act relating to weapons; amending s. 790.001, F.S.; revising the definition of "weapon"; amending s. 790.115, F.S.; revising and clarifying provisions related to the prohibited exhibition and possession of specified weapons and firearms at a school-sponsored event or on school property; providing penalties; amending s. 810.095, F.S.; clarifying provisions with respect to prohibited trespass on school property with a firearm or other weapon; providing a penalty; providing an effective date.

—was read the third time by title.

On motion by Senator Haridopolos, **HB 1291** 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 761—A bill to be entitled An act relating to trespass on the property of a certified domestic violence center; amending s. 810.09, F.S.; providing that a person commits a felony of the third degree if he or she trespasses on the property of a certified domestic violence center; providing a penalty; providing an effective date.

—was read the third time by title.

On motion by Senator Fasano, **HB 761** 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 7141—A bill to be entitled An act relating to the licensure of health care providers; creating pts. I, II, III, and IV of ch. 408, F.S.; creating s. 408.801, F.S.; providing a short title; providing legislative findings and purpose; creating s. 408.802, F.S.; providing applicability; creating s. 408.803, F.S.; providing definitions; creating s. 408.804, F.S.; requiring providers to have and display a license; providing limitations; creating s. 408.805, F.S.; establishing license fees and conditions for assessment thereof; providing a method for calculating annual adjustment of fees; providing for inspection fees; providing that fees are nonrefundable; creating s. 408.806, F.S.; providing a license application process; requiring specified information to be included on the application; requiring payment of late fees under certain circumstances; requiring inspections; providing an exception; authorizing the Agency for Health Care Administration to establish procedures and rules for electronic transmission of required information; creating s. 408.807, F.S.; providing procedures for change of ownership; requiring the transferor to notify the agency in writing within a specified time period; providing for duties and liability of the transferor; providing for maintenance of certain records; creating s. 408.808, F.S.; providing license categories and requirements therefor; creating s. 408.809, F.S.; requiring background screening of specified employees; providing for submission of proof of compliance, under certain circumstances; providing conditions for granting provisional and standard licenses; providing an exception to screening requirements; creating s. 408.810, F.S.; providing minimum licensure requirements; providing procedures for discontinuance of operation and surrender of license; requiring forwarding of client records; requiring publication of a notice of discontinuance of operation of a provider; providing for statewide toll-free telephone numbers for reporting complaints and abusive, neglectful, and exploitative practices; requiring proof of legal right to occupy property, proof of insurance, and proof of financial viability, under certain circumstances; requiring disclosure of information relating to financial instability; providing a penalty; prohibiting the agency from licensing a health care provider that does not have a certificate of need or an exemption; creating s. 408.811, F.S.; providing for inspections and investigations to determine compliance; providing that inspection reports are public records; requiring retention of records for a specified period of time; creating s. 408.812, F.S.; prohibiting certain unlicensed activity by a provider; requiring unlicensed providers to cease activity; providing penalties; requiring reporting of unlicensed providers; creating s. 408.813, F.S.; authorizing the agency to impose administrative fines; creating s. 408.814, F.S.; providing conditions for the agency to impose a moratorium or emergency suspension on a provider; requiring notice; creating s. 408.815, F.S.; providing grounds for denial or revocation of a license or change-of-ownership application; providing conditions to continue operation; exempting renewal applications from provisions requiring the agency to approve or deny an application within a specified period of time, under certain circumstances; creating s. 408.816, F.S.; authorizing the agency to institute injunction proceedings, under certain circumstances; creating s. 408.817, F.S.; providing basis for review of administrative proceedings challenging agency licensure enforcement action; creating s. 408.818, F.S.; requiring fees and fines related to health care licensing to be deposited into the Health Care Trust Fund; creating s. 408.819, F.S.; authorizing the agency to adopt rules; providing a timeframe for compliance; creating s. 408.820, F.S.; providing exemptions from specified requirements of pt. II of ch. 408, F.S.; amending s. 400.801, F.S.; providing that the definition of homes for special services applies to sites licensed by the agency after a certain date; amending s. 400.9905, F.S.; excluding certain entities from the definition of "clinic"; amending s. 408.036, F.S.; exempting a nursing home created by combining certain licensed beds from requirements for obtaining a certificate of need from the agency; providing for future repeal; amending s. 408.831, F.S.; revising provisions relating to agency action to deny, suspend, or revoke a license, registration, certificate, or application; conforming cross-references; providing for priority of application in case of conflict; authorizing the agency to adjust annual licensure fees to provide biennial licensure fees; requesting interim assistance of the Division of Statutory Revision to prepare conforming legislation for the 2007 Regular Session; authorizing the agency to issue licenses for less than a specified time period and providing conditions therefor; providing an effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Saunders, **HB 7141** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Constantine	King
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

Sebesta	Villalobos	Wilson
Siplin	Webster	Wise
Smith		

Nays—None

HB 7073—A bill to be entitled An act relating to health care information; providing a short title; providing purpose; amending s. 408.05, F.S.; renaming the State Center for Health Statistics; revising criteria for collection and use of certain health-related data; providing responsibilities of the Agency for Health Care Administration; providing for agency consultation with the State Consumer Health Information and Policy Advisory Council for the dissemination of certain consumer information; requiring the Florida Center for Health Information and Policy Analysis to provide certain technical assistance services; authorizing the agency to monitor certain grants; removing a provision that establishes the Comprehensive Health Information System Trust Fund as the repository of certain funds; renaming the State Comprehensive Health Information System Advisory Council; providing for duties and responsibilities of the State Consumer Health Information and Policy Advisory Council; providing for membership, terms, officers, and meetings; amending s. 408.061, F.S.; providing for health care providers to submit additional data to the agency; correcting a reference; amending s. 408.062, F.S.; revising provisions relating to availability of specified information on the agency's Internet website; requiring a report; removing an obsolete provision; authorizing the agency to develop an electronic health information network; amending ss. 20.42, 381.001, 395.602, 395.6025, 408.07, and 408.18, F.S.; conforming references to changes made by the act; amending ss. 381.026, 395.301, 627.6499, and 641.54, F.S.; conforming a cross-reference; amending s. 465.0244, F.S.; conforming a cross-reference; providing responsibility of the Agency for Health Care Administration for security of certain data and backup systems; providing requirements for a secure storage facility; providing an effective date.

—was read the third time by title.

On motion by Senator Fasano, **HB 7073** 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 661—A bill to be entitled An act relating to governmental services telephone systems; creating s. 365.180, F.S.; providing legislative findings; defining the term "coordinated 311 nonemergency and other governmental services telephone system"; authorizing the Department of Community Affairs to accept and administer funds to provide grants for certain governmental services telephone systems; authorizing counties and municipalities to apply for grants; requiring a county or municipality to provide matching funds; providing procedures for approval of grant awards; requiring approval by the Secretary of Community Affairs or appropriation by the Legislature; providing for certain limitations on grant funds amounts; requiring a report to the Governor and the Legislature detailing expenditures; authorizing the department to adopt rules; providing application evaluation criteria; providing grants may be awarded as appropriated or as made available from private sources; providing an effective date.

—was read the third time by title.

MOTION

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

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

Amendment 1 (443272)(with title amendment)—Between lines 134 and 135, insert:

Section 3. *The Wireless 911 Board created by s. 365.172(5), Florida Statutes, shall report on or before September 30, 2006, to the Governor, the President of the Senate, and the Speaker of the House of Representatives:*

(1) The date that the wireless E911 fee can be reduced to a level that funds:

(a) All counties' costs, including rural counties' costs, associated with operating and maintaining an E911 system that is technologically and competitively neutral.

(b) The provider's costs required to meet the recurring costs of providing E911 service.

(c) The costs for the board to manage, administer, and oversee the receipts and disbursements of the fund defined in s. 365.172(3), Florida Statutes.

(2) With respect to customers of prepaid wireless telephone services:

(a) The E911 fees collected and remitted.

(b) Any issues or problems associated with payments by such customers and recommended solutions.

(Redesignate subsequent sections.)

And the title is amended as follows:

Line 19, after the semicolon (;) insert: requiring the Wireless 911 Board to provide a report to the Governor and the Legislature; specifying contents of the report;

On motion by Senator Diaz de la Portilla, **HB 661** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	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	Wilson
Constantine	Lynn	Wise
Dawson	Margolis	

Nays—None

Vote after roll call:

Yea—Webster

HB 1269—A bill to be entitled An act relating to local occupational license taxes; amending ch. 205, F.S., consisting of ss. 205.013-205.1973, F.S.; changing the term "local occupational license tax" to "local business tax"; defining the term "receipt" as it relates to business taxes; amending provisions to conform; providing an effective date.

—was read the third time by title.

On motion by Senator Lawson, **HB 1269** 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 827—A bill to be entitled An act relating to pretrial release; amending s. 903.02, F.S.; providing that any judge setting or granting bail shall set a separate bail amount for each charge or offense; amending s. 903.047, F.S.; requiring a defendant to comply with all conditions of pretrial release; amending s. 903.27, F.S.; providing that in cases in which the bond forfeiture has been discharged by the court, the amount of the judgment may not exceed the amount of the unpaid fees or costs upon which the discharge had been conditioned; amending s. 903.31, F.S.; providing that the clerk of court shall furnish an executed certificate of cancellation to the surety; providing that an acquittal or a withholding of adjudication of guilt shall satisfy bond conditions; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **HB 827** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	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
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Constantine

HB 1367—A bill to be entitled An act relating to contracting exemptions; amending ss. 489.103 and 489.503, F.S.; revising exemptions for certain owners of property from certain contracting provisions; increasing maximum construction costs allowed for exemption; requiring owners of property to satisfy certain local permitting agency requirements; providing for penalties; providing an exemption for owners of property damaged by certain natural causes; providing an effective date.

—was read the third time by title.

On motion by Senator Peaden, **HB 1367** 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

Consideration of **HB 1361** and **CS for SB 1430** was deferred.

HB 1129—A bill to be entitled An act relating to the Florida State Employees' Charitable Campaign; amending s. 110.181, F.S.; revising the manner in which certain undesignated funds are distributed to participating charities; distributing the funds proportionately to such charities based upon their percentage of designations in each fiscal agent area; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **HB 1129** 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 1271—A bill to be entitled An act relating to the Division of Alcoholic Beverages and Tobacco; amending s. 20.165, F.S.; requiring each employee serving as a law enforcement officer for the division to meet the qualifications of a law enforcement officer set forth in ch. 943, F.S., for employment or appointment; requiring each such employee to be certified as a law enforcement officer by the Department of Law Enforcement; providing the law enforcement officer with certain powers, authority, and jurisdiction; specifying the primary and secondary responsibilities for law enforcement officers of the division; providing an effective date.

—was read the third time by title.

On motion by Senator Haridopolos, **HB 1271** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Aronberg	Bennett
Alexander	Atwater	Bullard
Argenziano	Baker	Campbell

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
Geller	Posey	
Haridopolos	Pruitt	

Nays—None

RECONSIDERATION OF BILL

On motion by Senator Haridopolos, the Senate reconsidered the vote by which—

HB 1271—A bill to be entitled An act relating to the Division of Alcoholic Beverages and Tobacco; amending s. 20.165, F.S.; requiring each employee serving as a law enforcement officer for the division to meet the qualifications of a law enforcement officer set forth in ch. 943, F.S., for employment or appointment; requiring each such employee to be certified as a law enforcement officer by the Department of Law Enforcement; providing the law enforcement officer with certain powers, authority, and jurisdiction; specifying the primary and secondary responsibilities for law enforcement officers of the division; providing an effective date.

—passed this day.

On motion by Senator Haridopolos, further consideration of **HB 1271** was deferred.

CS for SB 1536—A bill to be entitled An act relating to indoor smoking places; amending s. 386.203, F.S.; defining the term "person" for purposes of the Florida Clean Indoor Air Act; amending s. 386.204, F.S.; prohibiting a person in charge of an enclosed indoor workplace from permitting smoking in that workplace; amending s. 386.2045, F.S.; conforming cross-references; amending s. 386.206, F.S.; deleting obsolete provisions requiring that signs be posted in an enclosed indoor workplace; amending s. 386.208, F.S.; conforming a cross-reference; amending s. 561.695, F.S.; conforming cross-references; prohibiting a vendor from permitting smoking in a licensed premises unless it is designated as a stand-alone bar; providing a penalty for a licensee who knowingly makes a false statement on an affidavit of compliance; deleting a provision requiring that a licensee operating a stand-alone bar certify to the Division of Alcoholic Beverages and Tobacco that it derives only a certain percentage of its gross revenue from the sale of food; providing an effective date.

—was read the third time by title.

On motion by Senator Jones, **CS for SB 1536** 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	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Haridopolos

THE PRESIDENT PRESIDING

CS for CS for SB 1632—A bill to be entitled An act relating to agency inspectors general; creating s. 14.325, F.S.; providing definitions; providing legislative intent; creating the Council on State Agency Inspectors General; providing for the purpose and membership of the council; providing duties and responsibilities of the council; requiring the council to hold meetings at least monthly; authorizing the council to develop recommendations relating to inspector general investigations; providing minimum requirements for the recommendations developed by the council; providing administrative support for the council; requiring the council to issue a report on its findings; providing for repeal; providing an effective date.

—was read the third time by title.

On motion by Senator Bennett, **CS for CS for SB 1632** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

HB 1465—A bill to be entitled An act relating to speed limit enforcement on state roads; creating s. 316.1893, F.S.; providing legislative intent; creating a pilot program for establishment by the Department of Transportation of enhanced penalty zones on state roads in certain counties; providing for future review and repeal of the pilot program; authorizing the department to set speed limits within enhanced penalty zones; directing the department to adopt a uniform system of traffic control devices to be used within the zones; prohibiting operation of a vehicle at a speed greater than that posted in the enhanced penalty zone; directing the Department of Highway Safety and Motor Vehicles to tabulate citations issued within enhanced penalty zones and make available certain information; directing the Department of Transportation, the Department of Highway Safety and Motor Vehicles, and the Department of Education to conduct a study and report to the Governor and the Legislature for certain purposes; amending s. 318.18, F.S.; specifying criteria for posting in a construction zone; providing penalties for violation of posted speed in an enhanced penalty zone; amending s. 318.21, F.S.; correcting cross-references to conform to changes made by the act; providing for disposition of fines collected; reenacting ss. 318.14(2), (5), and (9), 318.15(1)(a) and (2), 318.21(7), 402.40(4)(b), and 985.406(4)(b), F.S., relating to noncriminal traffic infraction procedures, failure to comply with civil penalty or to appear, disposition of civil penalties by county courts, child welfare training, and juvenile justice training academies, respectively, for the purpose of incorporating the amendment made to s. 318.18, F.S., in references thereto; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **HB 1465** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Atwater	Bullard
Argenziano	Baker	Campbell
Aronberg	Bennett	Carlton

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

Nays—None

HB 587—A bill to be entitled An act relating to health care practitioners; providing legislative findings and intent; amending s. 456.072, F.S., relating to grounds for discipline, penalties, and enforcement applicable to health care practitioners; providing that a practitioner's failure to identify the type of license under which he or she is practicing constitutes grounds for disciplinary action; providing exceptions; authorizing certain entities to determine compliance with a disclosure requirement; providing penalties; specifying that a reference to the section constitutes a general reference under the doctrine of incorporation by reference; providing an effective date.

—was read the third time by title.

On motion by Senator Bennett, **HB 587** 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

Consideration of **CS for CS for CS for SJR 2170** was deferred.

The Senate resumed consideration of—

HB 7151—A bill to be entitled An act relating to adoption; amending s. 63.054, F.S.; requiring a petitioner in a proceeding for termination of parental rights to provide notice to the Office of Vital Statistics of the Department of Health; prohibiting the office from recording a claim of paternity after the date that a termination of parental rights is filed; requiring the department to remove a registrant's name from the Florida Putative Father Registry upon a finding that the registrant has no parental rights; amending s. 63.062, F.S.; modifying consent required for adoption; amending s. 63.182, F.S.; providing that the interest that entitles a person to notice of an adoption must be direct, financial, and immediate; providing an exception; providing that a showing of an indirect, inconsequential, or contingent interest is wholly inadequate; providing construction and applicability; providing an effective date.

—which was previously considered this day with pending **Amendment 1 (983212)** by Senator Lawson.

MOTION

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

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

Amendment 1A (042072)(with title amendment)—On page 3, between lines 22 and 23, insert:

Notwithstanding this subsection, the court shall deny the petition if the court determines that the denial of the petition is in the best interest of the child.

And the title is amended as follows:

On page 7, line 16, after the first semicolon (;) insert: providing an exception;

The question recurred on **Amendment 1**.

POINT OF ORDER

Senator Margolis raised a point of order that pursuant to Rule 7.1 **Amendment 1 (983212)** was not germane to the bill.

The President referred the point of order and the amendment to Senator Pruitt, Chair of the Committee on Rules and Calendar.

On motion by Senator Campbell, further consideration of **HB 7151** with pending **Amendment 1 (983212)** and pending point of order was deferred.

HB 561—A bill to be entitled An act relating to offenses involving insurance; amending s. 316.068, F.S.; specifying information to be included in a crash report; creating a rebuttable presumption relating to the absence of certain information in such reports; amending s. 322.21, F.S.; providing an additional fee for certain offenses relating to insurance crimes; providing for deposit of the fee into the Highway Safety Operating Trust Fund; amending s. 322.26, F.S.; providing an additional circumstance relating to insurance crimes for mandatory revocation of a person's driver's license; amending s. 400.9935, F.S.; prohibiting medical directors from referring specified patients to certain clinics for specified medical examinations and tests; providing a definition; providing criminal penalties; requiring health care clinics to display signs containing certain information relating to insurance fraud; authorizing compliance inspections by the Division of Insurance Fraud; requiring clinics to allow inspection access; amending s. 440.105, F.S.; deleting the provision that a violation of a stop-work order is a misdemeanor of the first degree; making unlawful a failure to secure required workers' compensation insurance coverage; providing criminal penalties; amending s. 456.054, F.S.; revising the definition of the term "kickback" for criminal prosecution purposes; amending s. 624.15, F.S.; specifying violations of rules of the Department of Financial Services, Office of Insurance Regulation, or Financial Services Commission as misdemeanors; specifying a violation of emergency rules or orders as a felony of the third degree; providing penalties; providing for nonapplication to certain persons; amending s. 626.112, F.S.; providing a criminal penalty for knowingly transacting insurance without a license; amending s. 626.938, F.S.; revising provisions requiring a report and taxation of independently procured coverages; specifying nonauthorization of independent procurement of workers' compensation, life, or health insurance; amending s. 626.9891, F.S.; expanding authorization to impose administrative fines on insurers for failure to comply with certain anti-fraud plan or anti-fraud investigative unit description requirements; creating s. 626.9893, F.S.; authorizing the division to deposit certain revenues into the Insurance Regulatory Trust Fund; specifying accounting and uses of such revenues; providing for appropriation and use of such revenues; amending s. 627.4133, F.S.; providing a limitation on retroactive assumption of certain coverages and liabilities; amending s. 627.736, F.S.; requiring insurers to provide certain persons with notice of the department's Anti-Fraud Reward Program and the criminal violations that may be reported in pursuit of a reward; amending s. 627.7401, F.S.; specifying additional requirements for Financial Services Commission notification of an insured's rights; amending s. 627.912, F.S.; authorizing the office to impose fines; authorizing the office to adjust such fines under certain circumstances; amending s. 817.234, F.S.; revising provisions specifying material omission and insurance fraud; prohibiting scheming to create documentation of a motor vehicle crash that did not occur; providing a criminal penalty; amending s. 817.2361, F.S.; providing that creating, marketing, or presenting fraudulent proof of motor vehicle insurance is

a felony of the third degree; amending s. 817.50, F.S.; specifying nonapplication of provisions specifying evidence of intent to defraud to certain investigative actions taken by law enforcement officers; amending s. 817.505, F.S.; providing an additional patient brokering prohibition, to which penalties apply; revising a definition; amending s. 843.08, F.S.; providing a criminal penalty for falsely assuming or pretending to be an officer of the Department of Financial Services; amending s. 932.7055, F.S.; requiring certain proceeds seized by the division under the Florida Contraband Forfeiture Act to be deposited into certain trust funds; providing severability; providing an effective date.

—was read the third time by title.

On motion by Senator Alexander, **HB 561** 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

RECONSIDERATION OF BILL

On motion by Senator Diaz de la Portilla, the Senate reconsidered the vote by which—

HB 661—A bill to be entitled An act relating to governmental services telephone systems; creating s. 365.180, F.S.; providing legislative findings; defining the term "coordinated 311 nonemergency and other governmental services telephone system"; authorizing the Department of Community Affairs to accept and administer funds to provide grants for certain governmental services telephone systems; authorizing counties and municipalities to apply for grants; requiring a county or municipality to provide matching funds; providing procedures for approval of grant awards; requiring approval by the Secretary of Community Affairs or appropriation by the Legislature; providing for certain limitations on grant funds amounts; requiring a report to the Governor and the Legislature detailing expenditures; authorizing the department to adopt rules; providing application evaluation criteria; providing grants may be awarded as appropriated or as made available from private sources; providing an effective date.

—as amended passed this day.

On motion by Senator Diaz de la Portilla, the Senate reconsidered the vote by which **Amendment 1 (443272)** was adopted. **Amendment 1** was withdrawn.

On motion by Senator Diaz de la Portilla, **HB 661** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

LOCAL BILL CALENDAR

SB 2764—A bill to be entitled An act relating to Polk County; abolishing the Peace Creek Drainage District and transferring its powers, duties, functions, property, revenues, and indebtedness to the Southwest Florida Water Management 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; providing for a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Alexander, by two-thirds vote **SB 2764** was read the third time by title, 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	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

SB 2810—A bill to be entitled An act relating to Broward County; creating the Broward County Council for Services for Seniors; creating an independent special district to provide funding for services for seniors; 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 of the governing board; providing terms of office; specifying the powers and functions of the council; requiring the council to elect a chair, vice chair, and officers, to identify and assess the needs of seniors, 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; requiring a referendum; providing a ballot statement; providing an effective date.

—was read the second time by title. On motion by Senator Rich, by two-thirds vote **SB 2810** was read the third time by title, 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	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 479—A bill to be entitled An act relating to Pasco County; creating the Lake Padgett Estates Independent Special District; providing a popular name; providing definitions; stating legislative policy regarding creation of the district; providing for creation and establishment of the district and legal boundaries of the district; providing for the jurisdiction and charter of the district; providing for an initial governing board, a board of supervisors, and board membership, meetings, organization, powers, duties, terms of office, per diem, salary, and election requirements; providing for administrative duties of the board, district employees, selection of a public depository, district budgets, financial reports, and reviews; providing for the general powers of the district; providing for the special powers of the district to maintain, operate, and improve community recreational amenities and associated infrastructure and services within the district; providing for borrowing and revenue sources including a referendum to allow for the levying of an ad valorem tax within the district; providing for competitive procurement; providing for required notices to purchasers of real property within the district; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Crist, by two-thirds vote **HB 479** was read the third time by title, 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	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 495—A bill to be entitled An act relating to Baker County; providing career service status for certain employees of the Baker County Sheriff's Office; providing definitions; providing for transition between administrations; providing for appeals procedures; providing for career service appeals boards; providing proceedings and provisions with respect to disciplinary suspension and dismissal; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Argenziano, by two-thirds vote **HB 495** was read the third time by title, 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	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 547—A bill to be entitled An act relating to the East County Water Control District, Lee and Hendry Counties; amending ch. 2000-423, Laws of Florida; amending the boundaries of the district; providing an effective date.

—was read the second time by title. On motion by Senator Aronberg, by two-thirds vote **HB 547** was read the third time by title, 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	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 757—A bill to be entitled An act relating to Polk County; amending chapter 88-443, Laws of Florida, as amended; excluding certain positions from the classified service of the Sheriff's Office of Polk County; removing legislative intent; revising names of units and titles of persons in the Sheriff's Office; revising terminology; revising the effective date of appointments to the personnel board; reducing the term of the chairperson of the board; specifying the office and departments from which members are elected to the Members Nominating Committee; revising the effective date of the initial probationary period; providing an effective date.

—was read the second time by title. On motion by Senator Dockery, by two-thirds vote **HB 757** was read the third time by title, 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	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 847—A bill to be entitled An act relating to the City of Jacksonville, Duval County; amending chapter 97-339, Laws of Florida, as amended; defining terms; restructuring the Jacksonville Economic Development Commission by increasing the number of members of the commission; revising membership qualification requirements; removing provisions relating to staggering of terms; revising provisions pertaining to ex officio and technical support advisors; removing provisions relating to duties of the executive director and to a prior transfer of certain functions and personnel; authorizing the chair of the commission to appoint special or standing committees for certain purposes; providing duties of the chair of the commission; providing for appointment of committee members and terms thereof; creating a downtown committee; providing duties and responsibilities of the downtown committee; repealing Article 20 of chapter 92-341, Laws of Florida, as amended, relating to the Jacksonville Downtown Development Authority; providing an effective date.

—was read the second time by title. On motion by Senator King, by two-thirds vote **HB 847** was read the third time by title, 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	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 921—A bill to be entitled An act relating to the Pinellas County Water and Navigation Control Authority; repealing chapter 31182, Laws of Florida, 1955, section 3 of chapter 74-588, Laws of Florida, and chapters 72-664, 78-602, 81-471, and 85-493, Laws of Florida; abolishing the Pinellas County Water and Navigation Control Authority; transferring all assets and liabilities of the authority to the county; providing an effective date.

—was read the second time by title. On motion by Senator Sebesta, by two-thirds vote **HB 921** was read the third time by title, 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	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 923—A bill to be entitled An act relating to the Troup-Indiantown Water Control District, Martin County; amending chapter 2002-366, Laws of Florida; correcting the legal description of the boundaries of the district; revising requirements for membership on the board of supervisors; clarifying applicability of general law; 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

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	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 925—A bill to be entitled An act relating to the Pinellas County Tourist Development Council, Pinellas County; amending chapter 2001-307, Laws of Florida; revising the membership of the council; providing the effective date for such changes in council membership; providing an effective date.

—was read the second time by title. On motion by Senator Jones, by two-thirds vote **HB 925** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Carlton	Geller
Alexander	Clary	Haridopolos
Argenziano	Constantine	Jones
Aronberg	Crist	King
Atwater	Dawson	Klein
Baker	Diaz de la Portilla	Lawson
Bennett	Dockery	Lynn
Bullard	Fasano	Margolis
Campbell	Garcia	Miller

Peaden	Saunders	Villalobos
Posey	Sebesta	Webster
Pruitt	Siplin	Wilson
Rich	Smith	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 927—A bill to be entitled An act relating to the mosquito control district of Pinellas County; repealing chapter 18792, Laws of Florida, 1937, and chapter 67-1920, Laws of Florida; abolishing the mosquito control district of Pinellas County; transferring all assets and liabilities of the district to the county; providing an effective date.

—was read the second time by title. On motion by Senator Jones, by two-thirds vote **HB 927** was read the third time by title, 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	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 929—A bill to be entitled An act relating to Pinellas County; repealing chapter 77-635, Laws of Florida, as amended; abolishing the Pinellas Sports Authority and providing for disposition of its assets and assumption of its liabilities; providing an effective date.

—was read the second time by title. On motion by Senator Jones, by two-thirds vote **HB 929** was read the third time by title, 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	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 931—A bill to be entitled An act relating to the Pinellas Suncoast Transit Authority, Pinellas County; amending chapter 2000-424, Laws of Florida; providing for additional members of the authority's governing body; providing for appointment of additional members; providing for staggering of initial terms of additional members; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Jones, by two-thirds vote **HB 931** was read the third time by title, 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	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 951—A bill to be entitled An act relating to Palm Beach County; creating the Town of Loxahatchee Groves; providing a charter; providing legislative intent; providing a council-manager form of government; providing boundaries; providing municipal powers; providing for a town council; providing for membership, qualifications, terms, powers, and duties of its members, including the mayor; providing for a vice mayor; providing general powers and duties; providing circumstances resulting in vacancy in office; providing grounds for forfeiture and suspension; providing for filling of vacancies; providing for compensation and expenses; providing for appointment of charter officers, including a town manager and town attorney; providing for removal, compensation, and filling of vacancies; providing qualifications, powers, and duties; providing for meetings; providing for adoption, distribution, and recording of technical codes; providing for recordkeeping; providing a limitation upon employment of council members; prohibiting certain interference with town employees; establishing the fiscal year; providing for adoption of annual budget and appropriations; providing for supplemental, reduction, and transfer of appropriations; providing for limitations; providing for referendum requirements for revenue bonds and other multiyear contracts; providing for financial audit; providing for nonpartisan elections and matters relative thereto; providing for recall; providing for initiative and referenda; providing for future amendments of the charter; providing for standards of conduct in office; providing for severability; providing for a personnel system; providing for charitable contributions; providing for land use changes; providing the town a transitional schedule and procedures for first election; providing for first-year expenses; providing for adoption of transitional ordinances, resolutions, comprehensive plan, and local development regulations; providing for sharing of communications services tax; providing for accelerated entitlement to state-shared revenues; providing for receipt and distribution of gas tax revenues; providing for continuation of the Palm Beach County Fire Rescue Municipal Service Taxing Unit; providing for law enforcement; providing for continuation of the Palm Beach County Library District; providing for dissolution of the Palm Beach County Municipal Service Taxing Unit B and dissolution of the Palm Beach County Municipal Service Taxing Unit F; providing for continuation of the Loxahatchee Groves Water Control District; providing for continuation of Loxahatchee Groves Park; repealing s. 6 of s. 2 of chapter 99-425, Laws of Florida, relating to a restriction on annexation of the Loxahatchee Groves Water Control District; providing for waivers; requiring a referendum; providing effective dates.

—was read the second time by title. On motion by Senator Pruitt, by two-thirds vote **HB 951** was read the third time by title, 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	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 993—A bill to be entitled An act relating to the City of Southport, Bay County; creating the City of Southport; providing a charter; providing legislative intent; providing for a commission-manager form of government; providing municipal powers; providing boundaries; providing for a city commission and its composition and qualifications; providing terms of office, powers, and duties of commissioners; providing for a mayor and vice mayor and their powers and duties; providing for compensation and expenses of the commission; providing for vacancies, forfeiture of office, and filling of vacancies; providing for commission meetings; providing for a city manager and city attorney and their qualifications, powers, and duties; providing for elections; providing for elections to be held at large until the commission creates voting districts; providing for municipal services; providing for charter amendment and review; providing for standards of conduct; providing severability; providing a transition schedule, including initial elections; providing for state-shared revenue; providing for gas tax revenues; requiring a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Clary, by two-thirds vote **HB 993** was read the third time by title, 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	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 1051—A bill to be entitled An act relating to the Northern Palm Beach County Improvement District, Palm Beach County; amending chapter 2000-467, Laws of Florida, as amended; requiring prior written notice of candidacy to be eligible for election to the Board of Supervisors; providing an effective date.

—was read the second time by title. On motion by Senator Atwater, by two-thirds vote **HB 1051** was read the third time by title, 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	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 1053—A bill to be entitled An act relating to the City of Jacksonville, Duval County; amending chapter 92-341, Laws of Florida, as amended; expanding the mayor's power to transfer certain appropriations, subject to authorization by ordinance adopted and approved by extraordinary vote of the council; providing an effective date.

—was read the second time by title. On motion by Senator King, 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

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	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 1081—A bill to be entitled An act relating to the Lee County Hyacinth Control District, Lee County; amending chapter 98-462, Laws of Florida; providing that all work done under the provisions of the district's charter shall be under the supervision of a person determined qualified by the Hyacinth Board; providing an effective date.

—was read the second time by title. On motion by Senator Aronberg, by two-thirds vote **HB 1081** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Carlton	Geller
Alexander	Clary	Haridopolos
Argenziano	Constantine	Jones
Aronberg	Crist	King
Atwater	Dawson	Klein
Baker	Diaz de la Portilla	Lawson
Bennett	Dockery	Lynn
Bullard	Fasano	Margolis
Campbell	Garcia	Miller

Peaden	Saunders	Villalobos
Posey	Sebesta	Webster
Pruitt	Siplin	Wilson
Rich	Smith	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 1085—A bill to be entitled An act relating to the Hillsborough County School District; providing for a seven-member district school board, with five members elected from single-member residence areas and two members elected from the district at large; providing for reapportionment; providing that elections shall be held in accordance with general law; repealing chapter 98-465, Laws of Florida, relating to the calling of a referendum to authorize such a district school board, to conform; providing an effective date.

—was read the second time by title. On motion by Senator Miller, by two-thirds vote **HB 1085** was read the third time by title, 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	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

SB 2842—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 Broadview Park; providing for an election; providing boundaries; 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 Rich, by two-thirds vote **SB 2842** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 1133—A bill to be entitled An act relating to Key Largo Wastewater Treatment District, Monroe County; amending chapter 2002-337, Laws of Florida; providing for liens against real property under certain circumstances involving delinquent fees, rentals, or other charges; providing an effective date.

—was read the second time by title. On motion by Senator Bullard, by two-thirds vote **HB 1133** was read the third time by title, 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	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 1137—A bill to be entitled An act relating to the Rupert J. Smith Law Library, St. Lucie County; amending chapter 2001-326, Laws of Florida; providing for the appointment of additional members to the board of trustees; providing an effective date.

—was read the second time by title. On motion by Senator Pruitt, by two-thirds vote **HB 1137** was read the third time by title, 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	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 1151—A bill to be entitled An act relating to Collier County; amending chapter 89-449, Laws of Florida, as amended; providing for persons cited by county park enforcement officers to appear before the

Collier County Code Enforcement Special Master instead of in county court; providing an effective date.

—was read the second time by title. On motion by Senator Bullard, by two-thirds vote **HB 1151** was read the third time by title, 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	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 1161—A bill to be entitled An act relating to Okeechobee County; providing for career service for employees of the Okeechobee County Sheriff's Office; providing for application of the act, permanent status of employees, suspension or dismissal, transition of career service employees, and administration; providing for a procedure with respect to complaints against employees; providing for ad hoc career service appeal boards and membership and responsibilities thereof; providing for a disciplinary procedure and for appeals; providing for status as permanent employees; prohibiting certain actions to circumvent the act; providing an effective date.

—was read the second time by title. On motion by Senator Alexander, by two-thirds vote **HB 1161** was read the third time by title, 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	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 1183—A bill to be entitled An act relating to Hernando County special election validation; validating all acts and proceedings had and taken in connection with the special election held in the county on March 9, 2004, to authorize the levy of a discretionary sales surtax in the county for the purpose of providing funds to finance the cost of new facilities consisting of new schools, equipment, and such improvements associated with such schools within the county; declaring such special election legal and valid; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Fasano, 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

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	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 1189—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 limit the levy of capital local school property taxes; ratifying and confirming a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Fasano, by two-thirds vote **HB 1189** was read the third time by title, 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	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 1195—A bill to be entitled An act relating to Manatee County; amending chapter 85-461, Laws of Florida, as amended, which created the Manatee County Fire Prevention Code Enforcement Board and the Manatee County Fire Marshal Appeals Board; revising the repeal date of the act, to continue such boards; providing an effective date.

—was read the second time by title. On motion by Senator Miller, by two-thirds vote **HB 1195** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Atwater	Campbell
Alexander	Baker	Carlton
Argenziano	Bennett	Clary
Aronberg	Bullard	Constantine

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

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 1203—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 property appraiser 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 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 1203** was read the third time by title, 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	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 1205—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 property appraiser 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; authorizing the board of supervisors 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 severability; providing an effective date.

—was read the second time by title. On motion by Senator Haridopolos, by two-thirds vote **HB 1205** was read the third time by title, 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	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 1207—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; 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 1207** was read the third time by title, 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	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 1217—A bill to be entitled An act relating to the City of Bradenton Beach, Manatee County; amending chapter 28915, Laws of Florida, 1953; amending the city's boundaries; authorizing the city to exercise certain police powers and jurisdictional authority 500 feet into the waters of the Gulf of Mexico adjacent to its established corporate limits and within Sarasota Bay from the eastern municipal boundary of the city to the west right-of-way line of the Intracoastal Waterway; providing an effective date.

—was read the second time by title. On motion by Senator Miller, by two-thirds vote **HB 1217** was read the third time by title, 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	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 1219—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending s. 8, chapter 23559, Laws of Florida, 1945, as amended; revising longevity retirement provisions to provide for a multiplier of 1.20 percent for employees in Division B, as amended; providing an effective date.

—was read the second time by title. On motion by Senator Sebesta, by two-thirds vote **HB 1219** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 1245—A bill to be entitled An act relating the North Broward Hospital District, Broward County; codifying, amending, reenacting, and repealing chapters 27438 (1951), 61-1931, 61-1937, 63-1192, 65-1316, 65-1319, 67-1170, 67-1171, 69-895, 69-898, 69-914, 70-622, 71-567, 71-576, 71-578, 73-411, 73-412, 73-413, 74-449, 75-347, 75-348, 76-338, 77-508, 78-481, 80-464, 80-468, 81-354, 84-399, 86-369, 87-508, 90-485, 91-351, 97-372, and 2002-363, Laws of Florida; codifying the district charter; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Rich, 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—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	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 1303—A bill to be entitled An act relating to the Hardee County Economic Development Authority, Hardee County; amending chapter 2004-394, Laws of Florida; revising the membership of the Hardee County Economic Development Authority; providing an effective date.

—was read the second time by title. On motion by Senator Alexander, by two-thirds vote **HB 1303** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Siplin	Villalobos	Wilson
Smith	Webster	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 1335—A bill to be entitled An act relating to Monroe County; providing definitions; authorizing teleconferencing attendance by county commissioners to qualify for a quorum at certain meetings; requiring compliance with certain public meetings laws; providing for future repeal; providing an effective date.

—was read the second time by title. On motion by Senator Bullard, 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

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	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

SB 2814—A bill to be entitled An act relating to the City of Lauderhill, Broward County; extending and enlarging the corporate limits of the City of Lauderhill to include specific unincorporated lands within said corporate limits; providing for transfer of public roads and rights-of-way; providing for powers and services over annexed area; providing for continuation of contracts in effect prior to annexation; providing an effective date.

—was read the second time by title. On motion by Senator Rich, by two-thirds vote **SB 2814** was read the third time by title, 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	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 1375—A bill to be entitled An act relating to Manatee County; creating the Duette Fire and Rescue District, an independent special district; creating a district charter; providing a short title; providing definitions; providing territorial boundaries of the district; providing purposes and intent; providing for a board of commissioners of the district; providing for qualification, election, membership, terms of office, and compensation of the board; providing for the filling of vacancies; providing for meetings; providing powers and duties of the board; providing for use of district funds; authorizing the district to issue bonds and levy ad valorem taxes, non-ad valorem assessments, impact fees, and user charges; providing for a 5-year plan; providing for modification of district boundaries; providing for merger with certain other districts under certain circumstances; providing for amendment of the charter by special act of the Legislature; providing requirements for merger or dissolution; providing severability; requiring a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Bennett, by two-thirds vote **HB 1375** was read the third time by title, 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	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 1399—A bill to be entitled An act relating to the North Naples Fire Control and Rescue District, Collier County; amending chapter 99-450, Laws of Florida; providing for the applicability of s. 171.093, F.S., in the event of annexation by a municipality within the boundaries of the district; authorizing the district to provide housing or housing assistance for district employees; providing an effective date.

—was read the second time by title. On motion by Senator Bullard, by two-thirds vote **HB 1399** was read the third time by title, 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	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 1413—A bill to be entitled An act relating to Argyle Fire District, Walton 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 board personnel; providing for election of board officers; providing for compensation and bonds of commissioners; providing for powers, duties, and responsibilities of the board; preserving the authority to impose special assessments; providing for impact fees; providing legislative intent; providing for 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 rules 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 dissolution; providing for district expansion; providing for construction and effect; providing an effective date.

—was read the second time by title. On motion by Senator Peaden, by two-thirds vote **HB 1413** was read the third time by title, 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	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 1445—A bill to be entitled An act relating to the West Villages Improvement District, Sarasota County; amending chapter 2004-456, Laws of Florida; expanding the territorial boundaries of the district; supplementing the conditions and requirements for the exercise of its powers, functions, and duties; 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 1445** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 1481—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 **HB 1481** was read the third time by title, 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	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 1531—A bill to be entitled An act relating to the West Palm Beach Water Catchment Area, Palm Beach County; amending chapter 67-2169, Laws of Florida, as amended; revising the legal description of the water catchment area; authorizing the licensing or permitting of certain uses within the water catchment area; providing an effective date.

—was read the second time by title. On motion by Senator Atwater, by two-thirds vote **HB 1531** was read the third time by title, 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	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

SB 2828—A bill to be entitled An act relating to Broward County; providing for annexation and deannexation of certain described lands within the municipal limits of the City of Pembroke Pines and the Town of Southwest Ranches; providing an effective date.

—was read the second time by title. On motion by Senator Rich, by two-thirds vote **SB 2828** 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	Jones	Saunders
Clary	King	Sebesta
Constantine	Klein	Siplin
Crist	Lawson	Smith
Dawson	Lynn	Villalobos
Diaz de la Portilla	Margolis	Webster
Dockery	Miller	Wilson
Fasano	Peaden	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 1631—A bill to be entitled An act relating to the Village of North Palm Beach, Palm Beach County; designating a portion of State Road A1A within the village as Jack Nicklaus Drive; authorizing and directing the village to change street signs and markers, mailing addresses, and 911 emergency telephone system listings and to erect signs and markers accordingly; providing an effective date.

—was read the second time by title. On motion by Senator Atwater, by two-thirds vote **HB 1631** was read the third time by title, 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	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 1633—A bill to be entitled An act relating to the Alachua County Housing Authority; amending chapter 71-526, Laws of Florida; providing that the Alachua County Commission may appoint two alternate members to the Alachua County Housing Authority; providing an effective date.

—was read the second time by title. On motion by Senator Smith, by two-thirds vote **HB 1633** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 1297—A bill to be entitled An act relating to the Town of Grant-Valkaria, Brevard County; creating the Town of Grant-Valkaria; providing a charter for the town; providing powers of the town; providing for liberal construction; providing for a town council-administrator form of government; providing corporate boundaries; providing that the town may contract with other governmental entities; providing for a town council and its powers and duties, compensation, and membership; providing for a mayor and vice mayor and their powers and duties; providing for filling of vacancies; providing for meetings of the town council; providing for ordinances; restricting the use of eminent domain; providing for a town administrator and his or her powers and duties, appointment, qualifications, and compensation; requiring the town administrator to furnish a security bond; providing for removal or absence of the town administrator; providing that the town may establish departments, offices, and agencies and providing for administration of those under the direction and supervision of the town administrator; providing for a personnel system; providing for a town attorney; providing for land use, development, and environmental planning; providing for accounting procedures; specifying the fiscal year of the town; requiring an annual audit; providing for availability of financial records of the town; providing for public deposits; providing requirements for purchase or sale of real property by the town; providing for an annual budget; authorizing the levy of certain taxes within the town; prohibiting the issuance of certain bonds or entering into certain types of contracts unless approved by referendum; providing for emergency appropriations; providing for town elections; providing for conduct of officials in office; providing for appointments and removals of town administrative officers and employees; providing that the town council shall deal with the town administrator and not officers and employees of the administrator; providing for regulation of campaign financing; requiring a long-range plan and a 5-year financial plan; providing for emergency operations; providing for dissolution; providing for charter amendment and review; providing for regulation of land use, zoning, and development; providing for transition, including an interim council, continuity and sources of revenues, and continuity of services; providing severability; requiring a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Haridopolos, by two-thirds vote **HB 1297** was read the third time by title, 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	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 1483—A bill to be entitled An act relating to the Grove Community District, Okeechobee County; providing a short title; creating the Grove Community District; providing for findings, determinations, ascertainments, intent, purpose, definitions, and policy; providing a charter; providing jurisdiction; providing boundaries; providing powers of

the district; creating the district as a special, limited, and single-purpose independent district, an independent local government, and corporate body politic, to provide community development infrastructure; providing for authority, boundaries, jurisdiction, and charter amendment; providing for a governing board and terms of office and duties thereof; providing for elections; providing for a district manager; providing for bonds; providing for borrowing; providing for future transition to ad valorem taxation; providing for special assessments; providing for issuance of certificates of indebtedness; providing for tax liens; providing minimum charter requirements; providing for the applicability of and compliance with provisions of chapter 189, Florida Statutes, and other general laws; providing for election of an incorporation committee to review feasibility of incorporating the district as a municipality; providing for severability; providing for a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Alexander, by two-thirds vote **HB 1483** was read the third time by title, 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	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 1509—A bill to be entitled An act relating to Flagler Estates Road and Water Control District, St. Johns County; amending chapter 98-529, Laws of Florida; providing additional powers of the district to construct, operate, maintain, repair, and replace works and improvements necessary to execute the district's water control plan; specifying applicability of certain general law; providing for an interlocal agreement; revising district boundaries; providing an effective date.

—was read the second time by title. On motion by Senator King, by two-thirds vote **HB 1509** was read the third time by title, 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	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 1559—A bill to be entitled An act relating to Brevard County; creating the Viera Stewardship District; providing a short title; 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 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 Haridopolos, by two-thirds vote **HB 1559** was read the third time by title, 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	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 1579—A bill to be entitled An act relating to the Sarasota Manatee Airport Authority; amending chapter 2003-309, Laws of Florida; authorizing and empowering the authority to be and serve as a local agency under pt. II of ch. 159, F.S., the Florida Industrial Development Financing Act; eliminating the aggregate limit on outstanding industrial development revenue bonds issued by the authority; deleting hyphens in "Sarasota-Manatee Airport Authority" and "Sarasota-Bradenton International Airport"; substituting the Transportation Security Administration for the Federal Aviation Administration as the federal agency authorized to enforce security programs; changing the reference to adjacent campus from "University of South Florida" to "New College of Florida" for purposes of defining the term "airport grounds"; providing an effective date.

—was read the second time by title. On motion by Senator Bennett, by two-thirds vote **HB 1579** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Carlton	Geller
Alexander	Clary	Haridopolos
Argenziano	Constantine	Jones
Aronberg	Crist	King
Atwater	Dawson	Klein
Baker	Diaz de la Portilla	Lawson
Bennett	Dockery	Lynn
Bullard	Fasano	Margolis
Campbell	Garcia	Miller

Peaden	Saunders	Villalobos
Posey	Sebesta	Webster
Pruitt	Siplin	Wilson
Rich	Smith	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

HB 1629—A bill to be entitled An act relating to the Gainesville-Alachua County Regional Airport Authority; codifying, reenacting, amending, and repealing chapters 86-469, 89-433, and 95-457, Laws of Florida, relating to the authority; providing a short title; providing definitions; providing purpose of the authority; providing for membership, organization, restrictions, and powers and duties of the authority; requiring a budget; specifying relationship between the authority and local governments; providing for conveyance of land to the authority; authorizing issuance of bonds; specifying covenant of the state; authorizing an alcoholic beverage license; providing for purchasing and award of contracts; prohibiting discrimination; authorizing the right to sue and be sued; providing for severability; prohibiting supersession of certain laws and grant assurances; providing an effective date.

—was read the second time by title.

Senator Smith moved the following amendment which was adopted:

Amendment 1 (703634)—On line 530, delete that line and insert: *allowed by general law.*

On motion by Senator Smith, by two-thirds vote **HB 1629** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—1

Webster

Votes Recorded:

May 5, 2006: Yea—Hill

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

BILLS ON THIRD READING, continued

The Senate resumed consideration of—

HB 7151—A bill to be entitled An act relating to adoption; amending s. 63.054, F.S.; requiring a petitioner in a proceeding for termination of parental rights to provide notice to the Office of Vital Statistics of the Department of Health; prohibiting the office from recording a claim of paternity after the date that a termination of parental rights is filed; requiring the department to remove a registrant's name from the Florida Putative Father Registry upon a finding that the registrant has no parental rights; amending s. 63.062, F.S.; modifying consent required for adoption; amending s. 63.182, F.S.; providing that the interest that entitles a person to notice of an adoption must be direct, financial, and immediate; providing an exception; providing that a showing of an indirect, inconsequential, or contingent interest is wholly inadequate; providing construction and applicability; providing an effective date.

—which was previously considered this day with pending **Amendment 1 (983212)** by Senator Lawson and pending point of order by Senator Margolis.

RULING ON POINT OF ORDER

On recommendation of Senator Pruitt, Chair of the Committee on Rules and Calendar, the President ruled the point not well taken.

Pending **Amendment 1 (983212)** by Senator Lawson was adopted by two-thirds vote.

On motion by Senator Campbell, **HB 7151** as amended was passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—5

Fasano	Margolis	Wilson
Lynn	Rich	

Votes Recorded:

May 5, 2006: Yea—Hill

By direction of the President, the rules were waived and 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 CS for CS for SB 214, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 214—A bill to be entitled An act relating to dart-firing stun guns; amending s. 790.001, F.S.; defining the term "dart-firing stun gun" for purposes of ch. 790, F.S., relating to weapons and firearms; deleting the definition of the term "remote stun gun"; amending ss. 790.01 and 790.053, F.S., relating to the carrying of concealed weapons and the open carrying of weapons; conforming provisions to the change in the definition made by the act to authorize the carrying of a dart-firing stun gun for purposes of lawful self-defense; amending s. 790.054, F.S.; providing that it is a third-degree felony to use a dart-firing stun gun against an on-duty law enforcement officer; creating s. 943.1717, F.S.; providing circumstances during which law enforcement, correctional, and correctional probation officers may employ a dart-firing stun gun; requiring the Criminal Justice Standards and Training Commission to establish standards for instruction in the use of dart-firing stun guns; requiring that a minimum number of hours in such training be included in the basic-skills course required for certain certifications; requiring certain officers who have not received training in the use of dart-firing stun guns and who are authorized to carry dart-firing stun guns to receive training; requiring annual training for certain officers; requiring a school resource officer or law enforcement officer to make certain reports concerning the use of a dart-firing stun gun; requiring the Department of Law Enforcement to maintain the reports and

provide them to the Department of Health upon request; requiring the Department of Health to conduct an ongoing study of the medical effects concerning certain uses of dart-firing stun guns; requiring a report to the Legislature; providing an effective date.

House Amendment 1 (973017)(with title amendment)—On page 5, line 21, through page 6, line 11, remove all of said lines

And the title is amended as follows:

On page 1, line 31, through page 2, line 9, remove all of said lines and insert: certain officers;

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

CS for CS for SB 214 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—36

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

Nays—None

Vote after roll call:

Yea—Clary, Saunders

Votes Recorded:

May 5, 2006: Yea—Hill

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 250, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 250—A bill to be entitled An act relating to the prosecution of human trafficking; amending s. 787.06, F.S.; providing legislative findings and intent; defining the term "financial harm"; redefining the term "forced labor or services" to include circumstances involving the use of fraud or coercion against a person, the use of certain debt practices, and the destruction, concealing, or withholding of a person's identification documents; providing for attempted human trafficking to be an equal crime to human trafficking; prohibiting knowingly benefiting financially or receiving anything of value from human trafficking when the trafficked person engages in forced labor or services; providing criminal penalties; amending s. 772.102, F.S.; expanding the definition of the term "criminal activity" to include the offense of human trafficking and the offense of sex trafficking for purposes of seeking civil remedies for criminal offenses; amending s. 772.104, F.S.; revising a civil cause of action relating to injuries by reason of criminal activity; providing for alternative damages for violations relating to sex trafficking and human trafficking; amending s. 895.02, F.S.; redefining the term "racketeering activity" to include the offense of human trafficking for purposes of the Florida RICO Act; amending s. 16.56, F.S.; authorizing the Office of the Statewide Prosecution to prosecute any offense involving human trafficking; reenacting ss. 655.50(3)(g), 896.101(2)(g), and 905.34, F.S., relating to the definition of "specified unlawful activity" in a law prohibiting money laundering in financial institutions and in the Florida Money Laundering Act, and the subject matter jurisdiction of a statewide grand jury, to incorporate the amendments made to s. 895.02, F.S., in references thereto; providing an effective date.

House Amendment 1 (115783)(with title amendment)—

Remove everything after the enacting clause and insert:

Section 1. Section 787.06, Florida Statutes, is amended to read:

787.06 Human trafficking.—

(1)(a) The Legislature finds that human trafficking is a form of modern-day slavery. Victims of human trafficking are young children, teenagers, and adults. Thousands of victims are trafficked annually across international borders worldwide. Many of these victims are trafficked into this state. The Legislature finds that victims of human trafficking are subjected to force, fraud, or coercion for the purpose of sexual exploitation or forced labor.

(b) The Legislature finds that while many victims of human trafficking are forced to work in prostitution or the sexual entertainment industry, trafficking also occurs in forms of labor exploitation, such as domestic servitude, restaurant work, janitorial work, sweatshop factory work, and migrant agricultural work.

(c) The Legislature finds that traffickers use various techniques to instill fear in victims and to keep them enslaved. Some traffickers keep their victims under lock and key. However, the most frequently used practices are less obvious techniques that include isolating victims from the public and family members; confiscating passports, visas, or other identification documents; using or threatening to use violence toward victims or their families; telling victims that they will be imprisoned or deported for immigration violations if they contact authorities; and controlling the victims' funds by holding the money ostensibly for safekeeping.

(d) It is the intent of the Legislature that the perpetrators of human trafficking be penalized for their illegal conduct and that the victims of trafficking be protected and assisted by this state and its agencies. In furtherance of this policy, it is the intent of the Legislature that the state Supreme Court, The Florida Bar, and relevant state agencies prepare and implement training programs in order that judges, attorneys, law enforcement personnel, investigators, and others are able to identify traffickers and victims of human trafficking and direct victims to appropriate agencies for assistance. It is the intent of the Legislature that the Department of Children and Family Services and other state agencies cooperate with other state and federal agencies to ensure that victims of human trafficking can access social services and benefits to alleviate their plight.

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

(a) *"Financial harm" includes extortionate extension of credit, loan sharking as defined in s. 687.071, or employment contracts that violate the statute of frauds as provided in s. 725.01.*

(b) "Forced labor or services" means labor or services obtained from a person by:

1. Using or threatening to use physical force against that person or another person; ~~or~~

2. Restraining*, isolating,* or confining or threatening to restrain*, isolate,* or confine that person or another person without lawful authority and against her or his will*;*~~.~~

3. Using lending or other credit methods to establish a debt by that person or another person when labor or services are pledged as a security for the debt, if the value of the labor or services as reasonably assessed is not applied toward the liquidation of the debt, the length and nature of the labor, or services are not respectively limited and defined;

4. Destroying, concealing, removing, confiscating, withholding, or possessing any actual or purported passport, visa, or other immigration document, or any other actual or purported government identification document, of that person or another person;

5. Causing or threatening to cause financial harm to any person; or

6. Fraud or coercion.

(c)~~(b)~~ "Human trafficking" means transporting, soliciting, recruiting, harboring, providing, or obtaining another person for transport.

(d) "Maintain," when used in relation to labor services, means to secure continued performance thereof, regardless of any initial agreement on the part of the victim to perform such type service.

(3)~~(2)~~ Any person who knowingly*:*

(a) Engages*, or attempts to engage,* in human trafficking with the intent *or knowledge* that the trafficked person *will be subjected to* ~~engage in~~ forced labor or services*; or*

(b) Benefits financially by receiving anything of value from participation in a venture that has subjected a person to forced labor or services;

commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) The Criminal Justice Standards and Training Commission shall establish standards for basic and advanced training programs for law enforcement officers in the subjects of investigating and preventing human trafficking crimes. After January 1, 2007, every basic skills course required for law enforcement officers to obtain initial certification must include training on human trafficking crime prevention and investigation.

(5) Each state attorney shall develop standards of

instruction for prosecutors to receive training on the investigation and prosecution of human trafficking crimes and shall provide for periodic and timely instruction.

Section 2. Subsection (1) of section 772.102, Florida Statutes, is amended to read:

772.102 Definitions.—As used in this chapter, the term:

(1) "Criminal activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime *that* ~~which~~ is chargeable by indictment or information under the following provisions:

1. Section 210.18, relating to evasion of payment of cigarette taxes.

2. Section 414.39, relating to public assistance fraud.

3. Section 440.105 or s. 440.106, relating to workers' compensation.

4. Part IV of chapter 501, relating to telemarketing.

5. Chapter 517, relating to securities transactions.

6. Section 550.235, s. 550.3551, or s. 550.3605, relating to dogracing and horseracing.

7. Chapter 550, relating to jai alai frontons.

8. Chapter 552, relating to the manufacture, distribution, and use of explosives.

9. Chapter 562, relating to beverage law enforcement.

10. Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.

11. Chapter 687, relating to interest and usurious practices.

12. Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.

13. Chapter 782, relating to homicide.

14. Chapter 784, relating to assault and battery.

15. Chapter 787, relating to kidnapping *or human trafficking*.

16. Chapter 790, relating to weapons and firearms.

17. Section 796.03, s. 796.04, *s. 796.045,* s. 796.05, or s. 796.07, relating to prostitution.

18. Chapter 806, relating to arson.

19. Section 810.02(2)(c), relating to specified burglary of a dwelling or structure.

20. Chapter 812, relating to theft, robbery, and related crimes.

21. Chapter 815, relating to computer-related crimes.

22. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.

23. Section 827.071, relating to commercial sexual exploitation of children.

24. Chapter 831, relating to forgery and counterfeiting.

25. Chapter 832, relating to issuance of worthless checks and drafts.

26. Section 836.05, relating to extortion.

27. Chapter 837, relating to perjury.

28. Chapter 838, relating to bribery and misuse of public office.

29. Chapter 843, relating to obstruction of justice.

30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.

31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s. 849.25, relating to gambling.

32. Chapter 893, relating to drug abuse prevention and control.

33. Section 914.22 or s. 914.23, relating to witnesses, victims, or informants.

34. Section 918.12 or s. 918.13, relating to tampering with jurors and evidence.

(b) Any conduct which is subject to indictment or information as a criminal offense and listed in 18 U.S.C. s. 1961(1) (A), (B), (C), or (D).

Section 3. Section 772.104, Florida Statutes, is amended to read:

772.104 Civil cause of action.—

(1) Any person who proves by clear and convincing evidence that he or she has been injured by reason of any violation of the provisions of s. 772.103 shall have a cause of action for threefold the actual damages sustained and, in any such action, is entitled to minimum damages in the amount of $200, and reasonable attorney's fees and court costs in the trial and appellate courts.

(2) As an alternative to recovery under subsection (1), any person who proves by clear and convincing evidence that he or she has been injured by reason of any violation of the provisions of s. 772.103 due to sex trafficking or human trafficking shall have a cause of action for threefold the amount gained from the sex trafficking or human trafficking and in any such action is entitled to minimum damages in the amount of $200 and reasonable attorney's fees and court costs in the trial and appellate courts.

(3) In no event shall punitive damages be awarded under this section. The defendant shall be entitled to recover reasonable attorney's fees and court costs in the trial and appellate courts upon a finding that the claimant raised a claim which was without substantial fact or legal support. In awarding attorney's fees and costs under this section, the court shall not consider the ability of the opposing party to pay such fees and costs. Nothing under this section shall be interpreted as limiting any right to recover attorney's fees or costs provided under other provisions of law.

Section 4. Subsection (1) of section 895.02, Florida Statutes, as amended by section 3 of chapter 2005-362, Laws of Florida, is amended to read:

895.02 Definitions.—As used in ss. 895.01-895.08, the term:

(1) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime *that* ~~which~~ is chargeable by indictment or information under the following provisions of the Florida Statutes:

1. Section 210.18, relating to evasion of payment of cigarette taxes.

2. Section 403.727(3)(b), relating to environmental control.

3. Section 409.920 or s. 409.9201, relating to Medicaid fraud.

4. Section 414.39, relating to public assistance fraud.

5. Section 440.105 or s. 440.106, relating to workers' compensation.

6. Section 443.071(4), relating to creation of a fictitious employer scheme to commit unemployment compensation fraud.

7. Section 465.0161, relating to distribution of medicinal drugs without a permit as an Internet pharmacy.

8. Sections 499.0051, 499.0052, 499.00535, 499.00545, and 499.0691, relating to crimes involving contraband and adulterated drugs.

9. Part IV of chapter 501, relating to telemarketing.

10. Chapter 517, relating to sale of securities and investor protection.

11. Section 550.235, s. 550.3551, or s. 550.3605, relating to dogracing and horseracing.

12. Chapter 550, relating to jai alai frontons.

13. Section 551.109, relating to slot machine gaming.

14. Chapter 552, relating to the manufacture, distribution, and use of explosives.

15. Chapter 560, relating to money transmitters, if the violation is punishable as a felony.

16. Chapter 562, relating to beverage law enforcement.

17. Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.

18. Section 655.50, relating to reports of currency transactions, when such violation is punishable as a felony.

19. Chapter 687, relating to interest and usurious practices.

20. Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.

21. Chapter 782, relating to homicide.

22. Chapter 784, relating to assault and battery.

23. Chapter 787, relating to kidnapping *or human trafficking*.

24. Chapter 790, relating to weapons and firearms.

25. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s. 796.05, or s. 796.07, relating to prostitution and sex trafficking.

26. Chapter 806, relating to arson.

27. Section 810.02(2)(c), relating to specified burglary of a dwelling or structure.

28. Chapter 812, relating to theft, robbery, and related crimes.

29. Chapter 815, relating to computer-related crimes.

30. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.

31. Chapter 825, relating to abuse, neglect, or exploitation of an elderly person or disabled adult.

32. Section 827.071, relating to commercial sexual exploitation of children.

33. Chapter 831, relating to forgery and counterfeiting.

34. Chapter 832, relating to issuance of worthless checks and drafts.

35. Section 836.05, relating to extortion.

36. Chapter 837, relating to perjury.

37. Chapter 838, relating to bribery and misuse of public office.

38. Chapter 843, relating to obstruction of justice.

39. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.

40. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s. 849.25, relating to gambling.

41. Chapter 874, relating to criminal street gangs.

42. Chapter 893, relating to drug abuse prevention and control.

43. Chapter 896, relating to offenses related to financial transactions.

44. Sections 914.22 and 914.23, relating to tampering with a witness, victim, or informant, and retaliation against a witness, victim, or informant.

45. Sections 918.12 and 918.13, relating to tampering with jurors and evidence.

(b) Any conduct defined as "racketeering activity" under 18 U.S.C. s. 1961(1).

Section 5. For the purpose of incorporating the amendment made by this act to section 895.02, Florida Statutes, in a reference thereto, paragraph (g) of subsection (3) of section 655.50, Florida Statutes, is reenacted to read:

655.50 Florida Control of Money Laundering in Financial Institutions Act; reports of transactions involving currency or monetary instruments; when required; purpose; definitions; penalties.—

(3) As used in this section, the term:

(g) "Specified unlawful activity" means any "racketeering activity" as defined in s. 895.02.

Section 6. For the purpose of incorporating the amendment made by this act to section 895.02, Florida Statutes, in a reference thereto, paragraph (g) of

Votes Recorded:

May 5, 2006: Yea—Hill subsection (2) of section 896.101, Florida Statutes, is reenacted to read:

896.101 Florida Money Laundering Act; definitions; penalties; injunctions; seizure warrants; immunity.—

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

(g) "Specified unlawful activity" means any "racketeering activity" as defined in s. 895.02.

Section 7. For the purpose of incorporating the amendment made by this act to section 895.02, Florida Statutes, in a reference thereto, section 905.34, Florida Statutes, is reenacted to read:

905.34 Powers and duties; law applicable.—The jurisdiction of a statewide grand jury impaneled under this chapter shall extend throughout the state. The subject matter jurisdiction of the statewide grand jury shall be limited to the offenses of:

(1) Bribery, burglary, carjacking, home-invasion robbery, criminal usury, extortion, gambling, kidnapping, larceny, murder, prostitution, perjury, and robbery;

(2) Crimes involving narcotic or other dangerous drugs;

(3) Any violation of the provisions of the Florida RICO (Racketeer Influenced and Corrupt Organization) Act, including any offense listed in the definition of racketeering activity in s. 895.02(1)(a), providing such listed offense is investigated in connection with a violation of s. 895.03 and is charged in a separate count of an information or indictment containing a count charging a violation of s. 895.03, the prosecution of which listed offense may continue independently if the prosecution of the violation of s. 895.03 is terminated for any reason;

(4) Any violation of the provisions of the Florida Anti-Fencing Act;

(5) Any violation of the provisions of the Florida Antitrust Act of 1980, as amended;

(6) Any violation of the provisions of chapter 815;

(7) Any crime involving, or resulting in, fraud or deceit upon any person;

(8) Any violation of s. 847.0135, s. 847.0137, or s. 847.0138 relating to computer pornography and child exploitation prevention, or any offense related to a violation of s. 847.0135, s. 847.0137, or s. 847.0138;

(9) Any criminal violation of part I of chapter 499; or

(10) Any criminal violation of s. 409.920 or s. 409.9201;

or any attempt, solicitation, or conspiracy to commit any violation of the crimes specifically enumerated above, when any such offense is occurring, or has occurred, in two or more judicial circuits as part of a related transaction or when any such offense is connected with an organized criminal conspiracy affecting two or more judicial circuits. The statewide grand jury may return indictments and presentments irrespective of the county or judicial circuit where the offense is committed or triable. If an indictment is returned, it shall be certified and transferred for trial to the county where the offense was committed. The powers and duties of, and law applicable to, county grand juries shall apply to a statewide grand jury except when such powers, duties, and law are inconsistent with the provisions of ss. 905.31-905.40.

Section 8. This act shall take effect October 1, 2006.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to human trafficking; amending s. 787.06, F.S.; providing legislative findings and intent; defining the term "financial harm"; redefining the term "forced labor or services" to include circumstances involving the use of fraud or coercion against a person, the use of certain debt practices, and the destruction, concealing, or withholding of a person's identification documents; providing for attempted human trafficking to be an equal crime to human trafficking; prohibiting knowingly benefiting financially or receiving anything of value from human trafficking when the trafficked person engages in forced labor or services; providing criminal penalties; requiring the Criminal Justice Standards and Training Commission to establish specified standards concerning human trafficking programs; requiring certain law enforcement officer basic skills courses to include training on human trafficking crime prevention and investigation; requiring state attorneys to develop standards of instruction for prosecutors concerning human trafficking crimes; amending s. 772.102, F.S.; expanding the definition of the term "criminal activity" to include the offense of human trafficking and the offense of sex trafficking for purposes of seeking civil remedies for criminal offenses; amending s. 772.104, F.S.; revising a civil cause of action relating to injuries by reason of criminal activity; providing for alternative damages for violations relating to sex trafficking and human trafficking; amending s. 895.02, F.S.; redefining the term "racketeering activity" to include the offense of human trafficking for purposes of the Florida RICO Act; reenacting ss. 655.50(3)(g), 896.101(2)(g), and 905.34, F.S., relating to the definition of "specified unlawful activity" in a law prohibiting money laundering in financial institutions and in the Florida Money Laundering Act and to the subject matter jurisdiction of a statewide grand jury, to incorporate the amendments made to s. 895.02, F.S., in references thereto; providing an effective date.

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

CS for CS for SB 250 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—38

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

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill, Rich

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 2000, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 2000—A bill to be entitled An act relating to ethics for public officers and employees; amending s. 104.31, F.S.; prohibiting employees of the state and its political subdivisions from participating in a political campaign; amending s. 112.313, F.S.; prohibiting certain disclosures or use by a former public officer, agency employee, or local government attorney; redefining the term "employee" to include certain other-personal-services employees for certain postemployment activities; clarifying that existing postemployment restrictions apply to certain agency employees; providing an exemption from provisions prohibiting conflicts in employment to a person who, after serving on an advisory board, files a statement with the Commission on Ethics relating to a bid or submission; providing definitions; amending s. 112.3144, F.S.; specifying how assets and liabilities valued in excess of $1,000 are to be reported by a reporting individual; conforming a cross-reference; amending s. 112.3145, F.S.; requiring that a delinquency notice be sent to certain officeholders by certified mail, return receipt requested; amending s. 112.3147, F.S.; deleting certain provisions relating to reporting the value of assets; amending s. 112.3148, F.S.; providing requirements for persons who have left office or employment as to filing a report relating to gifts; revising certain filing deadlines; amending s. 112.3149, F.S.; requiring that a report of honoraria by a person who left office or employment be filed by a specified date; amending s. 112.317, F.S.; authorizing the commission to recommend a restitution penalty be paid to the agency or the General Revenue Fund; authorizing the Attorney General to recover costs for filing suit to collect penalties and fines; deleting provisions imposing a penalty for the disclosure of information concerning a complaint or an investigation; amending s. 112.3185, F.S.; providing additional standards for state agency employees relating to procurement of goods and services by a state agency; authorizing an employee whose position was eliminated to engage in certain contractual activities; amending s. 112.321, F.S.; prohibiting an individual who qualifies as a lobbyist from serving on the commission; prohibiting a member of the commission from lobbying any state or local governmental entity; providing exceptions for individuals who are members of the commission on July 1, 2006, until the expiration of their current terms; amending s. 11.045, F.S.; redefining the term "expenditure" for purposes of provisions governing lobbying before the Legislature; amending s. 112.3215, F.S.; redefining the term "expenditure" for purposes of provisions governing lobbying before the executive branch or the Constitution Revision Commission; applying requirements concerning lobbying to county officers; defining the term "county officer"; requiring the commission to

adopt a rule detailing the grounds for waiving a fine and the procedures when a lobbyist fails to timely file his or her report; requiring automatic suspension of certain lobbyist registrations if the fine is not timely paid; requiring the commission to provide written notice to affected principals when a lobbyist's registration is automatically suspended and reinstated; amending s. 112.322, F.S.; authorizing travel and per diem expenses for certain witnesses; amending s. 914.21, F.S.; redefining the terms "official investigation" and "official proceeding," for purposes of provisions relating to tampering with witnesses, to include an investigation by or proceeding before the Commission on Ethics; providing effective dates.

House Amendment 1 (676045)(with title amendment)—On page 27, line(s) 15, through page 38, line 30, remove all of said lines and insert:

Section 13. Paragraph (e) of subsection (5) of section 112.3215, Florida Statutes, as amended by section 5 of chapter 2005-359, Laws of Florida, and section 1 of chapter 2005-361, Laws of Florida, is amended to read:

112.3215 Lobbying before the executive branch or the Constitution Revision Commission; registration and reporting; investigation by commission.—

(5)

(e) The commission shall provide by rule *the grounds for waiving a fine, the procedures* ~~a procedure~~ by which a lobbying firm that fails to timely file a report shall be notified and assessed fines*, and the procedure for appealing the fines*. The rule shall provide for the following:

1. Upon determining that the report is late, the person designated to review the timeliness of reports shall immediately notify the lobbying firm as to the failure to timely file the report and that a fine is being assessed for each late day. The fine shall be $50 per day per report for each late day up to a maximum of $5,000 per late report.

2. Upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine due based upon the earliest of the following:

a. When a report is actually received by the lobbyist registration and reporting office.

b. When the report is postmarked.

c. When the certificate of mailing is dated.

d. When the receipt from an established courier company is dated.

3. Such fine shall be paid within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office, unless appeal is made to the commission. The moneys shall be deposited into the Executive Branch Lobby Registration Trust Fund.

4. A fine shall not be assessed against a lobbying firm the first time any reports for which the lobbying firm is responsible are not timely filed. However, to receive the one-time fine waiver, all reports for which the lobbying firm is responsible must be filed within 30 days after the notice that any reports have not been timely filed is transmitted by the Lobbyist Registration Office. A fine shall be assessed for any subsequent late-filed reports.

5. Any lobbying firm may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the commission, which shall have the authority to waive the fine in whole or in part for good cause shown. Any such request shall be made within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office. In such case, the lobbying firm shall, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to bring the matter before the commission.

6. The person designated to review the timeliness of reports shall notify the commission of the failure of a lobbying firm to file a report after notice or of the failure of a lobbying firm to pay the fine imposed. *All lobbyist registrations for lobbyists who are partners, owners, officers, or employees of a lobbying firm that fails to timely pay a fine are automatically suspended until the fine is paid or waived, and the commission shall promptly notify all affected principals of each suspension and each reinstatement.*

7. Notwithstanding any provision of chapter 120, any fine imposed under this subsection that is not waived by final order of the commission and that remains unpaid more than 60 days after the notice of payment due or more than 60 days after the commission renders a final order on the lobbying firm's appeal shall be collected by the Department of Financial Services as a claim, debt, or other obligation owed to the state, and the department may assign the collection of such fine to a collection agent as provided in s. 17.20.

Section 14. Effective April 1, 2007, paragraph (d) of subsection (5) of section 112.3215, Florida Statutes, as amended by section 6 of chapter 2005-359, Laws of Florida, and section 1 of chapter 2005-361, Laws of Florida, is amended to read:

112.3215 Lobbying before the executive branch or the Constitution Revision Commission;

And the title is amended as follows:

On page 3, line(s) 2-4, remove all of said lines and insert: Revision Commission; requiring

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

CS for SB 2000 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

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	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed SB 1284, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 1284—A bill to be entitled An act relating to nursing home consumer information; amending s. 400.191, F.S.; authorizing the Agency for Health Care Administration to provide electronic access to inspection reports from nursing homes in lieu of sending copies of the reports; requiring the agency to provide certain information to consumers; decreasing the number of months for which reported information must be provided to consumers; deleting references to the Online Survey Certification and Reporting system; requiring the agency to publish a Nursing Home Guide Watch List in the Nursing Home Guide; requiring that the watch list include certain days when a facility had a conditional license; requiring the agency to post a copy of the Nursing Home Guide on its website; requiring each nursing home facility to submit certain information to the agency electronically; providing an effective date.

House Amendment 1 (691473)—On page 2, line(s) 13-28, remove all of said lines and insert:

(a) The agency shall provide an Internet site which shall include at least the following information either directly or indirectly through a link to another established site or sites of the agency's choosing:

1. A section entitled "Have you considered programs that provide alternatives to nursing home care?" which shall be the first section of the Nursing Home Guide and which shall prominently display information about available alternatives to nursing homes and how to obtain additional information regarding these alternatives. The Nursing Home Guide shall explain that this state offers alternative programs that permit qualified elderly persons to stay in their homes instead of being placed in nursing homes and shall encourage interested persons to call the Comprehensive Assessment Review and Evaluation for Long-Term Care Services (CARES) Program to inquire if they qualify. The Nursing Home Guide shall list available home and community-based programs which shall clearly state the services that are provided and indicate whether nursing home services are included if needed.

House Amendment 2 (687223)(with title amendment)—On page 1, between line(s) 24 and 25, insert:

Section 1. Subsection (1) and paragraph (b) of subsection (2) of section 402.164, Florida Statutes, are amended to read:

402.164 Legislative intent; definitions.—

(1)(a) It is the intent of the Legislature to use citizen volunteers as members of the Florida Statewide Advocacy Council and the Florida local advocacy councils, and to have volunteers operate a network of councils that shall, without interference by an executive agency, undertake to discover, monitor, investigate, and determine the presence of conditions or individuals that constitute a threat to the rights, health, safety, or welfare of persons who receive services from state agencies.

(b) It is the further intent of the Legislature that the monitoring and investigation shall safeguard the health, safety, and welfare of consumers of services provided by these state agencies.

(c) It is the further intent of the Legislature that state agencies cooperate with the councils in forming interagency agreements to provide the councils with authorized client records so that the councils may monitor services and investigate claims.

(2) As used in ss. 402.164-402.167, the term:

(b) "Client" means a client *of the Agency for Persons with Disabilities, the Agency for Health Care Administration, the Department of Children and Family Services, or the Department of Elderly Affairs,* as defined in s. 393.063, s. 394.67, s. 397.311, or s. 400.960, a forensic client or client as defined in s. 916.106, a child or youth as defined in s. 39.01, a child as defined in s. 827.01, a family as defined in s. 414.0252, a participant as defined in s. 400.551, a resident as defined in s. 400.402, a Medicaid recipient or recipient as defined in s. 409.901, a child receiving child care as defined in s. 402.302, a disabled adult as defined in s. 410.032 or s. 410.603, or a victim as defined in s. 39.01 or s. 415.102 as each definition applies within its respective chapter.

Section 2. Subsections (2), (5), and (7) and paragraph (a) of subsection (8) of section 402.165, Florida Statutes, are amended to read:

402.165 Florida Statewide Advocacy Council; confidential records and meetings.—

(2) Members of the statewide council shall be appointed to serve terms of 4 years*, subject to termination at the pleasure of the Governor prior to expiration of such period*. A member may not serve more than two full consecutive terms.

(5)(a) Members of the statewide council shall receive no compensation, but are entitled to be reimbursed for per diem and travel expenses in accordance with s. 112.061.

(b) The Governor shall select an executive director who shall serve at the pleasure of the Governor and shall perform the duties delegated to him or her by the council. The compensation of the executive director and staff shall be established in accordance with the rules of the Selected Exempt Service. *The Governor shall give priority consideration in the selection of an executive director to an individual with professional expertise in research design, statistical analysis, or agency evaluation and analysis.*

(c) The council may apply for, receive, and accept grants, gifts, donations, bequests, and other payments including money or property, real or personal, tangible or intangible, and service from any governmental or other public or private entity or person and make arrangements as to the use of same.

(d) The statewide council shall annually prepare a budget request that, after it is approved by the council, shall be submitted to the Governor. The budget shall include a request for funds to carry out the activities of the statewide council and the local councils.

(7) The responsibilities of the statewide council include, but are not limited to:

(a) Serving as an independent third-party mechanism for protecting the constitutional and human rights of clients within programs or facilities operated, funded, or contracted by any state agency that provides client services.

(b) Monitoring, by site visit and through access to records, the delivery and use of services, programs, or facilities operated, funded, or contracted by any state agency that provides client services, for the purpose of preventing abuse or deprivation of the constitutional and human rights of clients. The statewide council may conduct an unannounced site visit or monitoring visit that involves the inspection of records if the visit is conditioned upon a complaint. A complaint may be generated by the council itself, after consulting with the Governor's office, if information from any state agency that provides client services or from other sources indicates a situation at the program or facility that indicates possible abuse or neglect or deprivation of the constitutional and human rights of clients. The statewide council shall establish and follow uniform criteria for the review of information and generation of complaints. *The statewide council shall develop a written protocol for all complaints it generates to provide the Governor's office with information including the nature of the abuse or neglect, the agencies involved, the populations or numbers of individuals affected, the types of records necessary to complete the investigation, and a strategy for approaching the problem.* Routine program monitoring and reviews that do not require an examination of records may be made unannounced.

(c) Receiving, investigating, and resolving reports of abuse or deprivation of constitutional and human rights referred to the statewide council by a local council. If a matter constitutes a threat to the life, safety, or health of clients or is multiservice-area in scope, the statewide council may exercise its powers without the necessity of a referral from a local council.

(d) Reviewing existing programs or services and new or revised programs of the state agencies that provide client services and making recommendations as to how the rights of clients are affected.

(e) Submitting an annual report to the Legislature, no later than December 30 of each calendar year, concerning activities, recommendations, and complaints reviewed or developed by the council during the year.

(f) Conducting meetings at least *once* ~~six times~~ a year at the call of the chair and at other times at the call of the Governor or by written request of *eight* ~~six~~ members of the council*, including the executive director*.

(g) Developing and adopting uniform procedures to be used to carry out the purpose and responsibilities of the statewide council and the local councils.

(h) Supervising the operations of the local councils and monitoring the performance and activities of all local councils and providing technical assistance to members of local councils.

(i) Providing for the development and presentation of a standardized training program for members of local councils.

(j) Developing and maintaining interagency agreements between the council and the state agencies providing client services. The interagency

agreements shall address the coordination of efforts and identify the roles and responsibilities of the statewide and local councils and each agency in fulfillment of their responsibilities, including access to records. *The interagency agreements shall explicitly define a process that the statewide and local councils shall use to request records from the agency and shall define a process for appeal when disputes about access to records arise between agency staff and council members. Interagency agreements shall be renewed annually and shall be completed and reported to the Governor no later than February 1.*

(8)(a) In the performance of its duties, the statewide council shall have:

1. Authority to receive, investigate, seek to conciliate, hold hearings on, and act on complaints that allege any abuse or deprivation of constitutional or human rights of persons who receive client services from any state agency.

2. Access to all client records, files, and reports from any program, service, or facility that is operated, funded, or contracted by any state agency that provides client services and any records that are material to its investigation and are in the custody of any other agency or department of government. The council's investigation or monitoring shall not impede or obstruct matters under investigation by law enforcement agencies or judicial authorities. Access shall not be granted if a specific procedure or prohibition for reviewing records is required by federal law and regulation that supersedes state law. Access shall not be granted to the records of a private licensed practitioner who is providing services outside the state agency, or outside a state facility, and whose client is competent and refuses disclosure.

3. Standing to petition the circuit court for access to client records that are confidential as specified by law. The petition shall *be filed with notice and opportunity to be heard by the state agency and shall* state the specific reasons for which the council is seeking access and the intended use of such information. The circuit court may authorize council access to the records upon a finding that access is directly related to an investigation regarding the possible deprivation of constitutional or human rights or the abuse of a client. Original client files, agency records, and reports may not be removed from a state agency, but copies must be provided to the council and the local councils at the agency's expense. Under no circumstance shall the council have access to confidential adoption records once the adoption is finalized by a court in accordance with ss. 39.0132, 63.022, and 63.162. Upon completion of a general investigation of practices and procedures of a state agency, the statewide council shall report its findings to that agency.

And the title is amended as follows:

On page 1, remove line(s) 2 and 3 and insert: An act relating to health and human services; amending s. 402.164, F.S.; establishing legislative intent for the statewide and local advocacy councils; revising a definition; amending s. 402.165, F.S.; providing for termination of members of the statewide council; providing guidelines for selection of the executive director of the Florida Statewide Advocacy Council; establishing a process for investigating reports of abuse; revising council meeting requirements; providing requirements for interagency agreements; requiring interagency agreements to be renewed annually and submitted to the Governor by a specified date; providing additional requirements for the statewide council to petition the circuit court for access to certain records; amending s. 400.191, F.S.;

House Amendment 3 (208021)—On page 4, line(s) 19-30, remove all of said lines and insert:

1. A section entitled "Have you considered programs that provide alternatives to nursing home care?" which shall be the first section of the Nursing Home Guide and which shall prominently display information about available alternatives to nursing homes and how to obtain additional information regarding these alternatives. The Nursing Home Guide shall explain that this state offers alternative programs that permit qualified elderly persons to stay in their homes instead of being placed in nursing homes and shall encourage interested persons to call the Comprehensive Assessment Review and Evaluation for Long-Term Care Services (CARES) Program to inquire if they qualify. The Nursing Home Guide shall list available home and community-based programs which shall clearly state the services that are provided and indicate whether nursing home services are included if needed.

On motion by Senator Fasano, the Senate concurred in **House Amendments 1** and **3** and refused to concur in **House Amendment 2** and the House was requested to recede.

SB 1284 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Alexander, Siplin, Margolis

Votes Recorded:

May 5, 2006: Yea—Hill

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 2518, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 2518—A bill to be entitled An act relating to procurement of contractual services by a state agency; amending s. 287.057, F.S.; prohibiting a state agency from renewing or amending a contract for outsourcing under certain conditions; requiring certain qualifications for persons chosen to conduct negotiations during specified procurements; requiring the department to adopt rules governing those qualifications; requiring that a specified statement be included in procurements of commodities and services which prohibits contact between respondents and specified employees of the executive and legislative branches; creating s. 287.0571, F.S.; creating the Florida Efficient Government Act; providing legislative intent; providing that procurements of specified commodities and services are not subject to the act; creating s. 287.05721, F.S.; providing definitions; creating s. 287.0573, F.S.; creating the Council on Efficient Government; providing the purpose and membership of the council; providing duties and responsibilities of the council; requiring the council to review and issue advisory reports on certain state agency procurements; requiring the department to employ adequate number of staff; requiring the Secretary of Management Services to appoint an executive director; requiring state agencies to submit materials required by the council; creating s. 287.0574, F.S.; providing requirements for certain business cases to outsource by a state agency; requiring a state agency to develop a business case that 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; providing contract requirements for an outsourcing procurement; amending s. 287.058, F.S.; providing that a contract may not prohibit a contractor from lobbying the executive or legislative branches concerning specified contract issues, within specified time lines; creating s. 287.074, F.S.; requiring that only public officers or employees perform certain functions; prohibiting a contractor from participating in the procurement of contractual services by a state agency; repealing s. 14.203, F.S., relating to the State Council on Competitive Government; providing appropriations; providing that certain state agencies are subject to the act; amending s. 119.071, F.S.; deleting a cross-reference; defining the term "commerical activity" for purposes of a provision authorizing the release of social security numbers; providing an effective date.

House Amendment 2 (152061) (with directory and title amendments)—On page 17, between lines 3 and 4, insert:

Section 6. Section 287.0577, Florida Statutes, is created to read:

287.0577 Productivity Commission.—

(1) PRODUCTIVITY COMMISSION.—There is created within the Executive Office of the Governor a Productivity Commission composed of the Governor and Cabinet. The Governor is chair of the commission. The Governor or the Chief Financial Officer may call a meeting of the commission promptly each time the need therefore arises. Unless otherwise provided herein, affirmative action by the commission shall require the approval of the Governor and at least two other members of the commission. The commission is subject to all relevant requirements contained in s. 20.052.

(2) FLEXIBLE FLORIDA GOVERNMENT AWARD.—The Legislature finds that incentive awards are an effective tool for encouraging creative and innovative solutions within government agencies. In order to provide incentives to executive agency personnel to create, implement, or participate in flexible methods of delivering services to the citizens of the state, the Legislature hereby creates the Flexible Florida Government Award.

(3) DEFINITIONS.—For purposes of this section, the following definitions apply:

(a) "Award" means the Flexible Florida Government Award created in subsection (2).

(b) "Commission" means the Productivity Commission created in subsection (1).

(c) "Eligible awardee" means any department, division, bureau, section, office, or other structural unit of the executive branch, or any personnel providing services for such a unit.

(d) "Eligible project" means any program or activity subject to the review process contained in s. 287.0574.

(4) ORGANIZATION; DUTIES.—The commission shall meet once annually to review all eligible projects and eligible awardees involved in eligible projects. The commission may issue any number of awards, however, the cumulative total of all awards shall not exceed $100,000. Awards shall be issued in the following manner:

(a) Any member of the commission may submit to the chair a request identifying a potential award. The request must contain:

1. A description of the activity or service delivered by the project.

2.a. If the potential award is based on agency cost-avoidance, an explanation of savings generated by the project since its inception;

b. If the potential award is based on agency innovation, the additional services provided at the same cost; or

c. If the potential award is based on a transformation of services provided, the fundamental change in the services provided.

3. The eligible awardees, including a list of every individual in the unit intended to receive the award and the amount granted to each individual.

(b) The commission shall review and vote on all member requests. Upon the successful vote of at least three members of the commission, the request shall be granted and an award issued to the eligible awardees identified in the request.

And the title is amended as follows:

On page 2, line 11, remove all of said line and insert: for an outstanding procurement; creating the Productivity Commission composed of the Governor and Cabinet within the Executive Office of the Governor; providing that the Governor shall chair the commission; providing for meetings of the commission; providing commission procedure; providing for the creation of the Flexible Florida Government Award; providing purpose of the award; providing definitions; providing for organization of the commission; providing duties and responsibilities of the commission; amending s.

House Amendment 3 (440965)(with title amendment)—On page 26, between lines 16 and 17, insert:

Section 14. Subsection (3) is added to section 255.248, Florida Statues, to read:

255.248 Definitions; ss. 255.249 and 255.25.—The following definitions shall apply when used in ss. 255.249 and 255.25:

(3) The term "competitive solicitation" shall mean an invitation to bid, a request for proposals, or an invitation to negotiate.

Section 15. Paragraph (b) of subsection (4) of section 255.249, Florida Statutes, is amended to read:

255.249 Department of Management Services; responsibility; department rules.—

(4) The department shall promulgate rules pursuant to chapter 120 providing:

(b) Procedures for soliciting and accepting competitive *solicitations* ~~proposals~~ for leased space of 5,000 square feet or more in privately owned buildings, for evaluating the proposals received, for exemption from competitive *solicitation* ~~bidding~~ requirements of any lease the purpose of which is the provision of care and living space for persons or emergency space needs as provided in s. 255.25(10), and for the securing of at least three documented quotes for a lease that is not required to be competitively bid.

Section 16. Paragraph (a) of subsection (3) of section 255.25, Florida Statutes, is amended to read:

255.25 Approval required prior to construction or lease of buildings.—

(3)(a) Except as provided in subsection (10), no state agency shall enter into a lease as lessee for the use of 5,000 square feet or more of space in a privately owned building except upon advertisement for and receipt of competitive *solicitations* ~~bids~~ and award to the lowest and best *lessor that provides the best overall value to the state* ~~bidder~~. The Department of Management Services shall have the authority to approve a lease for 5,000 square feet or more of space that covers more than 1 fiscal year, subject to the provisions of ss. 216.311, 255.2501, 255.2502, and 255.2503, if such lease is, in the judgment of the department, in the best interests of the state. This paragraph does not apply to buildings or facilities of any size leased for the purpose of providing care and living space for persons.

And the title is amended as follows:

On page 2, line 29, remove all of said line and insert: numbers; amending s. 255.248, F.S.; defining "competitive solicitation"; amending s. 255.249, F.S.; requiring the Department of Management Services to promulgate rules providing procedures for soliciting and accepting competitive solicitations for certain leased space and for exemption from competitive solicitation requirements of any lease the purpose of which is the provision of care and living space for persons or emergency space needs; amending s. 255.25, F.S.; providing that no state agency shall enter into a lease as lessee for the use of a specified amount of space in a privately owned building except upon advertisement for and receipt of competitive solicitations and award to the lowest and best lessor that provides the best overall value to the state; providing an effective date.

On motion by Senator Argenziano, the Senate refused to concur in the House amendments to **CS for CS for SB 2518** and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 2728, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 2728—A bill to be entitled An act relating to economic development incentives; amending s. 220.191, F.S.; expanding

the definition of qualified project for the Capital Investment Tax Credit; providing alternative credit eligibility criteria; amending s. 288.1088, F.S.; providing eligibility requirements for the receipt of funds from the Quick Action Closing Fund; authorizing the waiver of certain criteria for projects that would significantly benefit the economy; providing additional requirements for Enterprise Florida, Inc., in evaluating proposed projects; requiring that a contract for payment from the Quick Action Closing Fund provide that the payment of moneys is contingent upon a sufficient appropriation of funds by the Legislature and upon the release of appropriated funds by the Legislative Budget Commission; deleting provisions authorizing the Governor to reallocate unencumbered funds in the Quick Action Closing Fund to other economic development programs; creating s. 288.1089, F.S.; creating the Innovation Incentive Program within the Office of Tourism, Trade, and Economic Development for certain purposes; providing definitions; providing an incentive-award limitation; providing for award application and eligibility; providing qualification requirements; providing proposal evaluation and recommendations requirements for Enterprise Florida, Inc.; providing for negotiation of award amounts by the office; providing for agreements for payments of certain moneys under certain circumstances; providing criteria for award approval or disapproval; providing for incentive payment agreements; requiring Enterprise Florida, Inc., to assist the office in validating certain business performances; requiring a report to the Governor and Legislature; authorizing the office to allocate certain funds for certain purposes; amending s. 403.973, F.S.; providing for review of possible sites for projects funded under s. 288.1089, F.S.; providing appropriations; effectuating a fund transfer; providing for future expiration of the act; providing an effective date.

House Amendment 3 (870215)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Paragraph (h) of subsection (1) and subsection (5) of section 220.191, Florida Statutes, are amended, subsections (3), (4), (6), and (7) of that section are renumbered as subsections (4), (5), (7), and (8), respectively, and a new subsection (3) is added to that section, to read:

220.191 Capital investment tax credit.—

(1) DEFINITIONS.—For purposes of this section:

(h) "Qualifying project" means:

1. A new or expanding facility in this state which creates at least 100 new jobs in this state and is in one of the high-impact sectors identified by Enterprise Florida, Inc., and certified by the office pursuant to s. 288.108(6), including, but not limited to, aviation, aerospace, automotive, and silicon technology industries; ~~or~~

2. A new or expanded facility in this state which is engaged in a target industry designated pursuant to the procedure specified in s. 288.106(1)(o) and which is induced by this credit to create or retain at least 1,000 jobs in this state, provided that at least 100 of those jobs are new, pay an annual average wage of at least 130 percent of the average private sector wage in the area as defined in s. 288.106(1), and make a cumulative capital investment of at least $100 million after July 1, 2005. Jobs may be considered retained only if there is significant evidence that the loss of jobs is imminent. Notwithstanding subsection (2), annual credits against the tax imposed by this chapter shall not exceed 50 percent of the increased annual corporate income tax liability or the premium tax liability generated by or arising out of a project qualifying under this subparagraph. A facility that qualifies under this subparagraph for an annual credit against the tax imposed by this chapter may take the tax credit for a period not to exceed 5 years*; or*

3. A new or expanded headquarters facility in this state which locates in an enterprise zone and brownfield area and is induced by this credit to create at least 1,500 jobs which on average pay at least 200 percent of the statewide average annual private sector wage, as published by the Agency for Workforce Innovation or its successor, and which new or expanded headquarters facility makes a cumulative capital investment in this state of at least $250 million.

(3)(a) Notwithstanding subsection (2), an annual credit against the tax imposed by this chapter shall be granted to a qualifying business which establishes a qualifying project pursuant to subparagraph (1)(h)3., in an amount equal to the lesser of $15 million or 5 percent of the eligible capital costs made in connection with a qualifying project, for a period not to exceed 20 years beginning with the commencement of operations of the project. The tax credit shall be granted against the corporate income tax liability of the qualifying business and as further provided in paragraph (c). The total tax credit provided pursuant to this subsection shall be equal to no more than 100 percent of the eligible capital costs of the qualifying project.

(b) If the credit granted under this subsection is not fully used in any one year because of insufficient tax liability on the part of the qualifying business, the unused amount may be carried forward for a period not to exceed 20 years after the commencement of operations of the project. The carryover credit may be used in a subsequent year when the tax imposed by this chapter for that year exceeds the credit for which the qualifying business is eligible in that year under this subsection after applying the other credits and unused carryovers in the order provided by s. 220.02(8).

(c) The credit granted under this subsection may be used in whole or in part by the qualifying business or any corporation that is either a member of that qualifying business' affiliated group of corporations, is a related entity taxable as a cooperative under subchapter T of the Internal Revenue Code, or, if the qualifying business is an entity taxable as a cooperative under subchapter T of the Internal Revenue Code, is related to the qualifying business. Any entity related to the qualifying business may continue to file as a member of a Florida-nexus consolidated group pursuant to a prior election made under s. 220.131(1), Florida Statutes (1985), even if the parent of the group changes due to a direct or indirect acquisition of the former common parent of the group. Any credit can be used by any of the affiliated companies or related entities referenced in this paragraph to the same extent as it could have been used by the qualifying business. However, any such use shall not operate to increase the amount of the credit or extend the period within which the credit must be used.

(6)~~(5)~~ The office, in consultation with Enterprise Florida, Inc., is authorized to develop the necessary guidelines and application materials for the certification process described in subsection *(5)* ~~(4)~~ .

Section 2. Subsection (2) and paragraphs (a) and (b) of subsection (3) of section 288.1088, Florida Statutes, are amended to read:

288.1088 Quick Action Closing Fund.—

(2) There is created within the Office of Tourism, Trade, and Economic Development the Quick Action Closing Fund. *Projects eligible for receipt of funds from the Quick Action Closing Fund shall:*

(a) Be in a targeted industry as referenced in s. 288.106.

(b) Have a positive payback ratio of at least 5 to 1.

(c) Be an inducement to the project's location or expansion in the state.

(d) Pay an average annual wage of at least 125 percent of the area-wide or statewide private-sector average wage.

(e) Be supported by the local community in which the project is to be located.

(3)(a) *Enterprise Florida, Inc., shall determine eligibility of each project consistent with the criteria in subsection (2). Enterprise Florida, Inc., in consultation with the Office of Tourism, Trade, and Economic Development, may waive these criteria based on extraordinary circumstances when the project would significantly benefit the local or regional economy.* Enterprise Florida, Inc., shall evaluate individual proposals for high-impact business facilities and forward recommendations regarding the use of moneys in the fund for such facilities to the director of the Office of Tourism, Trade, and Economic Development. Such evaluation and recommendation must include, but need not be limited to:

1. A description of the type of facility or infrastructure, its operations, and the associated product or service associated with the facility.

2. The number of full-time-equivalent jobs that will be created by the facility and the total estimated average annual wages of those jobs or, in the case of privately developed rural infrastructure, the types of business activities and jobs stimulated by the investment.

3. The cumulative amount of investment to be dedicated to the facility within a specified period.

4. A statement of any special impacts the facility is expected to stimulate in a particular business sector in the state or regional economy or in the state's universities and community colleges.

5. A statement of the role the incentive is expected to play in the decision of the applicant business to locate or expand in this state or for the private investor to provide critical rural infrastructure.

(b) Upon receipt of the evaluation and recommendation from Enterprise Florida, Inc., the director shall recommend approval or disapproval of a project for receipt of funds from the Quick Action Closing Fund to the Governor. In recommending a project, the director shall include proposed performance conditions that the project must meet to obtain incentive funds. The Governor shall *provide the evaluations of projects recommended for approval to the President of the Senate and the Speaker of the House of Representatives and* consult with the President of the Senate and the Speaker of the House of Representatives before giving final approval for a project. The Executive Office of the Governor shall recommend approval of a project and the release of funds pursuant to the legislative consultation and review requirements set forth in s. 216.177. The recommendation must include proposed performance conditions that the project must meet in order to obtain funds.

Section 3. Section 288.1089, Florida Statutes, is created to read:

288.1089 Innovation Incentive Program.—

(1) The Innovation Incentive Program is created within the Office of Tourism, Trade, and Economic Development to ensure that sufficient resources are available to allow the state to respond expeditiously to extraordinary economic opportunities and to compete effectively for high-value research and development and innovation business projects.

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

(a) "Average private-sector wage" means the statewide average wage in the private sector or the average of all private-sector wages in the county or in the standard metropolitan area in which the project is located as determined by the Agency for Workforce Innovation.

(b) "Brownfield area" means an area designated as a brownfield area pursuant to s. 376.80.

(c) "Cumulative investment" means cumulative capital investment and all eligible capital costs, as defined in s. 220.191.

(d) "Director" means the director of the Office of Tourism, Trade, and Economic Development.

(e) "Enterprise zone" means a area designated as an enterprise zone pursuant to s. 290.0065.

(f) "Fiscal year" means the state fiscal year.

(g) "Innovation business" means a business expanding or locating in this state that is likely to serve as a catalyst for the growth of an existing or emerging technology cluster or will significantly impact the regional economy in which it is to expand or locate.

(h) "Jobs" means full-time equivalent positions, as that term is consistent with terms used by the Agency for Workforce Innovation and the United States Department of Labor for purposes of unemployment compensation tax administration and employment estimation, resulting directly from a project in this state. The term does not include temporary construction jobs.

(i) "Match" means funding from local sources, public or private, which will be paid to the applicant and which is equal to 100 percent of an award. Eligible match funding may include any tax abatement granted to the applicant under s. 196.1995 or the appraised market value of land, buildings, infrastructure, or equipment conveyed or provided at a discount to the applicant. Complete documentation of a match payment or other conveyance must be presented to and verified by the office prior to transfer of state funds to an applicant. An applicant may not provide, directly or indirectly, more than 5 percent of match funding in any fiscal year. The sources of such funding may not include, directly or indirectly, state funds appropriated from the General Revenue Fund or any state trust fund, excluding tax revenues shared with local governments pursuant to law.

(j) "Office" means the Office of Tourism, Trade, and Economic Development.

(k) "Project" means the location to or expansion in this state by an innovation business or research and development applicant approved for an award pursuant to this section.

(l) "Research and development" means basic and applied research in the sciences or engineering, as well as the design, development, and testing of prototypes or processes of new or improved products. Research and development does not include market research, routine consumer product testing, sales research, research in the social sciences or psychology, nontechnological activities, or technical services.

(m) "Research and development facility" means a facility that is predominately engaged in research and development activities. For purposes of this paragraph, the term "predominantly" means at least 51 percent of the time.

(n) "Rural area" means a rural city, rural community, or rural county as defined in s. 288.106.

(3) To be eligible for consideration for an innovation incentive award, an innovation business or research and development entity must submit a written application to Enterprise Florida, Inc., before making a decision to locate new operations in this state or expand an existing operation in this state. The application must include, but not be limited to:

(a) The applicant's federal employer identification number, unemployment account number, and state sales tax registration number. If such numbers are not available at the time of application, they must be submitted to the office in writing prior to the disbursement of any payments under this section.

(b) The location in this state at which the project is located or is to be located.

(c) A description of the type of business activity, product, or research and development undertaken by the applicant, including six-digit North American Industry Classification System codes for all activities included in the project.

(d) The applicant's projected investment in the project.

(e) The total investment, from all sources, in the project.

(f) The number of net new full-time equivalent jobs in this state the applicant anticipates having created as of December 31 of each year in the project and the average annual wage of such jobs.

(g) The total number of full-time equivalent employees currently employed by the applicant in this state, if applicable.

(h) The anticipated commencement date of the project.

(i) A detailed explanation of why the innovation incentive is needed to induce the applicant to expand or locate in the state and whether an award would cause the applicant to locate or expand in this state.

(j) If applicable, an estimate of the proportion of the revenues resulting from the project that will be generated outside this state.

(4) To qualify for review by the office, the applicant must, at a minimum, establish the following to the satisfaction of Enterprise Florida, Inc., and the office:

(a) The jobs created by the project must pay an estimated annual average wage equaling at least 130 percent of the average private-sector wage. The office may waive this average wage requirement at the request of Enterprise Florida, Inc., for a project located in a rural area, a brownfield area, or an enterprise zone, when the merits of the individual project or the specific circumstances in the community in relationship to the project warrant such action. A recommendation for waiver by Enterprise Florida, Inc., must include a specific justification for the waiver and be transmitted to the office in writing. If the director elects to waive the wage requirement, the waiver must be stated in writing and the reasons for granting the waiver must be explained.

(b) A research and development project must:

1. Serve as a catalyst for an emerging or evolving technology cluster.

2. Demonstrate a plan for significant higher education collaboration.

3. Provide the state, at a minimum, a break-even return on investment within a 20-year period.

4. Be provided with a one-to-one match from the local community. The match requirement may be reduced or waived in rural areas, brownfield areas, and enterprise zones.

(c) An innovation business project in this state, other than a research and development project, must:

1.a. Result in the creation of at least 1,000 direct, new jobs at the business; or

b. Result in the creation of at least 500 direct, new jobs if the project is located in a rural area, a brownfield area, or an enterprise zone.

2. Have an activity or product that is within an industry that is designated as a target industry business under s. 288.106 or a designated sector under s. 288.108.

3.a. Have a cumulative investment of at least $500 million within a 5-year period; or

b. Have a cumulative investment that exceeds $250 million within a 10-year period if the project is located in a rural area, brownfield area, or an enterprise zone.

4. Be provided with a one-to-one match from the local community. The match requirement may be reduced or waived in rural areas, brownfield areas, and enterprise zones.

(5) Enterprise Florida, Inc., shall evaluate proposals for innovation incentive awards and transmit recommendations for awards to the office. Such evaluation and recommendation must include, but need not be limited to:

(a) A description of the project, its required facilities, and the associated product, service, or research and development associated with the project.

(b) The percentage of match provided for the project.

(c) The number of full-time equivalent jobs that will be created by the project, the total estimated average annual wages of such jobs, and the types of business activities and jobs likely to be stimulated by the project.

(d) The cumulative investment to be dedicated to the project within 5 years and the total investment expected in the project if more than 5 years.

(e) The projected economic and fiscal impacts on the local and state economies relative to investment.

(f) A statement of any special impacts the project is expected to stimulate in a particular business sector in the state or regional economy or in the state's universities and community colleges.

(g) A statement of any anticipated or proposed relationships with state universities.

(h) A statement of the role the incentive is expected to play in the decision of the applicant to locate or expand in this state.

(i) A recommendation and explanation of the amount of the award needed to cause the applicant to expand or locate in this state.

(j) A discussion of the efforts and commitments made by the local community in which the project is to be located to induce the applicant's location or expansion, taking into consideration local resources and abilities.

(k) A recommendation for specific performance criteria the applicant would be expected to achieve in order to receive payments from the fund and penalties or sanctions for failure to meet or maintain performance conditions.

(l) For a research and development facility project:

1. A description of the extent to which the project has the potential to serve as catalyst for an emerging or evolving cluster.

2. A description of the extent to which the project has or could have a long-term collaborative research and development relationship with one or more universities or community colleges in this state.

3. A description of the existing or projected impact of the project on established clusters or targeted industry sectors.

4. A description of the project's contribution to the diversity and resiliency of the innovation economy of this state.

5. A description of the project's impact on special-needs communities, including, but not limited to, rural areas, distressed urban areas, and enterprise zones.

(6) In consultation with Enterprise Florida, Inc., the office may negotiate the proposed amount of an award for any applicant meeting the requirements of this section. In negotiating such award, the office shall consider the amount of the incentive needed to cause the applicant to locate or expand in this state in conjunction with other relevant applicant impact and cost information and analysis as described in this section. Particular emphasis shall be given to the potential for the project to stimulate additional private investment and high-quality employment opportunities in the area.

(7) Upon receipt of the evaluation and recommendation from Enterprise Florida, Inc., the director shall recommend to the Governor the approval or disapproval of an award. In recommending approval of an award, the director shall include proposed performance conditions that the applicant must meet in order to obtain incentive funds and any other conditions that must be met before the receipt of any incentive funds. The Governor shall consult with the President of the Senate and the Speaker of the House of Representatives before giving approval for an award. Upon approval of an award, the Executive Office of the Governor shall release the funds pursuant to the legislative consultation and review requirements set forth in s. 216.177.

(8) Upon approval by the Governor and release of the funds as set forth in subsection (7), the director shall issue a letter certifying the applicant as qualified for an award. The office and the applicant shall enter into an agreement that sets forth the conditions for payment of incentives. The agreement must include the total amount of funds awarded; the performance conditions that must be met to obtain the award or portions of the award, including, but not limited to, net new employment in the state, average wage, and total cumulative investment; demonstration of a baseline of current service and a measure of enhanced capability; the methodology for validating performance; the schedule of payments; and sanctions for failure to meet performance conditions, including any clawback provisions.

(9) Enterprise Florida, Inc., shall assist the office in validating the performance of an innovation business or research and development facility that has received an award. At the conclusion of the innovation incentive award agreement, or its earlier termination, Enterprise Florida, Inc., shall, within 90 days, report the results of the innovation incentive award to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(10) Enterprise Florida, Inc., shall develop business ethics standards based on appropriate best industry practices which shall be applicable to all award recipients. The standards shall address ethical duties of business enterprises, fiduciary responsibilities of management, and compliance with the laws of this state. Enterprise Florida, Inc., may collaborate with the State University System in reviewing and evaluating appropriate business ethics standards. Such standards shall be provided to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2006. An award agreement entered into on or after December 31, 2006, shall require a recipient to comply with the business ethics standards developed pursuant to this section.

Section 4. Section 288.1171, Florida Statutes, is created to read:

288.1171 Qualified job-training organizations; certification; duties.—

(1) As used in this section, the term "qualified job-training organization" means an organization that satisfies all of the following:

(a) Is accredited by the Commission for Accreditation of Rehabilitation Facilities.

(b) Collects Florida state sales tax.

(c) Operates statewide and has more than 100 locations within the state.

(d) Is exempt from income taxation under s. 501(c)3 or s. 501(c)4 of the Internal Revenue Code of 1986, as amended.

(e) Specializes in the retail sale of donated items.

(f) Provides job training and employment services to individuals who have workplace disadvantages and disabilities.

(g) Uses a majority of its revenues for job training and placement programs that create jobs and foster economic development.

(2) To be eligible for funding, an organization must be certified by the Office of Tourism, Trade, and Economic Development as meeting the criteria in subsection (1). After certification, the Office of Tourism, Trade, and Economic Development may release funds to the qualified job training organization pursuant to a contract with the organization. The contract must include the performance conditions that must be met in order to obtain the award or portions of the award, including, but not limited to, net new employment in the state, the methodology for validating performance, the schedule of payments, and sanctions for failure to meet the performance requirements including any provisions for repayment of awards. The contract must also require that salaries paid to officers and employees of the qualified job training organization comply with s. 4958 of the Internal Revenue Code of 1986, as amended.

(3) A qualified job-training organization that is certified must use the proceeds provided solely to encourage and provide economic development through capital construction, improvements, or the purchase of equipment that will result in expanded employment opportunities. Proceeds provided under this section for a qualified job training organization must result, within a 10-year period, in:

(a) The creation of at least 5,000 direct, new jobs.

(b) A minimum of 23,000 new clients served.

(c) The production of a minimum of $24 million in new sales tax revenues from increased sales.

(d) A minimum of $42 million in new salaries.

(e) A minimum of $6 million for job placement services.

(4) The failure to use the proceeds as required constitutes grounds for revoking certification.

Section 5. Paragraph (e) of subsection (2) of section 288.0655, Florida Statutes, is amended to read:

288.0655 Rural Infrastructure Fund.—

(2)

(e) To enable local governments to access the resources available pursuant to s. 403.973*(19)*~~(18)~~ , the office may award grants for surveys, feasibility studies, and other activities related to the identification and preclearance review of land which is suitable for preclearance review. Authorized grants under this paragraph shall not exceed $75,000 each, except in the case of a project in a rural area of critical economic concern, in which case the grant shall not exceed $300,000. Any funds awarded under this paragraph must be matched at a level of 50 percent with local funds, except that any funds awarded for a project in a rural area of critical economic concern must be matched at a level of 33 percent with local funds. In evaluating applications under this paragraph, the office shall consider the extent to which the application seeks to minimize administrative and consultant expenses.

Section 6. Subsections (16) through (19) of section 403.973, Florida Statutes, are renumbered as subsections (17) through (20), respectively, and a new subsection (16) is added to that section, to read:

403.973 Expedited permitting; comprehensive plan amendments.—

(16) The office, working with the agencies participating in the memoranda of agreement, shall review sites proposed for the location of facilities eligible for the Innovation Incentive Program under s. 288.1089. Within 20 days after the request for the review by the office, the agencies shall provide to the office a statement as to each site's necessary permits under local, state, and federal law and an identification of significant permitting issues, which if unresolved, may result in the denial of an agency permit or approval or any significant delay caused by the permitting process.

Section 7. Subsection (6) of section 624.509, Florida Statutes, is amended to read:

624.509 Premium tax; rate and computation.—

(6)*(a)* The total of the credit granted for the taxes paid by the insurer under chapters 220 and 221 and the credit granted by subsection (5) shall not exceed 65 percent of the tax due under subsection (1) after deducting therefrom the taxes paid by the insurer under ss. 175.101 and 185.08 and any assessments pursuant to s. 440.51.

(b) To the extent that any credits granted by subsection (5) remain as a result of the limitation set forth in paragraph (a), such excess credits related to salaries and wages of employees whose place of employment is located within an enterprise zone created pursuant to chapter 290 may be transferred, in an aggregate amount not to exceed 25 percent of such excess salary credits, to any insurer that is a member of an affiliated group of corporations, as defined in sub-subparagraph (5)(b)4.a., that includes the original insurer qualifying for the credits under subsection (5). The amount of such excess credits to be transferred shall be calculated by multiplying the amount of such excess credits by a fraction, the numerator of which is the sum of the salaries qualifying for the credit allowed by subsection (5) of employees whose place of employment is located in an enterprise zone and the denominator of which is the sum of the salaries qualifying for the credit allowed by subsection (5). Any such transferred credits shall be subject to the same provisions and limitations set forth within part IV of this chapter. The provisions of this paragraph do not apply to an affiliated group of corporations that participate in a common paymaster arrangement as defined in s. 443.1216.

Section 8. *The sum of $3 million per year is appropriated from nonrecurring general revenue for 10 years to the Office of Tourism, Trade, and Economic Development for the purpose specified in s. 288.1171(3), Florida Statutes. For the 2006-2007 fiscal year, these funds are appropriated from nonrecurring general revenue. For the 2007-2008 through 2016-2017 fiscal years, the funds shall be appropriated from nonrecurring general revenue or as specifically provided in the General Appropriations Act. The funds shall be distributed by the Office of Tourism, Trade, and Economic Development to organizations meeting the requirements of s. 288.1171, Florida Statutes, solely to encourage and provide economic development through capital construction, improvements, or the purchase of equipment that will result in expanded employment opportunities.*

Section 9. *For the 2006-2007 fiscal year, the sum of $50 million is appropriated from nonrecurring funds from the General Revenue Fund in fiscal year 2006-2007 to the Quick Action Closing Fund.*

Section 10. *For fiscal year 2006-2007, the sum of $250,000,000 is appropriated from nonrecurring general revenue to the Office of Tourism, Trade, and Economic Development. Notwithstanding s. 216.301, Florida Statutes, and pursuant to s. 216.351, Florida Statutes, any unexpended balance from this appropriation shall be carried forward at the end of each fiscal year until the 2010-2011 fiscal year. At the end of the 2010-2011 fiscal year, any obligated funds for qualified projects that are not yet disbursed shall remain with the office to be used for the purposes of this act. Any unobligated funds of this appropriation shall revert to the General Revenue Fund unallocated at the end of the 2010-2011 fiscal year.*

Section 11. This act shall take effect July 1, 2006.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to economic development incentives; amending s. 220.191, F.S.; expanding the definition of qualified project for the Capital Investment

Tax Credit; providing for an annual corporate income tax credit for a qualifying business establishing a new or expanded headquarters facility in this state which locates in an enterprise zone and brownfield area and meeting specified requirements; providing for carryforward of unused credits; providing for use of credits by certain affiliated companies or related entities; amending s. 288.1088, F.S.; providing eligibility requirements for the receipt of funds from the Quick Action Closing Fund; authorizing the waiver of certain criteria for projects that would significantly benefit the economy; providing additional requirements for Enterprise Florida, Inc., in evaluating proposed projects; creating s. 288.1089, F.S.; creating the Innovation Incentive Program within the Office of Tourism, Trade, and Economic Development for certain purposes; providing definitions; providing an incentive-award limitation; providing for award application and eligibility; providing qualification requirements; providing proposal evaluation and recommendations requirements for Enterprise Florida, Inc.; providing for negotiation of award amounts by the office; providing for agreements for payments of certain moneys under certain circumstances; providing criteria for award approval or disapproval; providing for incentive payment agreements; requiring Enterprise Florida, Inc., to assist the office in validating certain business performances; requiring a report to the Governor and Legislature; requiring Enterprise Florida, Inc. to develop business ethics standards; requiring a report; creating s. 288.1171, F.S.; defining the term "qualified job-training organization"; providing for the Office of Tourism, Trade, and Economic Development to certify qualified job-training organizations; providing for the distribution of certain funds to a certified organization pursuant to contract; providing contract requirements; specifying uses of the funds; providing for revocation of certification under certain circumstances; providing for appropriations to be distributed through the Office of Tourism, Trade, and Economic Development; amending s. 288.0655; correcting a cross reference; amending s. 403.973, F.S.; providing for review of possible sites for projects funded under s. 288.1089, F.S.; amending s. 624.509, F.S.; authorizing transfers to certain entities of certain excess credits against the insurance premium tax; providing criteria, requirements, and limitations; providing nonapplication to certain affiliated groups of corporations; providing appropriations; providing an effective date.

Senator Fasano moved the following amendments which were adopted:

Senate Amendment 1 (053854) (with title amendment) to House Amendment 3—On page 4, line 89 through page 6, line 150, delete those lines and insert:

Section 2. Section 288.1088, Florida Statutes, is amended to read:

288.1088 Quick Action Closing Fund.—

(1)(a) The Legislature finds that attracting, retaining, and providing favorable conditions for the growth of certain high-impact business facilities, privately developed critical rural infrastructure, or key facilities in economically distressed urban or rural communities which provide widespread economic benefits to the public through high-quality employment opportunities in such facilities or in related facilities attracted to the state, through the increased tax base provided by the high-impact facility and related businesses, through an enhanced entrepreneurial climate in the state and the resulting business and employment opportunities, and through the stimulation and enhancement of the state's universities and community colleges. In the global economy, there exists serious and fierce international competition for these facilities, and in most instances, when all available resources for economic development have been used, the state continues to encounter severe competitive disadvantages in vying for these business facilities. Florida's rural areas must provide a competitive environment for business in the information age. This often requires an incentive to make it feasible for private investors to provide infrastructure in those areas.

(b) The Legislature therefore declares that sufficient resources shall be available to respond to extraordinary economic opportunities and to compete effectively for these high-impact business facilities, critical private infrastructure in rural areas, and key businesses in economically distressed urban or rural communities.

(2) There is created within the Office of Tourism, Trade, and Economic Development the Quick Action Closing Fund. *Projects eligible for receipt of funds from the Quick Action Closing Fund shall:*

(a) Be in an industry as referenced in s. 288.106.

(b) Have a positive payback ratio of at least 5 to 1.

(c) Be an inducement to the project's location or expansion in the state.

(d) Pay an average annual wage of at least 125 percent of the area-wide or statewide private-sector average wage.

(e) Be supported by the local community in which the project is to be located.

(3)(a) Enterprise Florida, Inc., shall *determine eligibility of each project consistent with the criteria in subsection (2). Enterprise Florida, Inc., in consultation with the Office of Tourism, Trade, and Economic Development, may waive these criteria based on extraordinary circumstances if the project would significantly benefit the local or regional economy. Enterprise Florida, Inc., shall* evaluate individual proposals for high-impact business facilities and forward recommendations regarding the use of moneys in the fund for such facilities to the director of the Office of Tourism, Trade, and Economic Development. Such evaluation and recommendation must include, but need not be limited to:

1. A description of the type of facility or infrastructure, its operations, and the associated product or service associated with the facility.

2. The number of full-time-equivalent jobs that will be created by the facility and the total estimated average annual wages of those jobs or, in the case of privately developed rural infrastructure, the types of business activities and jobs stimulated by the investment.

3. The cumulative amount of investment to be dedicated to the facility within a specified period.

4. A statement of any special impacts the facility is expected to stimulate in a particular business sector in the state or regional economy or in the state's universities and community colleges.

5. A statement of the role the incentive is expected to play in the decision of the applicant business to locate or expand in this state or for the private investor to provide critical rural infrastructure.

6. A report evaluating the quality and value of the company submitting a proposal. The report must include:

a. A financial analysis of the company, including an evaluation of the company's short-term liquidity ratio as measured by its assets to liability, the company's profitability ratio, and the company's long-term solvency as measured by its debt-to-equity ratio;

b. The historical market performance of the company;

c. A review of any independent evaluations of the company;

d. A review of the latest audit of the company's financial statement and the related auditor's management letter; and

e. A review of any other types of audits that are related to the internal and management controls of the company.

(b) Upon receipt of the evaluation and recommendation from Enterprise Florida, Inc., the director shall recommend approval or disapproval of a project for receipt of funds from the Quick Action Closing Fund to the Governor. In recommending a project, the director shall include proposed performance conditions that the project must meet to obtain incentive funds. The Governor shall *provide the evaluation of projects recommended for approval to the President of the Senate and the Speaker of the House of Representatives and* consult with the President of the Senate and the Speaker of the House of Representatives before giving final approval for a project. The Executive Office of the Governor shall recommend approval of a project and the release of funds pursuant to the legislative consultation and review requirements set forth in s. 216.177. The recommendation must include proposed performance conditions that the project must meet in order to obtain funds.

(c) Upon the approval of the Governor, the director of the Office of Tourism, Trade, and Economic Development and the business shall enter into a contract that sets forth the conditions for payment of moneys from the fund. The contract must include the total amount of funds

awarded; the performance conditions that must be met to obtain the award, including, but not limited to, net new employment in the state, average salary, and total capital investment; demonstrate a baseline of current service and a measure of enhanced capability; the methodology for validating performance; the schedule of payments from the fund; and sanctions for failure to meet performance conditions. *The contract must provide that payment of moneys from the fund is contingent upon sufficient appropriation of funds by the Legislature and upon sufficient release of appropriated funds by the Legislative Budget Commission.*

(d) Enterprise Florida, Inc., shall validate contractor performance. Such validation shall be reported within 6 months after completion of the contract to the Governor, President of the Senate, and the Speaker of the House of Representatives.

~~(4) The Governor may, in an emergency or special circumstance, and in consultation with the President of the Senate and the Speaker of the House of Representatives, reallocate unencumbered funds appropriated to the Quick Action Closing Fund to supplement statutorily created economic development programs and operations. The Executive Office of the Governor shall recommend approval of the transfer and release of funds pursuant to the legislative consultation and review requirements set forth in s. 216.177.~~

And the title is amended as follows:

On page 21, line 575, after the semicolon (;) insert: requiring that a contract for payment from the Quick Action Closing Fund provide that the payment of moneys is contingent upon a sufficient appropriation of funds by the Legislature and upon the release of appropriated funds by the Legislative Budget Commission; deleting provisions authorizing the Governor to reallocate unencumbered funds in the Quick Action Closing Fund to other economic development programs;

Senate Amendment 2 (494604) to House Amendment 3—On page 11, lines 280 and 298, after "*in*" insert: *rural areas of critical economic concern or reduced in*

SENATOR PRUITT PRESIDING

Senate Amendment 3 (222320) to House Amendment 3—On page 19, line 525 through page 20, line 554, delete those lines and insert:

Section 6. *For the 2006-2007 fiscal year, the sum of $45 million is appropriated from the General Revenue Fund to the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor to fund the Quick Action Closing Fund as authorized in s. 288.1088, Florida Statutes. These funds shall be placed in reserve by the Executive Office of the Governor on July 1, 2006. The Office of Tourism, Trade, and Economic Development may request the release of funds as needed to implement the provisions of s. 288.1088, Florida Statutes, through the Legislative Budget Commission.*

Section 7. *For the 2006-2007 fiscal year, the sum of $200 million is appropriated from the General Revenue Fund for transfer to the Economic Development Trust Fund within the Office of Tourism, Trade, and Economic Development. Funds transferred under this section are not subject to the service charge set forth in s. 215.20, Florida Statutes. The sum of $200 million is appropriated for the 2006-2007 fiscal year from the Economic Development Trust Fund within the Office of Tourism, Trade, and Economic Development to be used to implement this act. These funds in the Economic Development Trust Fund shall be placed in reserve by the Executive Office of the Governor on July 1, 2006. The Office of Tourism, Trade, and Economic Development may request the release of funds as needed to implement the provisions of this act through the Legislative Budget Commission. Funds not expended during the 2006-2007 fiscal year may be used in future fiscal years as appropriated in the General Appropriations Act or other law.*

On motion by Senator Fasano, the Senate concurred in **House Amendment 3** as amended and requested the House to concur in the Senate amendments to the House amendment.

CS for CS for SB 2728 passed as amended and the action of the Senate was 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	Jones	Saunders
Clary	King	Sebesta
Constantine	Klein	Siplin
Crist	Lawson	Smith
Dawson	Lynn	Villalobos
Diaz de la Portilla	Margolis	Webster
Dockery	Miller	Wilson
Fasano	Peaden	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1838, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1838—A bill to be entitled An act relating to pharmacy common databases; amending s. 465.026, F.S.; deleting a provision authorizing certain community pharmacies to transfer prescriptions for Schedule II medicinal drugs under certain conditions; creating s. 465.0266, F.S.; authorizing the dispensing or refilling of a prescription without a transferred prescription under specified conditions; providing an effective date.

House Amendment 1 (520641)(with title amendment)—On page 2, line 14, through page 3, line 19 remove all of said lines and insert:

465.0266 Common database.—Nothing contained in this chapter shall be construed to prohibit the dispensing by a pharmacist licensed in this state or another state of a prescription contained in a common database, and such dispensing shall not constitute a transfer as defined in s. 465.026(1)-(6), provided that the following conditions are met:

(1) All pharmacies involved in the transactions pursuant to which the prescription is dispensed are under common ownership and utilize a common database.

(2) All pharmacies involved in the transactions pursuant to which the prescription is dispensed and all pharmacists engaging in dispensing functions are properly licensed, permitted, or registered in this state or another state.

(3) The common database maintains a record of all pharmacists involved in the process of dispensing a prescription.

(4) The owner of the common database maintains a policy and procedures manual that governs its participating pharmacies, pharmacists, and pharmacy employees and that is available to the board or its agent upon request. The policy and procedures manual shall include the following information:

(a) A best practices model detailing how each pharmacy and each pharmacist accessing the common database will comply with applicable federal and state laws, rules, and regulations.

(b) The procedure for maintaining appropriate records for regulatory oversight for tracking a prescription during each stage of the filling and dispensing process, identifying the pharmacists involved in filling and dispensing the prescription and counseling the patient, and responding to any requests for information made by the board under s. 465.0156.

(c) The policy and procedure for providing adequate security to protect the confidentiality and integrity of patient information.

(d) A quality assurance program designed to objectively and systematically monitor, evaluate, and improve the quality and appropriateness of patient care through the use of the common database.

Any pharmacist dispensing a prescription has at all times the right and obligation to exercise his or her independent professional judgment. Notwithstanding other provisions in this section, no pharmacist licensed in this state participating in the dispensing of a prescription pursuant to this section shall be responsible for the acts and omissions of another person participating in the dispensing process provided such person is not under the direct supervision and control of the pharmacist licensed in this state.

And the title is amended as follows:

On page 1, line(s) 8-10, remove all of said lines and insert: dispensing of a prescription contained in a common database under specified conditions; providing requirements for a policy and procedures manual that governs pharmacies, pharmacists, and pharmacy employees participating in a pharmacy common database; providing for the rights and obligations of pharmacists dispensing prescriptions; providing an effective

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

CS for SB 1838 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

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	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Honorable Tom Lee May 4, 2006
President, The Florida Senate

Dear Mr. President:

The following executive appointments were referred to the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Board of Accountancy		
Appointees:	Borcheck, Teresa W.	10/31/2009
	Durkin, William H.	10/31/2009
	Gunn, Marshall D., Jr.	10/31/2009
Board of Acupuncture		
Appointees:	Wang, Qun	10/31/2009
	Xu, Zonglan	10/31/2009
Jacksonville Aviation Authority		
Appointees:	Burnett, Mary P.	09/30/2009
	Falconetti, John	09/30/2007
	Weaver, Ronald M.	09/30/2009
Board of Architecture and Interior Design		
Appointees:	Dolan, Rossana Ngo	10/31/2009
	Hall, Daniel C.	10/31/2007
	Membiela, Roymi V.	10/31/2008
Board of Athletic Training		
Appointees:	Mackie, James H.	10/31/2009
	Mathesie, Michael W.	10/31/2009
Florida Board of Auctioneers		
Appointee:	Moecker, Michael E.	10/31/2008
Greater Orlando Aviation Authority		
Appointees:	Bradley, Jacqueline	04/16/2010
	Fuqua, Jeffry B.	04/16/2010
Barbers' Board		
Appointee:	Scott, Jeri	10/31/2008
Florida Black Business Investment Board, Inc.		
Appointee:	Hardiman-Cole, Angela	06/30/2009
Florida State Boxing Commission		
Appointees:	Bowen, Donald E.	09/30/2009
	Ortiz, Ramiro A.	09/30/2008
Florida Building Code Administrators and Inspectors Board		
Appointees:	Dudley, Fred R.	10/31/2008
	Franklin, Dennis E.	10/31/2008
	Kymalainen, Robert	10/31/2008
	Sasso, Nicholas	10/31/2007
Florida Building Commission		
Appointees:	Bahadori, Hamid R.	02/07/2009
	Carson, Ed	04/05/2009
	Corn, Stephen H.	02/11/2009
	Dean, Nanette	07/27/2007
	Gonzalez, Herminio F.	01/06/2009
	Goodloe, James E.	03/11/2009
	Greiner, Dale T.	01/09/2009
	Griffin, Gary H.	02/03/2007
	Kidwell, Paul D.	01/13/2009
	Norkunas, William "Bill" J.	02/07/2009
Board of Chiropractic Medicine		
Appointees:	Reynolds, Linda W.	10/31/2009
	Wellikoff, Ronald J.	10/31/2009
Florida Citrus Commission		
Appointees:	Albritton, Ben W., Jr.	05/31/2008
	Behr, Robert M.	05/31/2009
	Brumback, Wesley W.	05/31/2009
	Estes, W. Cody, Sr.	05/31/2009
	Pena, Virginia S.	05/31/2008
	Smith, Steven M.	05/31/2008
	Streetman, George H.	05/31/2008
	Wheeler, David	05/31/2009
Hillsborough County Civil Service Board		
Appointees:	Agliano, David W.	07/02/2009
	Butler, Victoria A.	07/02/2009
	Kavouklis, Chris M.	07/02/2009
	Swanson, Heidi	07/02/2009
Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling		
Appointees:	Day, William L.	10/31/2009
	Otis, Sharon	10/31/2009
Florida Communities Trust		
Appointees:	Alfonso, Albert E.	01/31/2009
	LaMee, William F.	01/31/2009
Florida Commission on Community Service		
Appointees:	Castillo, Carlos J.	09/14/2008
	Cockerell, Lee	09/14/2007
	Corry, Laura R.H.	09/14/2007
	DeFoor, M. Katherine	09/14/2007
	Guthrie, George R.	09/14/2007
	Harres, Burton H., Jr.	09/14/2007
	Miller-Harden, Patricia	09/14/2007
	Milligan, Robert F.	09/14/2008
	Reed, Trudie K.	09/14/2008

Office and Appointment		For Term Ending
	Richburg, James R.	09/14/2008
	Spillane, Megan M.	09/14/2008
	Sullivan-Hartung, Maureen	09/14/2008
	Thorpe, Charles Gerald	09/14/2008
	Tompkins, Rosalind Y.	09/14/2007
	Weinrich, Carl L.	09/14/2006
Board of Trustees of Brevard Community College		
Appointee:	McCotter, Clarence R. III	05/31/2009
Board of Trustees of Broward Community College		
Appointee:	Garrido, Lourdes L.	05/31/2009
Board of Trustees of Central Florida Community College		
Appointees:	Ebitz, Mari-Elain	05/31/2009
	Hastings, Robert O.	05/31/2009
	Stafford, Frank E., Jr.	05/31/2009
Board of Trustees of Chipola College		
Appointees:	Ryals, Daniel E. III	05/31/2009
	Stuart, Gina C.	05/31/2009
	Taylor, Brenda G.	05/31/2009
Board of Trustees of Daytona Beach Community College		
Appointees:	Bennett, Mary G.	05/31/2009
	Mallory, Peter E.	05/31/2009
	Smith, John Gregory	05/31/2009
Board of Trustees of Edison College		
Appointees:	Baquero, Washington D.	05/31/2009
	Long, Kim C.	05/31/2009
	Vernon, Christopher T.	05/31/2009
Board of Trustees of Florida Community College at Jacksonville		
Appointees:	Medows, Rhonda	05/31/2009
	Thamm, Suanne Z.	05/31/2009
	Winbush, Wyman C. II	05/31/2009
Board of Trustees of Florida Keys Community College		
Appointees:	Goodman, Carey Danielle	05/31/2009
	Henderson, Ann L.	05/31/2009
Board of Trustees of Gulf Coast Community College		
Appointees:	Cox, James A., Jr.	05/31/2009
	Durden, Karen L.	05/31/2009
	Estes, Danny	05/31/2009
Board of Trustees of Hillsborough Community College		
Appointees:	Huggins, Thomas III	05/31/2009
	Watkins, Nancy H.	05/31/2009
Board of Trustees of Indian River Community College		
Appointees:	Hoag, Leonard J.	05/31/2009
	Rowley, Jane E.	05/31/2009
Board of Trustees of Lake City Community College		
Appointees:	McInnis, Kathryn L.	05/31/2009
	Norris, Suzanne M.	05/31/2009
	Richardson, Julia Marcelle	05/31/2009
Board of Trustees of Lake-Sumter Community College		
Appointees:	Cavanaugh, Linda K.	05/31/2009
	Odom, Margo S.	05/31/2009
Board of Trustees of Manatee Community College		
Appointees:	Beall, Beverly	05/31/2009
	Harner, Stephen L.	05/31/2007
	Miller, F. Daniel	05/31/2009
	Saslaw, Jennifer Michell	05/31/2009
Board of Trustees of Miami-Dade College		
Appointees:	Alvarez, Cesar L.	05/31/2006
	Bucelo, Armando J., Jr.	05/31/2009
	Ferre, Helen A.	05/31/2009
Board of Trustees of North Florida Community College		
Appointees:	Horne, Verna Mae	05/31/2009
	Wilson, Michaelena "Mikey" C.	05/31/2009
Board of Trustees of Okaloosa-Walton College		
Appointees:	Campbell, Elizabeth S.	05/31/2009
	Henderson, Joseph W.	05/31/2009
	Vance, Vercell	05/31/2009
Board of Trustees of Palm Beach Community College		
Appointees:	Talley, David H.	05/31/2009
	Williams, Carolyn L.	05/31/2009
Board of Trustees of Pasco-Hernando Community College		
Appointees:	Church, John	05/31/2009
	Kilgore, Deborah G.	05/31/2009
	Musunuru, Rao	05/31/2009
Board of Trustees of Pensacola Community College		
Appointees:	Andry, Vincent R.	05/31/2009
	Carlan, Carol H.	05/31/2009
	O'Connor, John L.	05/31/2009
Board of Trustees of Polk Community College		
Appointees:	Ely, Twyla G.	05/31/2009
	Garcia, Ricardo	05/31/2009
	Pinner, Ernest S.	05/31/2009
	Santiago, Martha	05/31/2009
Board of Trustees of St. Johns River Community College		
Appointees:	Beck, Carl C.	05/31/2006
	Benson, Neil F.	05/31/2009
	Leone, Diane P.	05/31/2009
	Wilson, Dale S.	05/31/2009
Board of Trustees of St. Petersburg College		
Appointee:	Keene, Cecil B.	05/31/2009
Board of Trustees of Santa Fe Community College		
Appointees:	Davis, James A., Jr.	05/31/2009
	Jackson, Bessie G.	05/31/2009
Board of Trustees of Seminole Community College		
Appointee:	Schaffner, Deanne	05/31/2009
Board of Trustees of South Florida Community College		
Appointees:	Brewer, Jan B.	05/31/2009
	Kirschner, Louis H.	05/31/2009
Board of Trustees of Tallahassee Community College		
Appointees:	Moon, Kimberle	05/31/2009
	Shirah, Kathleen R.	05/31/2009
	Stanfield, Lynes D.	05/31/2009
Board of Trustees of Valencia Community College		
Appointees:	Blocker, Ronald	05/31/2009
	Buchanan, Jerry	05/31/2009
Construction Industry Licensing Board		
Appointees:	Bailey, Doris O.	10/31/2009
	Clark, Dolores H.	10/31/2006
	Cook, Joseph E.	10/31/2007
	Del Vecchio, Paul J.	10/31/2009
	Flaherty, James J.	10/31/2008
	Holloway, Raymond R.	10/31/2009
	Kane, Michelle B.	10/31/2009
	Watts, Jacqueline A.	10/31/2008
	Wilford, Don P.	10/31/2008
State of Florida Correctional Medical Authority		
Appointees:	Bailey, John	07/01/2007
	Boston, Ward III	07/01/2009
	Hample, David	09/30/2008
	Maya, Victor J.	09/30/2007
	Watson, Theresa M.	07/01/2008
	Zapert, Edward F.	07/01/2008
Board of Cosmetology		
Appointees:	Caetano, Joseph P.	10/31/2008
	Jowers, Myra	10/31/2009
	Osborne, Donna J.	10/31/2008
Board of Dentistry		

Office and Appointment		For Term Ending
Appointees:	Kitchens, Maria B.	10/31/2009
	Klement, Betty D.	10/31/2009
	Thomas, Joseph "Joe" J.	10/31/2009
Florida Development Finance Corporation		
Appointee:	Nicholas, Brian M.	05/02/2008
Education Practices Commission		
Appointees:	Alvarez, David L.	09/30/2008
	Clemente, Hector O.	09/30/2008
	Holley, Will	09/30/2008
	Joiner, Melissa	09/03/2007
	Ward, William S.	09/30/2006
	Williams, Angela P.	09/30/2008
Florida Elections Commission		
Appointees:	Cruz-Bustillo, Jorge L.	12/31/2008
	Floyd, Beleria	12/31/2008
	King, G. Gregory	12/31/2008
Electrical Contractors' Licensing Board		
Appointee:	Bramlett, Robert M.	10/31/2008
Board of Employee Leasing Companies		
Appointee:	Lanza, Kelly K.	10/31/2008
Board of Professional Engineers		
Appointees:	Bauer, Christian S., Jr.	10/31/2008
	Charland, David O.	10/31/2008
Commission on Ethics		
Appointees:	Carr, Mike	06/30/2007
	Massey, Albert Patton III	06/30/2007
	McRae, Christopher T.	06/30/2007
	Ostrau, Norman M.	06/30/2007
Tampa-Hillsborough County Expressway Authority		
Appointee:	Hargrett, James T., Jr.	07/01/2009
Board of Funeral, Cemetery, and Consumer Services		
Appointees:	Ballas, Parascho P. "Pete"	09/30/2009
	Baxley, Justin N.	09/30/2009
	Brandenburg, Joseph A.	09/30/2009
	Brudnicki, Gregory	09/30/2009
	Helm, Powell	09/30/2009
	Hubbell, Nancy G.	09/30/2009
	Huggins, Tracy	09/30/2009
	Thomas-DeWitt, Gail	09/30/2009
	Zippay, Catherine W.	09/30/2009
Board of Professional Geologists		
Appointees:	Funderburk, James	10/31/2008
	McNeill, Donald F.	10/31/2009
	Pease, James W.	10/31/2009
Harbormaster for the Port of Fort Pierce, Saint Lucie County		
Appointee:	Porter, Jesse Wayman	04/04/2007
Board of Hearing Aid Specialists		
Appointee:	Palombi, Patricia A.	10/31/2009
Higher Educational Facilities Financing Authority		
Appointee:	Kirtley, William T.	01/17/2010
Citrus County Hospital Board		
Appointees:	Frankel, Deborah Osmond	07/11/2009
	Langley, Alida V.	07/05/2009
Board of Trustees of South Lake County Hospital District		
Appointees:	Ballesteros, Tomas J.	07/05/2009
	Batman, David P.	07/05/2009
	Hacker, E. Bing	07/05/2009
	Homan, Greg	07/05/2009
	Hunt, Debra A.	07/05/2009
Florida Housing Finance Corporation		
Appointees:	Banks, James F., Jr.	11/13/2006
	Rodriguez, Jose Luis	11/13/2006
Florida Commission on Human Relations		
Appointees:	Dhanji, Shahrukh	09/30/2009
	Fajardo, Onelia A.	09/30/2009
	Prosser, Anice R.	09/30/2009
Florida Inland Navigation District		
Appointees:	Barck, Grayce K.	01/09/2009
	Barkett, Bruce	01/09/2009
	Bray, S. Norman	01/09/2009
	Byrd, Gail A.	01/09/2009
	Engle, Susan M.	01/09/2009
	Padera, Charles A.	01/09/2009
Southeast Interstate Low-Level Radioactive Waste Management Commission		
Appointees:	Lanza, John J.	06/30/2007
	Passetti, William A.	06/30/2006
Board of Landscape Architecture		
Appointees:	Davis, Paul M.	10/31/2007
	Gillick, Elizabeth A.	10/31/2006
Governor's Mansion Commission		
Appointees:	Alfonso, Dorothy M.	09/30/2009
	Aurell, Jane C.	09/30/2006
	Price, Carol	09/30/2007
	Smith, Carole C.	09/30/2009
Atlantic States Marine Fisheries Commission		
Appointee:	Price, April Schabo	09/04/2007
Board of Massage Therapy		
Appointees:	Haynes, Lorena M.	10/31/2009
	Wolfe, Lynda Solien	10/31/2009
Board of Medicine		
Appointees:	Bearison, Fred	10/31/2009
	Cline, Robert E.	10/31/2009
	Lage, Onelia G.	10/31/2006
	Nippert, Marsha	10/31/2009
	Winchester, Gary E.	10/31/2007
National Conference of Commissioners on Uniform State Laws		
Appointees:	DeMaria, Joseph A.	06/05/2007
	Dorta, Gonzalo R.	06/05/2007
	Romanello, Nicholas William	06/05/2007
Board of Nursing		
Appointees:	Carson, Rosa H.	10/31/2009
	Colin, Jessie M.	10/31/2008
	Dittman, Patricia W.	10/31/2008
	Herrera, Mary Jane	10/31/2009
	Horne, Claydell H.	10/31/2008
	Stone-Gale, Vicky	10/31/2008
Board of Nursing Home Administrators		
Appointee:	Chase, Bertha H.	10/31/2009
Board of Occupational Therapy Practice		
Appointee:	Hickman, Shelley I.	10/31/2009
Board of Opticianry		
Appointees:	Jacobs, Gary L.	10/31/2009
	Shannon, Byron Dale	10/31/2009
Board of Optometry		
Appointees:	Oles, Cathy Ann	10/31/2009
	Presnell, C. Rod	10/31/2006
	Sterling, Alice	10/31/2009
Board of Osteopathic Medicine		
Appointees:	Greenwood, Estelle	10/31/2009
	McCann, Robert K.	10/31/2009
Board of Pharmacy		
Appointees:	Garcia, Albert L.	10/31/2009

Office and Appointment		For Term Ending
	Jones, Amy M.	10/31/2009
	Lalani, Jennifer	10/31/2008
	Powers, James B.	10/31/2009
Board of Physical Therapy Practice		
Appointees:	Belser, Chauncey	10/31/2009
	Birckhead, Judith T. M.	10/31/2009
Board of Pilot Commissioners		
Appointees:	Buford, Rivers H., Jr.	10/31/2008
	Fernandez, John R.	10/31/2006
	Frudaker, Richard N.	10/31/2008
	Molitor, Donald "Don" N.	10/31/2008
Pilotage Rate Review Board		
Appointee:	Hugins, Michael Richard	10/31/2008
Board of Podiatric Medicine		
Appointees:	Burt, Sarah M.	10/31/2009
	Sindone, Joseph	10/31/2009
Tampa Port Authority		
Appointees:	Hartley, Walter J., Jr.	02/06/2008
	Pinney, Steven L.	02/06/2010
	Shipp, Lawrence R., Jr.	11/25/2009
Florida Prepaid College Board		
Appointees:	Hoepner, Theodore John	06/30/2008
	O'Drobinak, Liana	06/30/2007
Board of Directors, Prison Rehabilitative Industries and Diversified Enterprises, Inc.		
Appointees:	Hanas, Richard L.	09/30/2009
	Hill, Walter B.	09/30/2009
	Jimenez, Tomas A.	09/30/2009
	Jones, Eddie E., Jr.	09/30/2008
Board of Psychology		
Appointees:	Levine, Cheryl	10/31/2009
	Rivas-Vazquez, Rafael A.	10/31/2009
Public Employees Relations Commission		
Appointees:	Kossuth, Charles H., Jr.	01/01/2009
	Varn, Jessica Enciso	01/01/2010
Florida Real Estate Appraisal Board		
Appointees:	Dailey, Susan S.	10/31/2009
	Herndon, Joni L.	10/31/2009
	Rosner, Gary S.	10/31/2008
	Small, Jay W.	10/31/2008
Florida Real Estate Commission		
Appointees:	Ellis, S. W.	10/31/2008
	Hornsleth, Poul	10/31/2009
Apalachee Regional Planning Council, Region 2		
Appointee:	Hatcher, H. Franklin	10/01/2008
North Central Florida Regional Planning Council, Region 3		
Appointees:	Carlson, John V.	10/01/2006
	Donovan, Dixie	10/01/2007
	Martin, Eddie Lee	10/01/2008
Withlacoochee Regional Planning Council, Region 5		
Appointees:	Brown, Roslyn M.	10/01/2007
	Gabriel, Patricia R.	10/01/2007
	Hawkins, R. Lee, Jr.	10/01/2007
East Central Florida Regional Planning Council, Region 6		
Appointees:	Ghyabi, Maryam H.	10/01/2008
	McLouth, Malcolm E.	10/01/2008
	Rawlson, Jon B.	10/01/2008
Tampa Bay Regional Planning Council, Region 8		
Appointees:	Garcia, Julian, Jr.	10/01/2007
	Gerber, Lois M.	10/01/2007
	Kersteen, Robert "Bob" A.	10/01/2007
	Kinsler, Angeleah C.	10/01/2006
	Todd, Barbara Sheen	10/01/2007
	Waller, Philip L., Jr.	10/01/2007
Southwest Florida Regional Planning Council, Region 9		
Appointees:	Carroll, Patricia	10/01/2008
	Holquist, Laura A.	10/01/2008
	Mazzarantani, George H.	10/01/2008
Treasure Coast Regional Planning Council, Region 10		
Appointees:	Collins, Charles II	10/01/2006
	Hershey, Susan J.	10/01/2008
	Trias, Ramon	10/01/2008
Board of Respiratory Care		
Appointees:	Friday-Stroud, Shawnta	10/31/2009
	Johnson, Ethel E.	10/31/2009
State Retirement Commission		
Appointees:	Capra, John R.	12/31/2008
	Doster, Ernest S.	12/31/2009
	Seay, Millie J.	12/31/2009
Jacksonville Port Authority		
Appointee:	Morales, Ricardo, Jr.	09/30/2009
Florida Space Authority		
Appointees:	Baker, Silas K., Jr.	06/30/2008
	Feeney, Ellen S.	06/30/2009
	Ford, Kenneth M.	06/30/2008
	Haney, Russell E.	06/30/2008
	Tolley, James	06/30/2008
Board of Speech-Language Pathology and Audiology		
Appointees:	Boyev, K. Paul	10/31/2009
	Gaunt-Jaehne, Barbara B.	10/31/2009
Board of Professional Surveyors and Mappers		
Appointees:	Blankenship, Dennis E.	10/31/2008
	Bush, Louie G.	10/31/2008
	Sutphin, Beverly Joeine	10/31/2009
Florida Commission on Tourism		
Appointees:	Craig, Sandra B.	06/30/2009
	Doucette, Dennis M.	06/30/2009
	Gonzmart, Richard	06/30/2008
	Gustafson, Tammy S.	06/30/2008
	Jones, Darrel C.	06/30/2009
Florida Transportation Commission		
Appointees:	Bustamante, Gabriel M.	09/30/2007
	Calloway, Sidney C.	09/30/2009
	Criser, Marshall M. III	09/30/2007
	Lanahan, Martha "Marty" T.	09/30/2009
Chair, Unemployment Appeals Commission		
Appointee:	Forst, Alan Orantes	06/30/2009
Florida Commission on Veterans' Affairs		
Appointees:	Coleman, William C.	11/16/2008
	Creger, Robert E.	11/16/2008
	Ebitz, Curtis V.	11/16/2008
	Jensen, Richard J.	11/16/2008
Big Cypress Basin Board of the South Florida Water Management District		
Appointees:	Abbott, Alicia	03/01/2009
	Anderson, Elisabeth D.	03/01/2008
	Sorey, John F. III	03/01/2009
	Staiger, Jon C.	03/01/2008
Alafia River Basin Board of the Southwest Florida Water Management District		
Appointees:	Johnson, Cheryl	03/01/2009
	Selvey, James D.	03/01/2008
	Tort, J. C.	03/01/2009
Coastal Rivers Basin Board of the Southwest Florida Water Management District		

Office and Appointment		For Term Ending
Appointees:	Bunch, William Y.	03/01/2008
	Lyons, Samuel H.	03/01/2008
	Perry, Elaine	03/01/2009
Hillsborough River Basin Board of the Southwest Florida Water Management District		
Appointees:	Benton, Renee A.	03/01/2009
	Burt, George R.	03/01/2008
	Gramling, Hugh M.	03/01/2009
	Reckart, Gary P., Jr.	03/01/2008
Manasota Basin Board of the Southwest Florida Water Management District		
Appointee:	Strelec, Frank	03/01/2008
Northwest Hillsborough County Basin Board of the Southwest Florida Water Management District		
Appointees:	DiMaio, Mercedes B.	03/01/2008
	Higginbotham, Devon B.	03/01/2008
	Jordon-Robinson, Joseph W., Jr.	03/01/2009
	Welsh, Susan	03/01/2007
Peace River Basin Board of the Southwest Florida Water Management District		
Appointees:	Hageman, James L.	03/01/2009
	Lazzell, Rufus Colmore	03/01/2009
	Samuels, Paul	03/01/2008
	Trippensee, Frederick William	03/01/2009
Pinellas-Anclote River Basin Board of the Southwest Florida Water Management District		
Appointees:	England, Terry Michael	03/01/2009
	Fischer, Rodney S.	03/01/2009
	Hammer, Mitchell	03/01/2008
	Starkey, Kathryn	03/01/2008
Withlacoochee River Basin Board of the Southwest Florida Water Management District		
Appointees:	Mazak, Paul II	03/01/2008
	Trimpert, Seeth K.	03/01/2008

The following executive appointments were referred to the Senate Committee on Commerce and Consumer Services and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:

Office and Appointment		For Term Ending
Board of Directors, Enterprise Florida, Inc.		
Appointees:	Buchanan, Vernon G.	07/01/2009
	Holton, James W.	07/01/2009
	MacKinnon, A. D. "Sandy"	07/01/2006
	McDonald, Brian A.	07/01/2008
	Stephens, Stanley E.	07/01/2009
	Waller, Philip L., Jr.	06/30/2008

The following executive appointments were referred to the Senate Committee on Communications and Public Utilities and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:

Office and Appointment		For Term Ending
Florida Public Service Commission		
Appointees:	Arriaga, Isilio	01/01/2007
	Carter, Matthew M. II	01/01/2010
	Tew, Katrina J.	01/01/2010

The following executive appointments were referred to the Senate Committee on Criminal Justice and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:

Office and Appointment		For Term Ending
Director, Office of Drug Control		
Appointee:	Janes, William H.	Pleasure of Governor
Parole Commission		
Appointee:	Pate, Tena M.	06/30/2010

The following executive appointments were referred to the Senate Committee on Education and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:

Office and Appointment		For Term Ending
State Board of Education		
Appointees:	Callaway, Donna G.	12/31/2009
	Martinez, Roberto	12/31/2008
	Raulerson, Phoebe H.	12/31/2008
	Shanahan, Kathleen	12/31/2009
	Taylor, Linda K.	12/31/2009
Board of Governors		
Appointees:	Arrizurieta, Jorge L.	01/06/2013
	Desai, Akshay M.	01/06/2013
	Duncan, Ann Wilkins	01/06/2012
	Edwards, Charles B.	01/06/2013
	Marshall, J. Stanley	01/06/2012
	Martin, Frank T.	01/06/2012
	Pappas, M. Lynn	01/06/2012
	Perez, Hector A. "Tico"	01/06/2013
	Temple, John W.	01/06/2013
Board of Trustees, Florida A & M University		
Appointees:	Allen, W. George	01/06/2010
	Benjamin, Regina	01/06/2010
	Branker, Laura	01/06/2010
	Duncan, Pamela Davis	01/06/2011
	Holmes, R. B., Jr.	01/06/2011
	Jenkins, Leerie T., Jr.	01/06/2011
Board of Trustees, Florida Atlantic University		
Appointees:	Adams, Scott H.	01/06/2010
	Blosser, Nancy W.	01/06/2011
	Bryant, William J.	01/06/2011
	Feder, David	01/06/2010
	Gupta, Rajendra P.	01/06/2011
	Janke, Lalita M.	01/06/2010
	Stilley, Robert J.	01/06/2011
	Tripp, Norman D.	01/06/2010
Board of Trustees, University of Central Florida		
Appointees:	Albertson, Judith "Judy" C.	01/06/2011
	Calvet, Olga M.	01/06/2011
	Christiansen, Patrick T.	01/06/2010
	Florez, Alan	01/06/2010
	Klock, Phyllis	01/06/2011
	Santiago, Conrad	01/06/2010
	Weiss, Allen "Al" R.	01/06/2010
	Yochum, Thomas H.	01/06/2011
Board of Trustees, Florida State University		
Appointees:	Brooks, Derrick	01/06/2010
	Duda, Emily F.	01/06/2011
	Ford, David B.	01/06/2011
	Garcia, Manuel A. III	01/06/2011
	Knowles, Harold M.	01/06/2010
	McFarlain, Richard C.	01/06/2010
	Pantin, Leslie V.	01/06/2011
Board of Trustees, Florida Gulf Coast University		
Appointees:	Cobb, Brian E.	01/06/2011
	Harrington, Lindsay M.	01/06/2011
	Hart, Larry D.	01/06/2011
	Lester, W. Bernard	01/06/2010
	Lucas, David	01/06/2010
	Malone, James R.	01/06/2011

Office and Appointment		*For Term Ending*
	Starkey, Jerry	01/06/2011
	Whitcomb, Jaynie M.	01/06/2010
Board of Trustees, Florida International University		
Appointees:	Atkins, Betsy S.	01/06/2010
	Dotson, Albert E.	01/06/2011
	Frost, Patricia	01/06/2010
	Guerra, Armando J.	01/06/2008
	Landon, R. Kirk	01/06/2010
	Lopez, Miriam	01/06/2011
	Parker, David R.	01/06/2010
	Pino, Sergio	01/06/2011
	Puig, Claudia	01/06/2011
	Sugranes, Rosa	01/06/2011
Board of Trustees, New College of Florida		
Appointees:	Heiser, Rolland V.	01/06/2010
	Hudson, Warren P.	01/06/2010
	Keating, Elaine M.	01/06/2011
	Mason, Raymond E., Jr.	01/06/2010
	Presha, Walter L. "Mickey"	01/06/2011
	Raeburn, Vicki Pearthree	01/06/2011
	Smiley, Jane T.	01/06/2010
Board of Trustees, University of Florida		
Appointees:	Alfonso, Carlos J.	01/06/2011
	Cunningham, Courtney	01/06/2010
	Daniels, Roland C.	01/06/2010
	Fernandez, Manuel "Manny" A.	01/06/2011
	McGriff, W. A. III	01/06/2011
	Merkel, Joelen K.	01/06/2010
	Morgan, Dianna	01/06/2011
	Powell, Earl W.	01/06/2010
Board of Trustees, University of North Florida		
Appointees:	Abdullah, Edythe M.	01/06/2010
	Coggin, Luther W.	01/06/2010
	Crawford, Toni	01/06/2011
	Gonzalez, Wilfredo J.	01/06/2011
	Halverson, Steven T.	01/06/2010
	Kendrick, Wanyonyi	01/06/2011
	Newton, Joan W.	01/06/2011
	Taylor, R. Bruce	01/06/2010
Board of Trustees, University of South Florida		
Appointees:	Arnold, Lee E., Jr.	01/06/2011
	Cancio, Margarita R.	01/06/2011
	Garcia, Sonja W.	01/06/2010
	Patel, Kiran C.	01/06/2010
	Ramil, John B.	01/06/2011
	Smith, Jan E.	01/06/2011
	Soran, Robert	01/06/2010
	Tomasino, Sherrill M.	01/06/2010
Board of Trustees, University of West Florida		
Appointees:	Bell, Honor M.	01/06/2010
	Fetterman, Nancy A.	01/06/2011
	Gilluly, Martha "Marny" Alice	01/06/2011
	Godwin, Jeanne Barber	01/06/2011
	Herrick, Sharon Hess	01/06/2010
	Kelly, Catherine	01/06/2011
	Smith, Roy W., Jr.	01/06/2010
	Young, Jarl T.	01/06/2010

The following executive appointments were referred to the Senate Committee on Environmental Preservation and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Environmental Regulation Commission		
Appointees:	Clemente, Anthony J.	07/01/2009
	Craig, Marjorie G.	07/01/2009
	Gragg, Richard D. III	07/01/2007
	Roth, Cari L.	07/01/2009
Governing Board of the Northwest Florida Water Management District		
Appointees:	Antonacci, Peter	03/01/2008
	Bloyd, Stephanie H.	03/01/2010
	Joyner, Michael A.	03/01/2009
	Pinkerton, Sharon	03/01/2009
	Roberts, George	03/01/2010
Governing Board of the St. Johns River Water Management District		
Appointees:	Graham, David G.	03/01/2009
	Hughes, Susan N.	03/01/2010
	Moore, Ann Taylor	03/01/2009
	Wood, W. Leonard	03/01/2010
Governing Board of the South Florida Water Management District		
Appointees:	Carlson, Alice J.	03/01/2007
	Collins, Michael J.	03/01/2010
	Wade, Malcolm S., Jr.	03/01/2009
Executive Director of South Florida Water Management District		
Appointee:	Wehle, Carol Ann	Pleasure of The Board
Governing Board of the Southwest Florida Water Management District		
Appointees:	Chance, Edward W.	03/01/2009
	Closshey, Jennifer E.	03/01/2009
	Combee, C. A. "Neil", Jr.	03/01/2009
	Parks, Sallie	03/01/2010
	Pressman, Todd	03/01/2010
	Rovira-Forino, Maritza	03/01/2010
Governing Board of the Suwannee River Water Management District		
Appointees:	Jones, Georgia Cochran	03/01/2010
	Lake, Oliver J.	03/01/2010
	Maultsby, John Paul	03/01/2009
	Shiver, Louis C.	03/01/2009

The following executive appointments were referred to the Senate Committee on Government Oversight and Productivity and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Investment Advisory Council		
Appointees:	Dahl, James H.	12/12/2008
	Martinez, Roman IV	12/11/2008
Secretary of State		
Appointee:	Cobb, Sue M.	Pleasure of Governor

The following executive appointments were referred to the Senate Committee on Health Care and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Secretary of Health Care Administration		
Appointee:	Levine, Alan M.	Pleasure of Governor
Secretary of Health		
Appointee:	Francois, M. Rony	Pleasure of Governor

The following executive appointment was referred to the Senate Committee on Regulated Industries and the Senate Committee on Ethics and

Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:

Office and Appointment	*For Term Ending*
Secretary of Business and Professional Regulation	
Appointee: Marstiller, Simone	Pleasure of Governor

The following executive appointment was referred to the Senate Committee on Transportation and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:

Office and Appointment	*For Term Ending*
Secretary of Transportation	
Appointee: Stutler, Denver J., Jr.	Pleasure of Governor

As required by Rule 12.7(1), the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of the appointees.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the Committee on Ethics and Elections and other referenced committees respectfully advise and recommend that in accordance with s. 114.05(1)(c), Florida Statutes:

(1) the executive appointments of the above-named appointees, to the office and for the term indicated, be confirmed by the Senate;

(2) Senate action on said appointments be taken prior to the adjournment of the 2006 Regular Session; and

(3) there is no necessity known to the committees for the deliberations on said appointments to be held in executive session.

Respectfully Submitted,
Bill Posey, Chair

On motion by Senator Posey, the report was adopted and the Senate confirmed the appointments identified in the foregoing report of the committee to the offices and for the terms indicated in accordance with the recommendation of the committee. The vote was:

Yeas—38

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

Nays—None

Votes Recorded:

May 5, 2006: Yea—Hill

RECESS

On motion by Senator Argenziano, the Senate recessed at 4:14 p.m. to reconvene at 4:44 p.m. or upon call of the President.

AFTERNOON SESSION

The Senate was called to order by the President at 5:19 p.m. A quorum present—38:

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

SPECIAL ORDER CALENDAR, continued

CS for CS for SB 1980—A bill to be entitled An act relating to property insurance; amending s. 215.555, F.S.; redefining the term "losses"; revising certain reimbursement contract criteria; revising certain reimbursement premium requirements; deleting a requirement that bonds be validated; revising certain revenue bond emergency assessment requirements; specifying premiums that are subject to assessment; revising the date on which the exemption of medical malpractice premiums from emergency assessments is repealed; creating s. 215.558, F.S.; creating the Home Retrofit Hardening Program; providing eligibility criteria and guidelines for awarding funds under the program; providing limits on grant amounts and on administrative expenses; creating s. 215.5586, F.S.; providing a purpose; requiring the Department of Community Affairs to establish a wind certification and hurricane mitigation inspection program; specifying inspection requirements; providing qualification requirements for inspection providers; requiring the department to adopt rules; amending s. 193.155, F.S.; providing that certain changes made to homestead property for hurricane damage mitigation do not increase the assessed value of the property; creating s. 252.63, F.S.; providing purpose and intent; providing powers of the Commissioner of Insurance Regulation during a state of emergency; authorizing the commissioner to issue certain orders in a state of emergency; providing for effect and duration of such orders; providing for legislative termination of such orders; requiring the commissioner to publish such orders and an explanatory statement; prescribing additional duties of the commissioner with respect to mitigation of consequences of emergencies; amending s. 626.918, F.S.; authorizing certain letters of credit to fund a surplus lines insurer's required policyholder protection trust fund; defining the term "qualified United States financial institution"; amending s. 627.062, F.S.; requiring the chief executive officer and the chief financial officer of each property insurer, or its certified public accountant acting on its behalf, to sign a statement of certification, sworn under oath, to accompany the rate filing; revising factors to be used in reviewing rate filings; providing that, in considering a rate filing, the burden is on the Office of Insurance Regulation to establish that costs of reinsurance are excessive; providing that the burden is on the Office of Insurance Regulation to establish that certain rates are excessive; amending s. 627.06281, F.S.; requiring the public hurricane loss-projection model to be submitted for review by the Florida Commission on Hurricane Loss Projection Methodology; allowing the Office of Insurance Regulation to use the public model until the commission determines that the public model is not accurate or reliable; amending s. 627.351, F.S.; providing that certain responsibilities of the Office of Insurance Regulation with respect to the plan of operation of Citizens Property Insurance Corporation be assumed by the Financial Services Commission; defining the terms "homestead property" and "nonhomestead property" for use with respect to Citizens Property Insurance Corporation; limiting eligibility for personal lines coverage by the corporation; directing the corporation board to reduce or, with approval by necessary parties, restructure existing debt; requiring a report with respect thereto; providing for a reduction in aggregate amount of a regular assessment in certain circumstances; requiring the executive director of the corporation to be confirmed by the Senate; deleting authority of the Chief Financial Officer to review corporate employees; prescribing a 10-day waiting period for

applications for coverage for a new policy; authorizing exceptions; redesignating the market equalization surcharge as a Citizens policyholder surcharge and providing for its calculation; prescribing an additional surcharge on deficit assessments for certain nonhomestead property; providing for optional payment plans; requiring insurers to provide claims-adjusting services for certain wind coverage in certain circumstances; requiring prospective senior management employees of the corporation to successfully pass a background check; requiring employees of the corporation to sign annually a statement that they have no conflict of interest; providing that senior managers and members of the board of governors are subject to the code of ethics and must file financial disclosure; prohibiting employees and members of the board of governors from accepting gifts or expenditures from a persons or entity, or employee thereof, which has or is under consideration for a contract with the corporation; providing penalties; providing a limitation on senior managers' representation of persons before the corporation after retirement or termination of employment and on employment with an insurer that has received a take-out bonus; prescribing guidelines for purchases of goods and services; providing guidelines on use of outside counsel; prohibiting the corporation from retaining a lobbyist; authorizing full-time employees to register and engage in lobbying; creating the Office of Internal Auditor and prescribing its duties; providing record-retention requirements; requiring establishment of a unit or division to investigate claims involving possible fraud against the corporation and another to receive and respond to consumer complaints; requiring a periodic comprehensive market conduct examination of the corporation; requiring periodic operational audits of the corporation by the Auditor General; prescribing elements to be included in such audits; providing a rate surcharge for certain nonhomestead property and property valued at more than a certain amount; providing that rates for the corporation are not subject to the requirements for being noncompetitive if the Office of Insurance Regulation makes a certain determination; deleting provisions relating to appointment of a rate methodology panel; providing for use of the public hurricane loss-projection model in ratemaking; prescribing requirements for paying takeout bonuses or payments to insurers; requiring records of takeout bonuses or other payments for certain purposes; clarifying that debt obligations of the corporation are not subject to taxation; prohibiting the corporation and other persons from making certain filings under, or becoming a debtor under, the federal Bankruptcy Code; postponing the dates by which the boundaries of high-risk areas must be reduced; requiring a study of the viability of authorized insurers issuing and servicing, for a fee, certain high-risk insurance policies; requiring a report to legislative leaders; providing applicability of specified provisions relating to assessments and surcharges; amending s. 627.3511, F.S.; extending the period for which an insurer that assumes Citizens Property Insurance Corporation's obligations under a policy must renew the replacement policy; revising circumstances under which replacement is not required; amending s. 627.3517, F.S.; providing that an insurance risk apportionment plan policyholder's right to retain his or her current agent does not apply during the first 10 days after a new application for coverage has been submitted to Citizens Property Insurance Corporation; creating s. 627.3519, F.S.; requiring the Financial Services Commission to report annually to the Legislature on probable maximum losses, financing options, and assessment potentials of the Florida Hurricane Catastrophe Fund and Citizens Property Insurance Corporation; amending s. 627.4035, F.S.; providing for a waiver of a written authorization requirement to pay claims by debit card or other electronic transfer; creating s. 627.6121, F.S.; prescribing circumstances under which an insurer must pay benefits to a primary policyholder of dual interest property; requiring mortgageholders and lienholders be given notice of such payment; amending s. 627.7011, F.S.; limiting certain law and ordinance coverage; providing that the section does not prohibit an insurer from limiting its liability concerning certain replacement costs; creating s. 627.7019, F.S.; requiring the Financial Services Commission to adopt rules imposing standardized requirements applicable to insurers after certain natural events; providing criteria; providing requirements of the Office of Insurance Regulation; amending s. 627.706, F.S.; allowing for a deductible amount applicable to sinkhole losses in a policy for residential property insurance; defining the term "professional engineer"; amending s. 627.707, F.S.; revising references to certain engineers; authorizing insurers to make direct payment for certain repairs; excluding insurers from liability for repairs under certain circumstances; amending s. 627.7072, F.S.; revising references to certain engineers; amending s. 627.7073, F.S.; revising requirements for sinkhole reports by professional engineers and professional geologists; providing for the recording of sinkhole reports by the clerk of court rather than the property appraiser; creating s. 627.7074, F.S.; prescribing an alternative method for resolving disputed sinkhole insurance claims; providing definitions; prescribing procedures for invoking the alternative method; providing that a recommendation by a neutral evaluator is not binding on any party; providing for payments of costs; requiring the insurer to pay attorney's fees of the policyholder up to a specified amount under certain conditions; providing that an insurer is not liable for attorney's fees or for certain damages under certain conditions; providing for judicial review; amending s. 627.727, F.S.; conforming a cross-reference; amending s. 631.181, F.S.; providing an exception to certain requirements for a signed statement for certain claims related to the insolvency of an insurer; providing requirements; amending s. 631.54, F.S.; redefining the term "covered claim" and defining the term "homeowner's insurance" for purposes of the Florida Insurance Guaranty Association; amending s. 631.55, F.S.; conforming a cross-reference; amending s. 631.57, F.S.; revising requirements and limitations for obligations of the Florida Insurance Guaranty Association for covered claims; authorizing the association to contract with counties, municipalities, and legal entities to issue revenue bonds for certain purposes; authorizing the Office of Insurance Regulation to levy assessments and emergency assessments on insurers under certain circumstances for certain bond repayment purposes; providing requirements for and limitations on such assessments; providing for payment, collection, and distribution of such assessments; requiring insurers to include an analysis of revenues from such assessments in a required report; providing rate filing requirements for insurers relating to such assessments; providing for continuing annual assessments under certain circumstances; specifying emergency assessments as not premium and not subject to certain taxes, fees, or commissions; specifying insurer liability for emergency assessments; providing an exception; creating s. 631.695, F.S.; providing legislative findings and purposes; providing for issuance of revenue bonds through counties and municipalities to fund assistance programs for paying covered claims for hurricane damage; providing procedures, requirements, and limitations for counties, municipalities, and the Florida Insurance Guaranty Association, Inc., relating to issuance and validation of such bonds; prohibiting pledging the funds, credit, property, and taxing power of the state, counties, and municipalities for payment of bonds; specifying authorized uses of bond proceeds; limiting the term of bonds; specifying a state covenant to protect bondholders from adverse actions relating to such bonds; specifying exemptions for bonds, notes, and other obligations of counties and municipalities from certain taxes or assessments on property and revenues; authorizing counties and municipalities to create a legal entity to exercise certain powers; requiring the association to issue an annual report on the status of certain uses of bond proceeds; providing report requirements; requiring the association to provide a copy of the report to the Legislature and Chief Financial Officer; prohibiting repeal of certain provisions relating to certain bonds under certain circumstances; amending s. 877.02, F.S.; prohibiting certain solicitations by contractors and other persons providing sinkhole remediation services; providing penalties; providing appropriations; requiring that an appropriation be transferred to Citizens Property Insurance Corporation to reduce the amount of the regular assessment for a specified deficit; requiring the corporation to notify assessable insurers of the amount by which assessments have been reduced; requiring insurers who recoup assessments to notify policyholders of the amount by which the surcharge has been reduced; providing penalties for a violation; defining terms; repealing s. 215.559(3), F.S.; deleting the requirement that the Department of Community Affairs develop a low-interest loan program for retrofitting homes; providing effective dates.

—was read the second time by title.

Senator Garcia moved the following amendment:

Amendment 1 (021596)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Effective June 1, 2006, paragraph (d) of subsection (2), paragraphs (b), (c), and (d) of subsection (4), paragraph (b) of subsection (5), and paragraphs (a) and (b) of subsection (6) of section 215.555, Florida Statutes, are amended, and paragraph (e) is added to subsection (5) of that section, to read:

215.555 Florida Hurricane Catastrophe Fund.—

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

(d) "Losses" means direct incurred losses under covered policies, which shall include losses for additional living expenses not to exceed 40 percent of the insured value of a residential structure or its contents and shall exclude loss adjustment expenses. "Losses" does not include losses for fair rental value, loss of *rent or rental income* ~~use~~, or business interruption losses.

(4) REIMBURSEMENT CONTRACTS.—

(b)1. The contract shall contain a promise by the board to reimburse the insurer for 45 percent, 75 percent, or 90 percent of its losses from each covered event in excess of the insurer's retention, plus 5 percent of the reimbursed losses to cover loss adjustment expenses.

2. The insurer must elect one of the percentage coverage levels specified in this paragraph and may, upon renewal of a reimbursement contract, elect a lower percentage coverage level if no revenue bonds issued under subsection (6) after a covered event are outstanding, or elect a higher percentage coverage level, regardless of whether or not revenue bonds are outstanding. All members of an insurer group must elect the same percentage coverage level. Any joint underwriting association, risk apportionment plan, or other entity created under s. 627.351 must elect the 90-percent coverage level.

3. The contract shall provide that reimbursement amounts shall not be reduced by reinsurance paid or payable to the insurer from other sources.

4. Notwithstanding any other provision contained in this section, the board shall make available to insurers qualifying as limited apportionment companies under s. 627.351(6)(c) a contract or contract addendum that provides an additional amount of reimbursement coverage of up to $10 million. The premium to be charged for this additional reimbursement coverage shall be 50 percent of the additional reimbursement coverage provided, which shall include one prepaid reinstatement. The minimum retention level that an eligible participating insurer must retain associated with this additional coverage layer is 30 percent of the insurer's surplus as of March 31, 2006. This coverage shall be in addition to all other coverage that may be provided under this section. The coverage provided by the fund under this subsection shall be in addition to the claims-paying capacity as defined in subparagraph (c)1., but only with respect to those insurers that select the additional coverage option and meet the requirements of this subsection. The claims-paying capacity with respect to all other participating insurers and limited apportionment companies that do not select the additional coverage option shall be limited to their reimbursement premium's proportionate share of the actual claims-paying capacity otherwise defined in subparagraph (c)1. and as provided for under the terms of the reimbursement contract. Coverage provided in the reimbursement contract for participating insurers will not be affected by the additional premiums paid by limited apportionment companies exercising the additional coverage option allowed in this subparagraph. This subparagraph expires on May 31, 2007.

(c)1. The contract shall also provide that the obligation of the board with respect to all contracts covering a particular contract year shall not exceed the actual claims-paying capacity of the fund up to a limit of $15 billion for that contract year adjusted based upon the reported exposure from the prior contract year to reflect the percentage growth in exposure to the fund for covered policies since 2003, provided the dollar growth in the limit may not increase in any year by an amount greater than the dollar growth of the ~~cash~~ balance *of the fund as of December 31 as defined by rule* which occurred over the prior calendar year.

2. In May before the start of the upcoming contract year and in October during the contract year, the board shall publish in the Florida Administrative Weekly a statement of the fund's estimated borrowing capacity and the projected balance of the fund as of December 31. After the end of each calendar year, the board shall notify insurers of the estimated borrowing capacity and the balance of the fund as of December 31 to provide insurers with data necessary to assist them in determining their retention and projected payout from the fund for loss reimbursement purposes. In conjunction with the development of the premium formula, as provided for in subsection (5), the board shall publish factors or multiples that assist insurers in determining their retention and projected payout for the next contract year. For all regulatory and reinsurance purposes, an insurer may calculate its projected payout from the fund as its share of the total fund premium for the current contract year multiplied by the sum of the projected balance of the fund as of December 31 and the estimated borrowing capacity for that contract year as reported under this subparagraph.

(d)1. For purposes of determining potential liability and to aid in the sound administration of the fund, the contract shall require each insurer to report such insurer's losses from each covered event on an interim basis, as directed by the board. The contract shall require the insurer to report to the board no later than December 31 of each year, and quarterly thereafter, its reimbursable losses from covered events for the year. The contract shall require the board to determine and pay, as soon as practicable after receiving these reports of reimbursable losses, the initial amount of reimbursement due and adjustments to this amount based on later loss information. The adjustments to reimbursement amounts shall require the board to pay, or the insurer to return, amounts reflecting the most recent calculation of losses.

2. In determining reimbursements pursuant to this subsection, the contract shall provide that the board shall:

~~a. First reimburse insurers writing covered policies, which insurers are in full compliance with this section and have petitioned the Office of Insurance Regulation and qualified as limited apportionment companies under s. 627.351(2)(b)3. The amount of such reimbursement shall be the lesser of $10 million or an amount equal to 10 times the insurer's reimbursement premium for the current year. The amount of reimbursement paid under this sub-subparagraph may not exceed the full amount of reimbursement promised in the reimbursement contract. This sub-subparagraph does not apply with respect to any contract year in which the year-end projected cash balance of the fund, exclusive of any bonding capacity of the fund, exceeds $2 billion. Only one member of any insurer group may receive reimbursement under this sub-subparagraph.~~

a.~~b.~~ Next pay to each insurer such insurer's projected payout, which is the amount of reimbursement it is owed, up to an amount equal to the insurer's share of the actual premium paid for that contract year, multiplied by the actual claims-paying capacity available for that contract year; provided, entities created pursuant to s. 627.351 shall be further reimbursed in accordance with sub-subparagraph *b.* ~~c.~~

b.~~c.~~ Thereafter, establish the prorated reimbursement level at the highest level for which any remaining fund balance or bond proceeds are sufficient to reimburse entities created pursuant to s. 627.351 based on reimbursable losses exceeding the amounts payable pursuant to sub-subparagraph *a.* ~~b.~~ for the current contract year.

(5) REIMBURSEMENT PREMIUMS.—

(b) The State Board of Administration shall select an independent consultant to develop a formula for determining the actuarially indicated premium to be paid to the fund. The formula shall specify, for each zip code or other limited geographical area, the amount of premium to be paid by an insurer for each $1,000 of insured value under covered policies in that zip code or other area. In establishing premiums, the board shall consider the coverage elected under paragraph (4)(b) and any factors that tend to enhance the actuarial sophistication of ratemaking for the fund, including deductibles, type of construction, type of coverage provided, relative concentration of risks, ~~a factor providing for more rapid cash buildup in the fund until the fund capacity for a single hurricane season is fully funded,~~ and other such factors deemed by the board to be appropriate. The formula may provide for a procedure to determine the premiums to be paid by new insurers that begin writing covered policies after the beginning of a contract year, taking into consideration when the insurer starts writing covered policies, the potential exposure of the insurer, the potential exposure of the fund, the administrative costs to the insurer and to the fund, and any other factors deemed appropriate by the board. *The formula shall include a factor of 25 percent of the fund's actuarially indicated premium in order to provide for more rapid cash buildup in the fund.* The formula must be approved by unanimous vote of the board. The board may, at any time, revise the formula pursuant to the procedure provided in this paragraph.

(e) If Citizens Property Insurance Corporation assumes or otherwise provides coverage for policies of an insurer placed in liquidation under chapter 631 pursuant to s. 627.351(6), the corporation may, pursuant to conditions mutually agreed to between the corporation and the State Board of Administration, obtain coverage for such policies under its contract with the fund or accept an assignment of the liquidated insurer's contract with the fund. If Citizens Property Insurance Corporation elects to cover these policies under the corporation's contract with the fund, it shall notify the board of its insured values with respect to such policies within a specified time mutually agreed to between the corporation and the board, after such assumption or other coverage transaction, and the fund shall treat such policies as having been in effect as of June 30 of that year. In the event of an assignment, the fund shall apply that contract to such policies and treat Citizens Property Insurance Corporation as if the corporation were the liquidated insurer for the remaining term of the contract, and the corporation shall have all rights and duties of the liquidated insurer beginning on the date it provides coverage for such policies, but the corporation is not subject to any preexisting rights, liabilities, or duties of the liquidated insurer. The assignment, including any unresolved issues between the liquidated insurer and Citizens Property Insurance Corporation under the contract, shall be provided for in the liquidation order or otherwise determined by the court. However, if a covered event occurs before the effective date of the assignment, the corporation may not obtain coverage for such policies under its contract with the fund and shall accept an assignment of the liquidated insurer's contract as provided in this paragraph. This paragraph expires on June 1, 2007.

(6) REVENUE BONDS.—

(a) General provisions.—

1. Upon the occurrence of a hurricane and a determination that the moneys in the fund are or will be insufficient to pay reimbursement at the levels promised in the reimbursement contracts, the board may take the necessary steps under paragraph (c) or paragraph (d) for the issuance of revenue bonds for the benefit of the fund. The proceeds of such revenue bonds may be used to make reimbursement payments under reimbursement contracts; to refinance or replace previously existing borrowings or financial arrangements; to pay interest on bonds; to fund reserves for the bonds; to pay expenses incident to the issuance or sale of any bond issued under this section, including costs of validating, printing, and delivering the bonds, costs of printing the official statement, costs of publishing notices of sale of the bonds, and related administrative expenses; or for such other purposes related to the financial obligations of the fund as the board may determine. The term of the bonds may not exceed 30 years. The board may pledge or authorize the corporation to pledge all or a portion of all revenues under subsection (5) and under paragraph (b) to secure such revenue bonds and the board may execute such agreements between the board and the issuer of any revenue bonds and providers of other financing arrangements under paragraph (7)(b) as the board deems necessary to evidence, secure, preserve, and protect such pledge. If reimbursement premiums received under subsection (5) or earnings on such premiums are used to pay debt service on revenue bonds, such premiums and earnings shall be used only after the use of the moneys derived from assessments under paragraph (b). The funds, credit, property, or taxing power of the state or political subdivisions of the state shall not be pledged for the payment of such bonds. The board may also enter into agreements under paragraph (c) or paragraph (d) for the purpose of issuing revenue bonds in the absence of a hurricane upon a determination that such action would maximize the ability of the fund to meet future obligations.

2. The Legislature finds and declares that the issuance of bonds under this subsection is for the public purpose of paying the proceeds of the bonds to insurers, thereby enabling insurers to pay the claims of policyholders to assure that policyholders are able to pay the cost of construction, reconstruction, repair, restoration, and other costs associated with damage to property of policyholders of covered policies after the occurrence of a hurricane. ~~Revenue bonds may not be issued under this subsection until validated under chapter 75. The validation of at least the first obligations incurred pursuant to this subsection shall be appealed to the Supreme Court, to be handled on an expedited basis.~~

(b) Emergency assessments.—

1. If the board determines that the amount of revenue produced under subsection (5) is insufficient to fund the obligations, costs, and expenses of the fund and the corporation, including repayment of revenue bonds and that portion of the debt service coverage not met by reimbursement premiums, the board shall direct the Office of Insurance Regulation to levy, by order, an emergency assessment on direct premiums for all property and casualty lines of business in this state, including property and casualty business of surplus lines insurers regulated under part VIII of chapter 626, but not including any workers' compensation premiums or medical malpractice premiums. As used in this subsection, the term "property and casualty business" includes all lines of business identified on Form 2, Exhibit of Premiums and Losses, in the annual statement required of authorized insurers by s. 624.424 and any rule adopted under this section, except for those lines identified as accident and health insurance and except for policies written under the National Flood Insurance Program. The assessment shall be specified as a percentage of *direct written* ~~future~~ premium ~~collections~~ and is subject to annual adjustments by the board ~~to reflect changes in premiums subject to assessments collected under this subparagraph~~ in order to meet debt obligations. The same percentage shall apply to all policies in lines of business subject to the assessment issued or renewed during the 12-month period beginning on the effective date of the assessment.

2. A premium is not subject to an annual assessment under this paragraph in excess of 6 percent of premium with respect to obligations arising out of losses attributable to any one contract year, and a premium is not subject to an aggregate annual assessment under this paragraph in excess of 10 percent of premium. An annual assessment under this paragraph shall continue *as long as* ~~until~~ the revenue bonds issued with respect to which the assessment was imposed are outstanding, including any bonds the proceeds of which were used to refund the revenue bonds, unless adequate provision has been made for the payment of the bonds under the documents authorizing issuance of the bonds.

3. *Emergency assessments shall be collected from policyholders. Emergency assessments shall be remitted by insurers as a percentage of direct written premium for the preceding calendar quarter as specified in the order from the Office of Insurance Regulation.* ~~With respect to each insurer collecting premiums that are subject to the assessment, the insurer shall collect the assessment at the same time as it collects the premium payment for each policy and shall remit the assessment collected to the fund or corporation as provided in the order issued by the Office of Insurance Regulation.~~ The office shall verify the accurate and timely collection and remittance of emergency assessments and shall report the information to the board in a form and at a time specified by the board. Each insurer collecting assessments shall provide the information with respect to premiums and collections as may be required by the office to enable the office to monitor and verify compliance with this paragraph.

4. With respect to assessments of surplus lines premiums, each surplus lines agent shall collect the assessment at the same time as the agent collects the surplus lines tax required by s. 626.932, and the surplus lines agent shall remit the assessment to the Florida Surplus Lines Service Office created by s. 626.921 at the same time as the agent remits the surplus lines tax to the Florida Surplus Lines Service Office. The emergency assessment on each insured procuring coverage and filing under s. 626.938 shall be remitted by the insured to the Florida Surplus Lines Service Office at the time the insured pays the surplus lines tax to the Florida Surplus Lines Service Office. The Florida Surplus Lines Service Office shall remit the collected assessments to the fund or corporation as provided in the order levied by the Office of Insurance Regulation. The Florida Surplus Lines Service Office shall verify the proper application of such emergency assessments and shall assist the board in ensuring the accurate and timely collection and remittance of assessments as required by the board. The Florida Surplus Lines Service Office shall annually calculate the aggregate written premium on property and casualty business, other than workers' compensation and medical malpractice, procured through surplus lines agents and insureds procuring coverage and filing under s. 626.938 and shall report the information to the board in a form and at a time specified by the board.

5. Any assessment authority not used for a particular contract year may be used for a subsequent contract year. If, for a subsequent contract year, the board determines that the amount of revenue produced under subsection (5) is insufficient to fund the obligations, costs, and expenses of the fund and the corporation, including repayment of revenue bonds and that portion of the debt service coverage not met by reimbursement premiums, the board shall direct the Office of Insurance Regulation to levy an emergency assessment up to an amount not exceeding the amount of unused assessment authority from a previous contract year or years, plus an additional 4 percent provided that the assessments in the aggregate do not exceed the limits specified in subparagraph 2.

6. The assessments otherwise payable to the corporation under this paragraph shall be paid to the fund unless and until the Office of Insurance Regulation and the Florida Surplus Lines Service Office have received from the corporation and the fund a notice, which shall be conclusive and upon which they may rely without further inquiry, that the corporation has issued bonds and the fund has no agreements in effect with local governments under paragraph (c). On or after the date of the notice and until the date the corporation has no bonds outstanding, the fund shall have no right, title, or interest in or to the assessments, except as provided in the fund's agreement with the corporation.

7. Emergency assessments are not premium and are not subject to the premium tax, to the surplus lines tax, to any fees, or to any commissions. An insurer is liable for all assessments that it collects and must treat the failure of an insured to pay an assessment as a failure to pay the premium. An insurer is not liable for uncollectible assessments.

8. When an insurer is required to return an unearned premium, it shall also return any collected assessment attributable to the unearned premium. A credit adjustment to the collected assessment may be made by the insurer with regard to future remittances that are payable to the fund or corporation, but the insurer is not entitled to a refund.

9. When a surplus lines insured or an insured who has procured coverage and filed under s. 626.938 is entitled to the return of an unearned premium, the Florida Surplus Lines Service Office shall provide a credit or refund to the agent or such insured for the collected assessment attributable to the unearned premium prior to remitting the emergency assessment collected to the fund or corporation.

10. The exemption of medical malpractice insurance premiums from emergency assessments under this paragraph is repealed May 31, 2007, and medical malpractice insurance premiums shall be subject to emergency assessments attributable to loss events occurring in the contract years commencing on June 1, 2007.

Section 2. Effective July 1, 2006, section 215.5586, Florida Statutes, is created to read:

215.5586 Florida Comprehensive Hurricane Damage Mitigation Program.—There is established within the Department of Financial Services the Florida Comprehensive Hurricane Damage Mitigation Program. The program shall be administered by an individual with prior executive experience in the private sector in the areas of insurance, business, or construction. The program shall develop and implement a comprehensive and coordinated approach for hurricane damage mitigation that shall include the following:

(1) WIND CERTIFICATION AND HURRICANE MITIGATION INSPECTIONS.—

(a) Free home-retrofit inspections of site-built, residential property, including single-family, two-family, three-family, or four-family residential units, shall be offered to determine what mitigation measures are needed and what improvements to existing residential properties are needed to reduce the property's vulnerability to hurricane damage. The Department of Financial Services shall establish a request for proposals to solicit proposals from wind certification entities to provide at no cost to homeowners wind certification and hurricane mitigation inspections. The inspections provided to homeowners, at a minimum, must include:

1. A home inspection and report that summarizes the results and identifies corrective actions a homeowner may take to mitigate hurricane damage.

2. A range of cost estimates regarding the mitigation features.

3. Insurer-specific information regarding premium discounts correlated to recommended mitigation features identified by the inspection.

4. A hurricane resistance rating scale specifying the home's current as well as projected wind resistance capabilities.

(b) To qualify for selection by the department as a provider of wind certification and hurricane mitigation inspections, the entity shall, at a minimum:

1. Use wind certification and hurricane mitigation inspectors who:

a. Have prior experience in residential construction or inspection and have received specialized training in hurricane mitigation procedures.

b. Have undergone drug testing and background checks.

c. Have been certified, in a manner satisfactory to the department, to conduct the inspections.

2. Provide a quality assurance program including a reinspection component.

(2) GRANTS.—Financial grants shall be used to encourage single-family, site-built, owner-occupied, residential property owners to retrofit their properties to make them less vulnerable to hurricane damage.

(a) To be eligible for a grant, a residential property must:

1. Have been granted a homestead exemption under chapter 196.

2. Be a dwelling with an insured value of $500,000 or less.

3. Have undergone an acceptable wind certification and hurricane mitigation inspection.

A residential property which is part of a multi-family residential unit may receive a grant only if all homeowners participate and the total number of units does not exceed four.

(b) All grants must be matched on a dollar-for-dollar basis for a total of $10,000 for the mitigation project with the state's contribution not to exceed $5,000.

(c) The program shall create a process in which mitigation contractors agree to participate and seek reimbursement from the state and homeowners select from a list of participating contractors. All mitigation must be based upon the securing of all required local permits and inspections. Mitigation projects are subject to random reinspection of up to at least 10 percent of all projects.

(d) Matching fund grants shall also be made available to local governments and nonprofit entities for projects that will reduce hurricane damage to single-family, site-built, owner-occupied, residential property.

(e) Grants may be used for the following improvements:

1. Roof deck attachment;

2. Secondary water barrier;

3. Roof covering;

4. Brace gable ends;

5. Reinforce roof-to-wall connections;

6. Opening protection; and

7. Exterior doors, including garage doors.

(f) Low-income homeowners, as defined in s. 420.0004(9), who otherwise meet the requirements of paragraphs (a) and (c) are eligible for a grant of up to $5,000 and are not required to provide a matching amount to receive the grant. Such grants shall be used to retrofit single-family, site-built, owner-occupied, residential properties in order to make them less vulnerable to hurricane damage.

(3) EDUCATION AND CONSUMER AWARENESS.—Multimedia public education, awareness, and advertising efforts designed to specifically address mitigation techniques shall be employed, as well as a component to support ongoing consumer resources and referral services.

(4) ADVISORY COUNCIL.—There is created an advisory council to provide advice and assistance to the program administrator with regard to his or her administration of the program. The advisory council shall consist of:

(a) A representative of lending institutions, selected by the Financial Services Commission from a list of at least three persons recommended by the Florida Bankers Association.

(b) A representative of residential property insurers, selected by the Financial Services Commission from a list of at least three persons recommended by the Florida Insurance Council.

(c) A representative of home builders, selected by the Financial Services Commission from a list of at least three persons recommended by the Florida Home Builders Association.

(d) A faculty member of a state university, selected by the Financial Services Commission, who is an expert in hurricane-resistant construction methodologies and materials.

(e) Two members of the House of Representatives, selected by the Speaker of the House of Representatives.

(f) Two members of the Senate, selected by the President of the Senate.

(g) The Chief Executive Officer of the Federal Alliance for Safe Homes, Inc., or his or her designee.

(h) The senior officer of the Florida Hurricane Catastrophe Fund.

(i) The executive director of Citizens Property Insurance Corporation.

(j) The director of the Division of Emergency Management of the Department of Community Affairs.

Members appointed under paragraphs (a)-(d) shall serve at the pleasure of the Financial Services Commission. Members appointed under paragraphs (e) and (f) shall serve at the pleasure of the appointing officer. All other members shall serve voting ex officio. Members of the advisory council shall serve without compensation but may receive reimbursement as provided in s. 112.061 for per diem and travel expenses incurred in the performance of their official duties.

(5) FEDERAL FUNDING.—The department shall use its best efforts to obtain grants or funds from the federal government to supplement the financial resources of the program.

(6) RULES.—The Department of Financial Services shall adopt rules pursuant to ss. 120.536(1) and 120.54 governing the Florida Comprehensive Hurricane Damage Mitigation Program.

Section 3. Section 215.5595, Florida Statutes, is created to read:

215.5595 Insurance Capital Build-Up Incentive Program.—

(1) Upon entering the 2006 hurricane season, the Legislature finds that:

(a) The losses in Florida from eight hurricanes in 2004 and 2005 have seriously strained the resources of both the voluntary insurance market and the public-sector mechanisms of Citizens Property Insurance Corporation and the Florida Hurricane Catastrophe Fund.

(b) Private reinsurance is much less available and at a significantly greater cost to residential property insurers as compared to 1 year ago, particularly for amounts below the insurer's retention or retained losses that must be paid before reimbursement is provided by the Florida Hurricane Catastrophe Fund.

(c) The Office of Insurance Regulation has reported that the insolvency of certain insurers may be imminent.

(d) Hurricane forecast experts predict that the 2006 hurricane season will be an active hurricane season and that the Atlantic and Gulf Coast regions face an active hurricane cycle of 10 to 20 years or longer.

(e) The number of cancellations or nonrenewals of residential property insurance policies is expected to increase and the number of new residential policies written in the voluntary market are likely to decrease, causing increased policy growth and exposure to the state insurer of last resort, Citizens Property Insurance Corporation, and threatening to increase the deficit of the corporation, currently estimated to be over $1.7 billion. This deficit must be funded by assessments against insurers and policyholders, unless otherwise funded by the state.

(f) Policyholders are subject to increased premiums and assessments that are increasingly making such coverage unaffordable and that may force policyholders to sell their homes and even leave the state.

(g) The increased risk to the public sector and private sector poses a serious threat to the economy of this state, particularly the building and financing of residential structures, and existing mortgages may be placed in default.

(h) The losses from 2004 and 2005, combined with the expectation that the increase in hurricane activity will continue for the foreseeable future, have caused both insurers and reinsurers to limit the capital they are willing to commit to covering the hurricane risk in Florida; attracting new capital to the Florida market is a critical priority; and providing a low-cost source of capital would enable insurers to write additional residential property insurance coverage and act to mitigate premium increases.

(i) Appropriating state funds to be used as surplus notes for residential property insurers, under conditions requiring the insurer to contribute additional private-sector capital and to write a minimum level of premiums for residential hurricane coverage, is a valid and important public purpose.

(2) The purpose of this section is to provide surplus notes to new or existing authorized residential property insurers under the Insurance Capital Build-Up Incentive Program administered by the State Board of Administration, under the following conditions:

(a) The amount of the surplus note for any insurer or insurer group may not exceed $25 million or 20 percent of the total amount of funds available under the program, whichever is greater.

(b) The insurer must contribute an amount of new capital to its surplus which is at least equal to the amount of the surplus note and must apply to the board by July 1, 2006. If an insurer applies after July 1, 2006, but before June 1, 2007, the amount of the surplus note is limited to one-half of the new capital that the insurer contributes to its surplus. For purposes of this section, new capital must be in the form of cash or cash equivalents as specified in s. 625.012(1).

(c) The insurer's surplus, new capital, and the surplus note must total at least $50 million.

(d) The insurer must commit to meeting a minimum writing ratio of net written premium to surplus of at least 2:1 for the term of the surplus note, which shall be determined by the Office of Insurance Regulation and certified quarterly to the board. For this purpose, the term "net written premium" means net written premium for residential property insurance in Florida, including the peril of wind, and "surplus" refers to the entire surplus of the insurer. If the required ratio is not maintained during the term of the surplus note, the board may increase the interest rate, accelerate the repayment of interest and principal, or shorten the term of the surplus note, subject to approval by the Commissioner of Insurance of payments by the insurer of principal and interest as provided in paragraph (f).

(e) If the requirements of this section are met, the board may approve an application by an insurer for a surplus note, unless the board determines that the financial condition of the insurer and its business plan for writing residential property insurance in Florida places an unreasonably high level of financial risk to the state of nonpayment in full of the interest

and principal. The board shall consult with the Office of Insurance Regulation and may contract with independent financial and insurance consultants in making this determination.

(f) The surplus note must be repayable to the state with a term of 20 years. The surplus note shall accrue interest on the unpaid principal balance at a rate equivalent to the 10-year U.S. Treasury Bond rate, require the payment only of interest during the first 3 years, and include such other terms as approved by the board. Payment of principal or interest by the insurer on the surplus note must be approved by the Commissioner of Insurance, who shall approve such payment unless the commissioner determines that such payment will substantially impair the financial condition of the insurer. If such a determination is made, the commissioner shall approve such payment that will not substantially impair the financial condition of the insurer.

(g) The total amount of funds available for the program is limited to the amount appropriated by the Legislature for this purpose. If the amount of surplus notes requested by insurers exceeds the amount of funds available, the board may prioritize insurers that are eligible and approved, regardless of the date of application, based on the financial strength of the insurer, the viability of its proposed business plan for writing additional residential property insurance in the state, and the effect on competition in the residential property insurance market.

(h) The board may allocate portions of the funds available for the program and establish dates for insurers to apply for surplus notes from such allocation which are earlier than the dates established in paragraph (b).

(3) As used in this section, the term:

(a) "Board" means the State Board of Administration.

(b) "Program" means the Insurance Capital Build-Up Incentive Program established by this section.

(4) A surplus note provided to an insurer pursuant to this section is considered an asset of the insurer pursuant to s. 625.012.

(5) If an insurer that receives a surplus note pursuant to this section is rendered insolvent, the state is a class 3 creditor pursuant to s. 631.271 for the unpaid principal and interest on the surplus note.

(6) The board shall adopt rules prescribing the procedures, administration, and criteria for approving the issuance of surplus notes pursuant to this section, which may be adopted pursuant to the procedures for emergency rules of chapter 120. Otherwise, actions and determinations by the board pursuant to this section are exempt from chapter 120.

(7) The board shall invest and reinvest the funds appropriated for the program in accordance with s. 215.47 and consistent with board policy.

Section 4. Section 252.63, Florida Statutes, is created to read:

252.63 Commissioner of Insurance Regulation; powers in a state of emergency.—

(1) When the Governor declares a state of emergency pursuant to s. 252.36, the commissioner may issue one or more general orders applicable to all insurance companies, entities, and persons, as defined in s. 624.04, that are subject to the Florida Insurance Code and that serve any portion of the area of the state under the state of emergency.

(2) An order issued by the commissioner under this section becomes effective upon issuance and continues for 120 days unless terminated sooner by the commissioner. The commissioner may extend an order for one additional period of 120 days if he or she determines that the emergency conditions that gave rise to the initial order still exist. By concurrent resolution, the Legislature may terminate any order issued under this section.

(3) The commissioner shall publish in the next available publication of the Florida Administrative Weekly a copy of the text of any order issued under this section, together with a statement describing the modification or suspension and explaining how the modification or suspension will facilitate recovery from the emergency.

Section 5. Section 626.8795, Florida Statutes, is created to read:

626.8795 Public adjusters; prohibition of conflict of interest.—A public adjuster may not participate, directly or indirectly, in the reconstruction, repair, or restoration of damaged property that is the subject of a claim adjusted by the licensee; may not engage in any other activities that may be reasonably construed as a conflict of interest, including soliciting or accepting any remuneration from, of any kind or nature, directly or indirectly; and may not have a financial interest in any salvage, repair, or any other business entity that obtains business in connection with any claim that the public adjuster has a contract or an agreement to adjust.

Section 6. Subsections (1) and (2) of section 626.918, Florida Statutes, are amended to read:

626.918 Eligible surplus lines insurers.—

(1) *A* ~~No~~ surplus lines agent *may not* ~~shall~~ place any coverage with any unauthorized insurer which is not then an eligible surplus lines insurer, except as permitted under subsections (5) and (6).

(2) *An* ~~No~~ unauthorized insurer *may not* ~~shall~~ be or become an eligible surplus lines insurer unless made eligible by the office in accordance with the following conditions:

(a) Eligibility of the insurer must be requested in writing by the Florida Surplus Lines Service Office.~~;~~

(b) The insurer must be currently an authorized insurer in the state or country of its domicile as to the kind or kinds of insurance proposed to be so placed and must have been such an insurer for not less than the 3 years next preceding or must be the wholly owned subsidiary of such authorized insurer or must be the wholly owned subsidiary of an already eligible surplus lines insurer as to the kind or kinds of insurance proposed for a period of not less than the 3 years next preceding. However, the office may waive the 3-year requirement if the insurer provides a product or service not readily available to the consumers of this state or has operated successfully for a period of at least 1 year next preceding and has capital and surplus of not less than $25 million.~~;~~

(c) Before granting eligibility, the requesting surplus lines agent or the insurer shall furnish the office with a duly authenticated copy of its current annual financial statement in the English language and with all monetary values therein expressed in United States dollars, at an exchange rate (in the case of statements originally made in the currencies of other countries) then-current and shown in the statement, and with such additional information relative to the insurer as the office may request.~~;~~

(d)1.*a.* The insurer must have and maintain surplus as to policyholders of not less than $15 million; in addition, an alien insurer must also have and maintain in the United States a trust fund for the protection of all its policyholders in the United States under terms deemed by the office to be reasonably adequate, in an amount not less than $5.4 million. Any such surplus as to policyholders or trust fund shall be represented by investments consisting of eligible investments for like funds of like domestic insurers under part II of chapter 625 provided, however, that in the case of an alien insurance company, any such surplus as to policyholders may be represented by investments permitted by the domestic regulator of such alien insurance company if such investments are substantially similar in terms of quality, liquidity, and security to eligible investments for like funds of like domestic insurers under part II of chapter 625. *Clean, irrevocable, unconditional, and evergreen letters of credit issued or confirmed by a qualified United States financial institution, as defined in subparagraph 2., may be used to fund the trust.*~~;~~

b.~~2.~~ For those surplus lines insurers that were eligible on January 1, 1994, and that maintained their eligibility thereafter, the required surplus as to policyholders shall be:

(I)~~a.~~ On December 31, 1994, and until December 30, 1995, $2.5 million.

(II)~~b.~~ On December 31, 1995, and until December 30, 1996, $3.5 million.

(III)~~c.~~ On December 31, 1996, and until December 30, 1997, $4.5 million.

(IV)~~d.~~ On December 31, 1997, and until December 30, 1998, $5.5 million.

(V)~~e.~~ On December 31, 1998, and until December 30, 1999, $6.5 million.

(VI)~~f.~~ On December 31, 1999, and until December 30, 2000, $8 million.

(VII)~~g.~~ On December 31, 2000, and until December 30, 2001, $9.5 million.

(VIII)~~h.~~ On December 31, 2001, and until December 30, 2002, $11 million.

(IX)~~i.~~ On December 31, 2002, and until December 30, 2003, $13 million.

(X)~~j.~~ On December 31, 2003, and thereafter, $15 million.

c.~~3.~~ The capital and surplus requirements as set forth in *sub-subparagraph b.* ~~subparagraph 2.~~ do not apply in the case of an insurance exchange created by the laws of individual states, where the exchange maintains capital and surplus pursuant to the requirements of that state, or maintains capital and surplus in an amount not less than $50 million in the aggregate. For an insurance exchange which maintains funds in the amount of at least $12 million for the protection of all insurance exchange policyholders, each individual syndicate shall maintain minimum capital and surplus in an amount not less than $3 million. If the insurance exchange does not maintain funds in the amount of at least $12 million for the protection of all insurance exchange policyholders, each individual syndicate shall meet the minimum capital and surplus requirements set forth in *sub-subparagraph b.* ~~subparagraph 2.;~~

d.~~4.~~ A surplus lines insurer which is a member of an insurance holding company that includes a member which is a Florida domestic insurer as set forth in its holding company registration statement, as set forth in s. 628.801 and rules adopted thereunder, may elect to maintain surplus as to policyholders in an amount equal to the requirements of s. 624.408, subject to the requirement that the surplus lines insurer shall at all times be in compliance with the requirements of chapter 625.

The election shall be submitted to the office and shall be effective upon the office's being satisfied that the requirements of *sub-subparagraph d.* ~~subparagraph 4.~~ have been met. The initial date of election shall be the date of office approval. The election approval application shall be on a form adopted by commission rule. The office may approve an election form submitted pursuant to *sub-subparagraph d.* ~~subparagraph 4.~~ only if it was on file with the former Department of Insurance before February 28, 1998.~~;~~

2. For purposes of letters of credit under subparagraph 1., the term "qualified United States financial institution" means an institution that:

a. Is organized or, in the case of a United States office of a foreign banking organization, is licensed under the laws of the United States or any state.

b. Is regulated, supervised, and examined by authorities of the United States or any state having regulatory authority over banks and trust companies.

c. Has been determined by the office or the Securities Valuation Office of the National Association of Insurance Commissioners to meet such standards of financial condition and standing as are considered necessary and appropriate to regulate the quality of financial institutions whose letters of credit are acceptable to the office.

(e) The insurer must be of good reputation as to the providing of service to its policyholders and the payment of losses and claims.~~;~~

(f) The insurer must be eligible, as for authority to transact insurance in this state, under s. 624.404(3).~~; and~~

(g) This subsection does not apply as to unauthorized insurers made eligible under s. 626.917 as to wet marine and aviation risks.

Section 7. Effective July 1, 2006, paragraph (b) of subsection (2) of section 627.062, Florida Statutes, is amended, and subsection (9) is added to that section, to read:

627.062 Rate standards.—

(2) As to all such classes of insurance:

(b) Upon receiving a rate filing, the office shall review the rate filing to determine if a rate is excessive, inadequate, or unfairly discriminatory. In making that determination, the office shall, in accordance with generally accepted and reasonable actuarial techniques, consider the following factors:

1. Past and prospective loss experience within and without this state.

2. Past and prospective expenses.

3. The degree of competition among insurers for the risk insured.

4. Investment income reasonably expected by the insurer, consistent with the insurer's investment practices, from investable premiums anticipated in the filing, plus any other expected income from currently invested assets representing the amount expected on unearned premium reserves and loss reserves. The commission may adopt rules utilizing reasonable techniques of actuarial science and economics to specify the manner in which insurers shall calculate investment income attributable to such classes of insurance written in this state and the manner in which such investment income shall be used in the calculation of insurance rates. Such manner shall contemplate allowances for an underwriting profit factor and full consideration of investment income which produce a reasonable rate of return; however, investment income from invested surplus shall not be considered.

5. The reasonableness of the judgment reflected in the filing.

6. Dividends, savings, or unabsorbed premium deposits allowed or returned to Florida policyholders, members, or subscribers.

7. The adequacy of loss reserves.

8. The cost of reinsurance.

9. Trend factors, including trends in actual losses per insured unit for the insurer making the filing.

10. Conflagration and catastrophe hazards, if applicable.

11. A reasonable margin for underwriting profit and contingencies. *For that portion of the rate covering the risk of hurricanes and other catastrophic losses for which the insurer has not purchased reinsurance and has exposed its capital and surplus to such risk, the office must approve a rating factor that provides the insurer a reasonable rate of return that is commensurate with such risk.*

12. The cost of medical services, if applicable.

13. Other relevant factors which impact upon the frequency or severity of claims or upon expenses.

The provisions of this subsection shall not apply to workers' compensation and employer's liability insurance and to motor vehicle insurance.

(9) The burden is on the office to establish that rates are excessive for personal lines residential coverage with a dwelling replacement cost of $1 million or more or for a single condominium unit with a combined dwelling and contents replacement cost of $1 million or more. Upon request of the office, the insurer shall provide to the office such loss and expense information as the office reasonably needs to meet this burden.

Section 8. Paragraph (c) of subsection (3) of section 627.0628, Florida Statutes, is amended to read:

627.0628 Florida Commission on Hurricane Loss Projection Methodology; public records exemption; public meetings exemption.—

(3) ADOPTION AND EFFECT OF STANDARDS AND GUIDELINES.—

(c) With respect to a rate filing under s. 627.062, an insurer may employ actuarial methods, principles, standards, models, or output ranges found by the commission to be accurate or reliable to determine hurricane loss factors for use in a rate filing under s. 627.062. Such findings and factors are admissible and relevant in consideration of a rate filing by the office or in any arbitration or administrative or judicial review only if the office and the consumer advocate appointed pursuant to s. 627.0613 have access to all of the assumptions and factors that were used in developing the actuarial methods, principles, standards, models, or output ranges, and are not precluded from disclosing such information in a rate proceeding. *In any rate hearing under s. 120.57 or in any arbitration proceeding under s. 627.062(6), the hearing officer, judge, or arbitration panel may determine whether the office and the consumer advocate were provided with access to all of the assumptions and factors that were used in developing the actuarial methods, principles, standards, models, or output ranges and to determine their admissibility.*

Section 9. Section 627.06281, Florida Statutes, is amended to read:

627.06281 Public hurricane loss projection model; reporting of data by insurers.—

(1) 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.

(2) The public model must be submitted to the Florida Commission on Hurricane Loss Projection Methodology for review under s. 627.0628 by October 1, 2006. The office may continue to use the model for its review of rate filings pursuant to ss. 627.062 and 627.351 until such time as the Florida Commission on Hurricane Loss Projection Methodology determines that the public model is not accurate or reliable pursuant to the same process and standards as the commission uses for the review of other hurricane loss projection models.

Section 10. Subsection (1) of section 627.0629, Florida Statutes, is amended to read:

627.0629 Residential property insurance; rate filings.—

(1) Effective June 1, 2002, a rate filing for residential property insurance must include actuarially reasonable discounts, credits, or other rate differentials, or appropriate reductions in deductibles, for properties on which fixtures or construction techniques demonstrated to reduce the amount of loss in a windstorm have been installed or implemented. The fixtures or construction techniques shall include, but not be limited to, fixtures or construction techniques which enhance roof strength, roof covering performance, roof-to-wall strength, wall-to-floor-to-foundation strength, opening protection, and window, door, and skylight strength. Credits, discounts, or other rate differentials for fixtures and construction techniques which meet the minimum requirements of the Florida Building Code must be included in the rate filing. All insurance companies must make a rate filing which includes the credits, discounts, or other rate differentials by February 28, 2003. *By January 1, 2007, the office shall reevaluate the discounts, credits, other rate differentials, and appropriate reductions in deductibles for fixtures and construction techniques that meet the minimum requirements of the Florida Building Code, based upon actual experience or any other loss relativity studies available to the office. The office shall determine the discounts, credits, other rate differentials, and appropriate reductions in deductibles that reflect the full actuarial value of such revaluation, which may be used by insurers in rate filings.*

Section 11. Effective July 1, 2006, subsection (6) of section 627.351, Florida Statutes, is 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 *Financial Services Commission* ~~office~~. The plan is subject to continuous review by the *commission* ~~office~~. The *commission* ~~office~~ may, by order, withdraw approval of all or part of a plan if the *commission* ~~office~~ determines that conditions have changed since approval was granted and that the purposes of the plan require changes in the plan. *The corporation shall continue to operate pursuant to the plan of operation approved by the Office of Insurance Regulation until October 1, 2006.* 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. For the purposes of this subsection, the term "homestead property" means:

a. Property that has been granted a homestead exemption under chapter 196;

b. Property for which the owner has a current, written lease with a renter for a term of at least 6 months and for which the dwelling is insured by the corporation for $200,000 or less;

c. An owner-occupied mobile home or manufactured home, as defined in s. 320.01, which is permanently affixed to real property, is owned by a Florida resident, and has been granted a homestead exemption under chapter 196 or, if the owner does not own the real property, the owner certifies that the mobile home or manufactured home is his or her principal place of residence.

d. Tenants coverage; or

e. Commercial lines coverage, including both residential and nonresidential.

4. For the purposes of this subsection, the term "nonhomestead property" means property that is not homestead property.

5. Effective July 1, 2011, a personal lines residential structure with a dwelling replacement cost of $1 million or more, or a single condomin-

ium unit with combined dwelling and content replacement cost of $1 million or more, is not eligible for coverage by the corporation.

6.~~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.

(b)1. All insurers authorized to write one or more subject lines of business in this state are subject to assessment by the corporation and, for the purposes of this subsection, are referred to collectively as "assessable insurers." Insurers writing one or more subject lines of business in this state pursuant to part VIII of chapter 626 are not assessable insurers, but insureds who procure one or more subject lines of business in this state pursuant to part VIII of chapter 626 are subject to assessment by the corporation and are referred to collectively as "assessable insureds." An authorized insurer's assessment liability shall begin on the first day of the calendar year following the year in which the insurer was issued a certificate of authority to transact insurance for subject lines of business in this state and shall terminate 1 year after the end of the first calendar year during which the insurer no longer holds a certificate of authority to transact insurance for subject lines of business in this state.

2.a. All revenues, assets, liabilities, losses, and expenses of the corporation shall be divided into three separate accounts as follows:

(I) A personal lines account for personal residential policies issued by the corporation or issued by the Residential Property and Casualty Joint Underwriting Association and renewed by the corporation that provide comprehensive, multiperil coverage on risks that are not located in areas eligible for coverage in the Florida Windstorm Underwriting Association as those areas were defined on January 1, 2002, and for such policies that do not provide coverage for the peril of wind on risks that are located in such areas;

(II) A commercial lines account for commercial residential policies issued by the corporation or issued by the Residential Property and Casualty Joint Underwriting Association and renewed by the corporation that provide coverage for basic property perils on risks that are not located in areas eligible for coverage in the Florida Windstorm Underwriting Association as those areas were defined on January 1, 2002, and for such policies that do not provide coverage for the peril of wind on risks that are located in such areas; and

(III) A high-risk account for personal residential policies and commercial residential and commercial nonresidential property policies issued by the corporation or transferred to the corporation that provide coverage for the peril of wind on risks that are located in areas eligible for coverage in the Florida Windstorm Underwriting Association as those areas were defined on January 1, 2002. The high-risk account must also include quota share primary insurance under subparagraph (c)2. The area eligible for coverage under the high-risk account also includes the area within Port Canaveral, which is bordered on the south by the City of Cape Canaveral, bordered on the west by the Banana River, and bordered on the north by Federal Government property. The office may remove territory from the area eligible for wind-only and quota share coverage if, after a public hearing, the office finds that authorized insurers in the voluntary market are willing and able to write sufficient amounts of personal and commercial residential coverage for all perils in the territory, including coverage for the peril of wind, such that risks covered by wind-only policies in the removed territory could be issued a policy by the corporation in either the personal lines or commercial lines account without a significant increase in the corporation's probable maximum loss in such account. Removal of territory from the area eligible for wind-only or quota share coverage does not alter the assignment of wind coverage written in such areas to the high-risk account.

b. The three separate accounts must be maintained as long as financing obligations entered into by the Florida Windstorm Underwriting Association or Residential Property and Casualty Joint Underwriting Association are outstanding, in accordance with the terms of the corresponding financing documents. When the financing obligations are no longer outstanding, in accordance with the terms of the corresponding financing documents, the corporation may use a single account for all revenues, assets, liabilities, losses, and expenses of the corporation. *Consistent with the requirement of this subparagraph and prudent investment policies that minimize the cost of carrying debt, the board shall exercise its best efforts to retire existing debt or to obtain approval of necessary parties to amend the terms of existing debt, so as to structure the most efficient plan to consolidate the three separate accounts into a single account. By February 1, 2007, the board shall submit a report to the Financial Services Commission, the President of the Senate, and the Speaker of the House of Representatives which includes an analysis of consolidating the accounts, the actions the board has taken to minimize the cost of carrying debt, and its recommendations for executing the most efficient plan.*

c. Creditors of the Residential Property and Casualty Joint Underwriting Association shall have a claim against, and recourse to, the accounts referred to in sub-sub-subparagraphs a.(I) and (II) and shall have no claim against, or recourse to, the account referred to in sub-sub-subparagraph a.(III). Creditors of the Florida Windstorm Underwriting Association shall have a claim against, and recourse to, the account referred to in sub-sub-subparagraph a.(III) and shall have no claim against, or recourse to, the accounts referred to in sub-sub-subparagraphs a.(I) and (II).

d. Revenues, assets, liabilities, losses, and expenses not attributable to particular accounts shall be prorated among the accounts.

e. The Legislature finds that the revenues of the corporation are revenues that are necessary to meet the requirements set forth in documents authorizing the issuance of bonds under this subsection.

f. No part of the income of the corporation may inure to the benefit of any private person.

3. With respect to a deficit in an account:

a. When the deficit incurred in a particular calendar year is not greater than 10 percent of the aggregate statewide direct written premium for the subject lines of business for the prior calendar year, the entire deficit shall be recovered through regular assessments of assessable insurers under paragraph *(p)* ~~(g)~~ and assessable insureds.

b. When the deficit incurred in a particular calendar year exceeds 10 percent of the aggregate statewide direct written premium for the subject lines of business for the prior calendar year, the corporation shall levy regular assessments on assessable insurers under paragraph *(p)* ~~(g)~~ and on assessable insureds in an amount equal to the greater of 10 percent of the deficit or 10 percent of the aggregate statewide direct written premium for the subject lines of business for the prior calendar year. Any remaining deficit shall be recovered through emergency assessments under sub-subparagraph d.

c. Each assessable insurer's share of the amount being assessed under sub-subparagraph a. or sub-subparagraph b. shall be in the proportion that the assessable insurer's direct written premium for the subject lines of business for the year preceding the assessment bears to the aggregate statewide direct written premium for the subject lines of business for that year. The assessment percentage applicable to each assessable insured is the ratio of the amount being assessed under sub-subparagraph a. or sub-subparagraph b. to the aggregate statewide direct written premium for the subject lines of business for the prior year. Assessments levied by the corporation on assessable insurers under sub-subparagraphs a. and b. shall be paid as required by the corporation's plan of operation and paragraph *(p)* ~~(g)~~. *Notwithstanding any other provision of this subsection, the aggregate amount of a regular assessment for a deficit incurred in a particular calendar year shall be reduced by the estimated amount to be received by the corporation from surcharges on corporation policyholders under subparagraph (c)11.* Assessments levied by the corporation on assessable insureds under sub-subparagraphs a. and b. shall be collected by the surplus lines agent at the time the surplus lines agent collects the surplus lines tax required by s. 626.932 and shall be paid to the Florida Surplus Lines Service Office at the time the surplus lines agent pays the surplus lines tax to

the Florida Surplus Lines Service Office. Upon receipt of regular assessments from surplus lines agents, the Florida Surplus Lines Service Office shall transfer the assessments directly to the corporation as determined by the corporation.

d. Upon a determination by the board of governors that a deficit in an account exceeds the amount that will be recovered through regular assessments under sub-subparagraph a. or sub-subparagraph b., the board shall levy, after verification by the office, emergency assessments, for as many years as necessary to cover the deficits, to be collected by assessable insurers and the corporation and collected from assessable insureds upon issuance or renewal of policies for subject lines of business, excluding National Flood Insurance policies. The amount of the emergency assessment collected in a particular year shall be a uniform percentage of that year's direct written premium for subject lines of business and all accounts of the corporation, excluding National Flood Insurance Program policy premiums, as annually determined by the board and verified by the office. The office shall verify the arithmetic calculations involved in the board's determination within 30 days after receipt of the information on which the determination was based. Notwithstanding any other provision of law, the corporation and each assessable insurer that writes subject lines of business shall collect emergency assessments from its policyholders without such obligation being affected by any credit, limitation, exemption, or deferment. Emergency assessments levied by the corporation on assessable insureds shall be collected by the surplus lines agent at the time the surplus lines agent collects the surplus lines tax required by s. 626.932 and shall be paid to the Florida Surplus Lines Service Office at the time the surplus lines agent pays the surplus lines tax to the Florida Surplus Lines Service Office. The emergency assessments so collected shall be transferred directly to the corporation on a periodic basis as determined by the corporation and shall be held by the corporation solely in the applicable account. The aggregate amount of emergency assessments levied for an account under this sub-subparagraph in any calendar year may not exceed the greater of 10 percent of the amount needed to cover the original deficit, plus interest, fees, commissions, required reserves, and other costs associated with financing of the original deficit, or 10 percent of the aggregate statewide direct written premium for subject lines of business and for all accounts of the corporation for the prior year, plus interest, fees, commissions, required reserves, and other costs associated with financing the original deficit.

e. The corporation may pledge the proceeds of assessments, projected recoveries from the Florida Hurricane Catastrophe Fund, other insurance and reinsurance recoverables, *policyholder* ~~market equalization~~ surcharges and other surcharges, and other funds available to the corporation as the source of revenue for and to secure bonds issued under paragraph *(p)* ~~(g)~~, bonds or other indebtedness issued under subparagraph (c)3., or lines of credit or other financing mechanisms issued or created under this subsection, or to retire any other debt incurred as a result of deficits or events giving rise to deficits, or in any other way that the board determines will efficiently recover such deficits. The purpose of the lines of credit or other financing mechanisms is to provide additional resources to assist the corporation in covering claims and expenses attributable to a catastrophe. As used in this subsection, the term "assessments" includes regular assessments under sub-subparagraph a., sub-subparagraph b., or subparagraph *(p)1.* ~~(g)1.~~ and emergency assessments under sub-subparagraph d. Emergency assessments collected under sub-subparagraph d. are not part of an insurer's rates, are not premium, and are not subject to premium tax, fees, or commissions; however, failure to pay the emergency assessment shall be treated as failure to pay premium. The emergency assessments under sub-subparagraph d. shall continue as long as any bonds issued or other indebtedness incurred with respect to a deficit for which the assessment was imposed remain outstanding, unless adequate provision has been made for the payment of such bonds or other indebtedness pursuant to the documents governing such bonds or other indebtedness.

f. As used in this subsection, the term "subject lines of business" means insurance written by assessable insurers or procured by assessable insureds on real or personal property, as defined in s. 624.604, including insurance for fire, industrial fire, allied lines, farmowners multiperil, homeowners multiperil, commercial multiperil, and mobile homes, and including liability coverage on all such insurance, but excluding inland marine as defined in s. 624.607(3) and excluding vehicle insurance as defined in s. 624.605(1) other than insurance on mobile homes used as permanent dwellings.

g. The Florida Surplus Lines Service Office shall determine annually the aggregate statewide written premium in subject lines of business procured by assessable insureds and shall report that information to the corporation in a form and at a time the corporation specifies to ensure that the corporation can meet the requirements of this subsection and the corporation's financing obligations.

h. The Florida Surplus Lines Service Office shall verify the proper application by surplus lines agents of assessment percentages for regular assessments and emergency assessments levied under this subparagraph on assessable insureds and shall assist the corporation in ensuring the accurate, timely collection and payment of assessments by surplus lines agents as required by 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.

f. The corporation may adopt variations of the policy forms listed in sub-subparagraphs a.-e. that contain more restrictive coverage.

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 individuals who are residents of this state, from different geographical areas of this state. 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. 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. 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. *Any executive director appointed on or after July 1, 2006, is subject to confirmation by the Senate.* The executive director is responsible for employing other staff as the corporation may require, subject to review and concurrence by the board ~~and 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 provide by July 1, 2007, that an application for coverage for a new policy is subject to a waiting period of 10 days before coverage is effective, during which time the corporation shall make such application available for review by general lines agents and authorized property and casualty insurers. The board may approve exceptions that allow for coverage to be effective before the end of the 10-day waiting period, for coverage issued in conjunction with a real estate closing, and for such other exceptions as the board determines are necessary to prevent lapses in coverage.

7.~~6.~~ Must include rules for classifications of risks and rates therefor.

8.~~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.

9.~~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.

10.~~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.

11.~~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, *the following surcharges:*

a. A *Citizens policyholder* ~~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. *For purposes of calculating the Citizens policyholder surcharge to be levied under this subparagraph, the total amount of the regular assessment to which this surcharge is related shall be determined as set forth in subparagraph (b)3., without deducting the estimated Citizens policyholder surcharge.* ~~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.~~

b. A deficit surcharge of 25 percent of the total premium on nonhomestead property owned by a nonresident of this state.

Surcharges under this subparagraph are not considered a premium and are not subject to commissions, fees, or premium taxes; however, failure to pay a surcharge shall be treated in the same manner as failure to pay premium.

12.~~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.

13.~~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.

14.~~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.

15.~~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. *A regular assessment levied by the corporation on a limited apportionment company for a deficit incurred by the corporation for the high-risk account in 2006 or thereafter may be paid to the corporation on a monthly basis as the assessments are collected by the limited apportionment company from its insureds pursuant to s. 627.3512, but the regular assessment must be paid in full within 12 months after being levied by the corporation.* ~~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.

16.~~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.

17. Must provide, by July 1, 2007, a premium payment plan option to its policyholders which allows for quarterly and semiannual payment of premiums.

18. Must provide, effective July 1, 2007, that the corporation contract with each insurer providing the non-wind coverage for risks insured by the corporation in the high-risk account, requiring that the insurer provide claims-adjusting services for the wind coverage provided by the corporation for such risks. An insurer is required to enter into this contract as a condition of providing non-wind coverage for a risk that is insured by the corporation in the high-risk account unless the board finds, after a hearing, that the insurer is not capable of providing adjusting services at an acceptable level of quality to corporation policyholders. The terms and conditions of such contracts must be substantially the same as the contracts that the corporation executed with insurers under the "adjust-your-own" program in 2006, except as may be mutually agreed to by the parties and except for such changes that the board determines are necessary to ensure that claims are adjusted appropriately. The corporation shall provide a process for neutral arbitration of any dispute between the corporation and the insurer regarding the terms of the contract. The corporation shall review and monitor the performance of insurers under these contracts.

19. Must limit coverage on mobile homes or manufactured homes built prior to 1994 to actual cash value of the dwelling rather than replacement costs of the dwelling.

(d)1. All prospective employees for senior management positions, as defined by the plan of operation, are subject to background checks as a prerequisite for employment. The office shall conduct background checks on such prospective employees pursuant to ss. 624.404(3), 624.34, and 628.261.

2. On or before July 1 of each year, employees of the corporation are required to sign and submit a statement attesting that they do not have a conflict of interest, as defined in part III of chapter 112. As a condition of employment, all prospective employees are required to sign and submit to the corporation a conflict-of-interest statement.

3. Senior managers and members of the board of governors are subject to the provisions of part III of chapter 112, including, but not limited to, the code of ethics and public disclosure and reporting of financial interests, pursuant to s. 112.3145. Senior managers and board members are also required to file such disclosures with the Office of Insurance Regulation. The executive director of the corporation or his or her designee shall notify each newly appointed and existing appointed member of the board of governors and senior managers of their duty to comply with the reporting requirements of part III of chapter 112. At least quarterly, the executive director or his or her designee shall submit to the Commission on Ethics a list of names of the senior managers and members of the board of governors that are subject to the public disclosure requirements under s. 112.3145.

4. Notwithstanding s. 112.3148 or s. 112.3149, or any other provision of law, an employee or board member may not knowingly accept, directly or indirectly, any gift or expenditure from a person or entity, or an employee or representative of such person or entity, that has a contractual relationship with the corporation or who is under consideration for a contract. An employee or board member that fails to comply with this subparagraph is subject to penalties provided under ss. 112.317 and 112.3173.

5. Any senior manager of the corporation who is employed on or after January 1, 2007, regardless of the date of hire, who subsequently retires or terminates employment is prohibited from representing another person or entity before the corporation for 2 years after retirement or termination of employment from the corporation.

6. Any employee of the corporation who is employed on or after January 1, 2007, regardless of the date of hire, who subsequently retires or terminates employment is prohibited from having any employment or contractual relationship for 2 years with an insurer that has received a take-out bonus from the corporation.

(e) Purchases that equal or exceed $2,500, but are less than $25,000, shall be made by receipt of written quotes, written record of telephone quotes, or informal bids, whenever practical. The procurement of goods or services valued at or over $25,000 shall be subject to competitive solicitation, except in situations where the goods or services are provided by a sole source or are deemed an emergency purchase; the services are exempted from competitive solicitation requirements under s. 287.057(5)(f); or the procurement of services is subject to s. 627.3513. Justification for the sole-sourcing or emergency procurement must be documented. Contracts for goods or services valued at or over $100,000 are subject to approval by the board.

(f) The board shall determine whether it is more cost-effective and in the best interests of the corporation to use legal services provided by in-house attorneys employed by the corporation rather than contracting with outside counsel. In making such determination, the board shall document its findings and shall consider: the expertise needed; whether time

commitments exceed in-house staff resources; whether local representation is needed; the travel, lodging and other costs associated with in-house representation; and such other factors that the board determines are relevant.

(g) The corporation may not retain a lobbyist to represent it before the legislative branch or executive branch. However, full-time employees of the corporation may register as lobbyists and represent the corporation before the legislative branch or executive branch.

(h)1. The Office of the Internal Auditor is established within the corporation to provide a central point for coordination of and responsibility for activities that promote accountability, integrity, and efficiency to the policyholders and to the taxpayers of this state. The internal auditor shall be appointed by the board of governors, shall report to and be under the general supervision of the board of governors, and is not subject to supervision by any employee of the corporation. Administrative staff and support shall be provided by the corporation. The internal auditor shall be appointed without regard to political affiliation. It is the duty and responsibility of the internal auditor to:

a. Provide direction for, supervise, conduct, and coordinate audits, investigations, and management reviews relating to the programs and operations of the corporation.

b. Conduct, supervise, or coordinate other activities carried out or financed by the corporation for the purpose of promoting efficiency in the administration of, or preventing and detecting fraud, abuse, and mismanagement in, its programs and operations.

c. Submit final audit reports, reviews, or investigative reports to the board of governors, the executive director, the members of the Financial Services Commission, and the President of the Senate and the Speaker of the House of Representatives.

d. Keep the board of governors informed concerning fraud, abuses, and internal control deficiencies relating to programs and operations administered or financed by the corporation, recommend corrective action, and report on the progress made in implementing corrective action.

e. Report expeditiously to the Department of Law Enforcement or other law enforcement agencies, as appropriate, whenever the internal auditor has reasonable grounds to believe there has been a violation of criminal law.

2. On or before February 15, the internal auditor shall prepare an annual report evaluating the effectiveness of the internal controls of the corporation and providing recommendations for corrective action, if necessary, and summarizing the audits, reviews, and investigations conducted by the office during the preceding fiscal year. The final report shall be furnished to the board of governors and the executive director, the President of the Senate, the Speaker of the House of Representatives, and the Financial Services Commission.

(i) All records of the corporation, except as otherwise provided by law, are subject to the record retention requirements of s. 119.021.

(j)1. The corporation shall establish and maintain a unit or division to investigate possible fraudulent claims by insureds or by persons making claims for services or repairs against policies held by insureds; or it may contract with others to investigate possible fraudulent claims for services or repairs against policies held by the corporation pursuant to s. 626.9891. The corporation must comply with reporting requirements of s. 626.9891. An employee of the corporation shall notify the Division of Insurance Fraud within 48 hours after having information that would lead a reasonable person to suspect that fraud may have been committed by any employee of the corporation.

2. The corporation shall establish a unit or division responsible for receiving and responding to consumer complaints, which unit or division is the sole responsibility of a senior manager of the corporation.

(k) The office shall conduct a comprehensive market conduct examination of the corporation every 2 years to determine compliance with its plan of operation and internal operations procedures. The first market conduct examination report shall be submitted to the President of the Senate and the Speaker of the House of Representatives no later than February 1, 2009. Subsequent reports shall be submitted on or before February 1 every 2 years thereafter.

(l) The Auditor General shall conduct an operational audit of the corporations every 3 years to evaluate management's performance in administering laws, policies, and procedures governing the operations of the corporation in an efficient and effective manner. The scope of the review shall include, but is not limited to, evaluating claims handling, customer service, take-out programs and bonuses, financing arrangements, procurement of goods and services, internal controls, and the internal audit function. The initial audit must be completed by February 1, 2009.

(m)~~(d)~~1. ~~It is the intent of the Legislature that the~~ Rates for coverage provided by the corporation *shall* 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. *If the filing under this subparagraph is made at least 90 days before the proposed effective date and the filing is not implemented during the office's review of the filing and any proceeding and judicial review, such filing shall be considered a file and use filing. In such case, the office shall finalize its review by issuance of a notice of intent to approve or a notice of intent to disapprove within 90 days after receipt of the filing. The notice of intent to approve and the notice of intent to disapprove constitute agency action for purposes of the Administrative Procedure Act. Requests for supporting information, requests for mathematical or mechanical corrections, or notification to the insurer by the office of its preliminary findings shall not toll the 90-day period during any such proceedings and subsequent judicial review. The rate shall be deemed approved if the office does not issue a notice of intent to approve or a notice of intent to disapprove within 90 days after receipt of the filing.* Corporation rate manuals shall include a rate surcharge for seasonal occupancy. To ensure that personal lines residential wind-only rates 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 rate filing made by the corporation with the office. If the office 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.

4.a. For policies issued or renewed on or after January 1, 2007, rates for coverage provided by the corporation for nonhomestead property shall include a 25-percent surcharge.

b. For policies issued or renewed on or after January 1, 2007, rates for coverage provided by the corporation in the high-risk account shall include a 25-percent surcharge for a personal lines residential structure with a dwelling replacement cost of $1 million or more or for a single condominium unit with a combined dwelling and content replacement cost of $1 million or more.

5. The requirements of paragraph (m) that rates not be competitive with approved rates charged by authorized insurers do not apply in a county or area for which the office determines that no authorized insurer

is offering coverage. The corporation shall amend its rates or rating factors for the affected county or area in conjunction with its next rate filing after such determination is made.

6.~~4.~~ For the purposes of establishing a pilot program to evaluate issues relating to the availability and affordability of insurance in an area where historically there has been little market competition, the provisions of subparagraph 2. do not apply to coverage provided by the corporation in Monroe County if 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 Monroe County if 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 this county, 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 in Monroe County. By March 1, 2006, the office shall submit a report to the Legislature providing an evaluation of the implementation of the pilot program affecting Monroe County.

7.~~5.~~ 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.

8.~~6.~~ Nothing in this paragraph shall require or allow the corporation to adopt a rate that is inadequate under s. 627.062.

9.~~7.~~ The corporation shall certify to the office at least twice annually that its personal lines rates comply with the requirements of 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 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.

10.~~8.~~ 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.

~~9.a. To assist the corporation in developing additional ratemaking methods to assure compliance with 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.~~10.~~ ~~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 and providing other information the corporation deems necessary to assist consumers in finding other voluntary admitted insurers willing to insure their property.

12. After the public hurricane loss-projection model under s. 627.06281 has been found to be accurate and reliable by the Florida Commission on Hurricane Loss Projection Methodology, that model shall serve as the minimum benchmark for determining the windstorm portion of the corporation's rates. This subparagraph does not require or allow the corporation to adopt rates lower than the rates otherwise required or allowed by this paragraph.

(n)~~(e)~~ If coverage in an account is deactivated pursuant to paragraph (f), coverage through the corporation shall be reactivated by order of the office only under one of the following circumstances:

1. If the market assistance plan receives a minimum of 100 applications for coverage within a 3-month period, or 200 applications for coverage within a 1-year period or less for residential coverage, unless the market assistance plan provides a quotation from admitted carriers at their filed rates for at least 90 percent of such applicants. Any market assistance plan application that is rejected because an individual risk is so hazardous as to be uninsurable using the criteria specified in subparagraph (c)8. shall not be included in the minimum percentage calculation provided herein. In the event that there is a legal or administrative challenge to a determination by the office that the conditions of this subparagraph have been met for eligibility for coverage in the corporation, any eligible risk may obtain coverage during the pendency of such challenge.

2. In response to a state of emergency declared by the Governor under s. 252.36, the office may activate coverage by order for the period of the emergency upon a finding by the office that the emergency significantly affects the availability of residential property insurance.

(o)~~(f)~~1. The corporation shall file with the office quarterly statements of financial condition, an annual statement of financial condition, and audited financial statements in the manner prescribed by law. In addition, the corporation shall report to the office monthly on the types, premium, exposure, and distribution by county of its policies in force, and shall submit other reports as the office requires to carry out its oversight of the corporation.

2. The activities of the corporation shall be reviewed at least annually by the office to determine whether coverage shall be deactivated in an account on the basis that the conditions giving rise to its activation no longer exist.

(p)~~(g)~~1. The corporation shall certify to the office its needs for annual assessments as to a particular calendar year, and for any interim assessments that it deems to be necessary to sustain operations as to a particular year pending the receipt of annual assessments. Upon verification, the office shall approve such certification, and the corporation shall levy such annual or interim assessments. Such assessments shall be prorated as provided in paragraph (b). The corporation shall take all reasonable and prudent steps necessary to collect the amount of assessment due from each assessable insurer, including, if prudent, filing suit to collect such assessment. If the corporation is unable to collect an assessment from any assessable insurer, the uncollected assessments shall be levied as an additional assessment against the assessable insurers and

any assessable insurer required to pay an additional assessment as a result of such failure to pay shall have a cause of action against such nonpaying assessable insurer. Assessments shall be included as an appropriate factor in the making of rates. The failure of a surplus lines agent to collect and remit any regular or emergency assessment levied by the corporation is considered to be a violation of s. 626.936 and subjects the surplus lines agent to the penalties provided in that section.

2. The governing body of any unit of local government, any residents of which are insured by the corporation, may issue bonds as defined in s. 125.013 or s. 166.101 from time to time to fund an assistance program, in conjunction with the corporation, for the purpose of defraying deficits of the corporation. In order to avoid needless and indiscriminate proliferation, duplication, and fragmentation of such assistance programs, any unit of local government, any residents of which are insured by the corporation, may provide for the payment of losses, regardless of whether or not the losses occurred within or outside of the territorial jurisdiction of the local government. Revenue bonds under this subparagraph may not be issued until validated pursuant to chapter 75, unless a state of emergency is declared by executive order or proclamation of the Governor pursuant to s. 252.36 making such findings as are necessary to determine that it is in the best interests of, and necessary for, the protection of the public health, safety, and general welfare of residents of this state and declaring it an essential public purpose to permit certain municipalities or counties to issue such bonds as will permit relief to claimants and policyholders of the corporation. Any such unit of local government may enter into such contracts with the corporation and with any other entity created pursuant to this subsection as are necessary to carry out this paragraph. Any bonds issued under this subparagraph shall be payable from and secured by moneys received by the corporation from emergency assessments under sub-subparagraph (b)3.d., and assigned and pledged to or on behalf of the unit of local government for the benefit of the holders of such bonds. The funds, credit, property, and taxing power of the state or of the unit of local government shall not be pledged for the payment of such bonds. If any of the bonds remain unsold 60 days after issuance, the office shall require all insurers subject to assessment to purchase the bonds, which shall be treated as admitted assets; each insurer shall be required to purchase that percentage of the unsold portion of the bond issue that equals the insurer's relative share of assessment liability under this subsection. An insurer shall not be required to purchase the bonds to the extent that the office determines that the purchase would endanger or impair the solvency of the insurer.

3.a. The corporation shall adopt one or more programs subject to approval by the office for the reduction of both new and renewal writings in the corporation. *Beginning January 1, 2008, any program the corporation adopts for the payment of bonuses to an insurer for each risk the insurer removes from the corporation shall comply with s. 627.3511(2) and may not exceed the amount referenced in s. 627.3511(2) for each risk removed.* The corporation may consider any prudent and not unfairly discriminatory approach to reducing corporation writings, and may adopt a credit against assessment liability or other liability that provides an incentive for insurers to take risks out of the corporation and to keep risks out of the corporation by maintaining or increasing voluntary writings in counties or areas in which corporation risks are highly concentrated and a program to provide a formula under which an insurer voluntarily taking risks out of the corporation by maintaining or increasing voluntary writings will be relieved wholly or partially from assessments under sub-subparagraphs (b)3.a. and b. *However, any "take-out bonus" or payment to an insurer must be conditioned on the property being insured for at least 5 years by the insurer, unless canceled or nonrenewed by the policyholder. If the policy is canceled or nonrenewed by the policyholder before the end of the 5-year period, the amount of the take-out bonus must be prorated for the time period the policy was insured.* 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 such policy, and the insurer shall either:

(I) Pay to the producing agent of record of the policy, for the first year, an amount which is the greater of the insurer's usual and customary commission for the type of policy written or a policy fee equal to the usual and customary commission of the corporation; or

(II) 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 insurer's usual and customary commission for the type of policy written. If the producing agent is unwilling or unable to accept appointment by the new insurer, the new insurer shall pay the agent in accordance with sub-sub-subparagraph (I).

b. Any credit or exemption from regular assessments adopted under this subparagraph shall last no longer than the 3 years following the cancellation or expiration of the policy by the corporation. With the approval of the office, the board may extend such credits for an additional year if the insurer guarantees an additional year of renewability for all policies removed from the corporation, or for 2 additional years if the insurer guarantees 2 additional years of renewability for all policies so removed.

c. There shall be no credit, limitation, exemption, or deferment from emergency assessments to be collected from policyholders pursuant to sub-subparagraph (b)3.d.

4. The plan shall provide for the deferment, in whole or in part, of the assessment of an assessable insurer, other than an emergency assessment collected from policyholders pursuant to sub-subparagraph (b)3.d., if the office finds that payment of the assessment would endanger or impair the solvency of the insurer. In the event an assessment against an assessable insurer is deferred in whole or in part, the amount by which such assessment is deferred may be assessed against the other assessable insurers in a manner consistent with the basis for assessments set forth in paragraph (b).

5. Effective July 1, 2007, in order to evaluate the costs and benefits of approved take-out plans, if the corporation pays a bonus or other payment to an insurer for an approved take-out plan, it shall maintain a record of the address or such other identifying information on the property or risk removed in order to track if and when the property or risk is later insured by the corporation.

(q)~~(h)~~ Nothing in this subsection shall be construed to preclude the issuance of residential property insurance coverage pursuant to part VIII of chapter 626.

(r)~~(i)~~ There shall be no liability on the part of, and no cause of action of any nature shall arise against, any assessable insurer or its agents or employees, the corporation or its agents or employees, members of the board of governors or their respective designees at a board meeting, corporation committee members, or the office or its representatives, for any action taken by them in the performance of their duties or responsibilities under this subsection. Such immunity does not apply to:

1. Any of the foregoing persons or entities for any willful tort;

2. The corporation or its producing agents for breach of any contract or agreement pertaining to insurance coverage;

3. The corporation with respect to issuance or payment of debt; or

4. Any assessable insurer with respect to any action to enforce an assessable insurer's obligations to the corporation under this subsection.

(s)~~(j)~~ For the purposes of s. 199.183(1), the corporation shall be considered a political subdivision of the state and shall be exempt from the corporate income tax. The premiums, assessments, investment income, and other revenue of the corporation are funds received for providing property insurance coverage as required by this subsection, paying claims for Florida citizens insured by the corporation, securing and repaying debt obligations issued by the corporation, and conducting all other activities of the corporation, and shall not be considered taxes, fees, licenses, or charges for services imposed by the Legislature on individuals, businesses, or agencies outside state government. Bonds and other debt obligations issued by or on behalf of the corporation are not to be considered "state bonds" within the meaning of s. 215.58(8). The corporation is not subject to the procurement provisions of chapter 287, and policies and decisions of the corporation relating to incurring debt, levying of assessments and the sale, issuance, continuation, terms and claims under corporation policies, and all services relating thereto, are not subject to the provisions of chapter 120. The corporation is not

required to obtain or to hold a certificate of authority issued by the office, nor is it required to participate as a member insurer of the Florida Insurance Guaranty Association. However, the corporation is required to pay, in the same manner as an authorized insurer, assessments pledged by the Florida Insurance Guaranty Association to secure bonds issued or other indebtedness incurred to pay covered claims arising from insurer insolvencies caused by, or proximately related to, hurricane losses. It is the intent of the Legislature that the tax exemptions provided in this paragraph will augment the financial resources of the corporation to better enable the corporation to fulfill its public purposes. Any *debt obligations* ~~bonds~~ issued by the corporation, their transfer, and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation of every kind by the state and any political subdivision or local unit or other instrumentality thereof; however, this exemption does not apply to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations other than the corporation.

(t)~~(k)~~ Upon a determination by the office that the conditions giving rise to the establishment and activation of the corporation no longer exist, the corporation is dissolved. Upon dissolution, the assets of the corporation shall be applied first to pay all debts, liabilities, and obligations of the corporation, including the establishment of reasonable reserves for any contingent liabilities or obligations, and all remaining assets of the corporation shall become property of the state and shall be deposited in the Florida Hurricane Catastrophe Fund. However, no dissolution shall take effect as long as the corporation has bonds or other financial obligations outstanding unless adequate provision has been made for the payment of the bonds or other financial obligations pursuant to the documents authorizing the issuance of the bonds or other financial obligations.

(u)~~(l)~~1. Effective July 1, 2002, policies of the Residential Property and Casualty Joint Underwriting Association shall become policies of the corporation. All obligations, rights, assets and liabilities of the Residential Property and Casualty Joint Underwriting Association, including bonds, note and debt obligations, and the financing documents pertaining to them become those of the corporation as of July 1, 2002. The corporation is not required to issue endorsements or certificates of assumption to insureds during the remaining term of in-force transferred policies.

2. Effective July 1, 2002, policies of the Florida Windstorm Underwriting Association are transferred to the corporation and shall become policies of the corporation. All obligations, rights, assets, and liabilities of the Florida Windstorm Underwriting Association, including bonds, note and debt obligations, and the financing documents pertaining to them are transferred to and assumed by the corporation on July 1, 2002. The corporation is not required to issue endorsement or certificates of assumption to insureds during the remaining term of in-force transferred policies.

3. The Florida Windstorm Underwriting Association and the Residential Property and Casualty Joint Underwriting Association shall take all actions as may be proper to further evidence the transfers and shall provide the documents and instruments of further assurance as may reasonably be requested by the corporation for that purpose. The corporation shall execute assumptions and instruments as the trustees or other parties to the financing documents of the Florida Windstorm Underwriting Association or the Residential Property and Casualty Joint Underwriting Association may reasonably request to further evidence the transfers and assumptions, which transfers and assumptions, however, are effective on the date provided under this paragraph whether or not, and regardless of the date on which, the assumptions or instruments are executed by the corporation. Subject to the relevant financing documents pertaining to their outstanding bonds, notes, indebtedness, or other financing obligations, the moneys, investments, receivables, choses in action, and other intangibles of the Florida Windstorm Underwriting Association shall be credited to the high-risk account of the corporation, and those of the personal lines residential coverage account and the commercial lines residential coverage account of the Residential Property and Casualty Joint Underwriting Association shall be credited to the personal lines account and the commercial lines account, respectively, of the corporation.

4. Effective July 1, 2002, a new applicant for property insurance coverage who would otherwise have been eligible for coverage in the Florida Windstorm Underwriting Association is eligible for coverage from the corporation as provided in this subsection.

5. The transfer of all policies, obligations, rights, assets, and liabilities from the Florida Windstorm Underwriting Association to the corporation and the renaming of the Residential Property and Casualty Joint Underwriting Association as the corporation shall in no way affect the coverage with respect to covered policies as defined in s. 215.555(2)(c) provided to these entities by the Florida Hurricane Catastrophe Fund. The coverage provided by the Florida Hurricane Catastrophe Fund to the Florida Windstorm Underwriting Association based on its exposures as of June 30, 2002, and each June 30 thereafter shall be redesignated as coverage for the high-risk account of the corporation. Notwithstanding any other provision of law, the coverage provided by the Florida Hurricane Catastrophe Fund to the Residential Property and Casualty Joint Underwriting Association based on its exposures as of June 30, 2002, and each June 30 thereafter shall be transferred to the personal lines account and the commercial lines account of the corporation. Notwithstanding any other provision of law, the high-risk account shall be treated, for all Florida Hurricane Catastrophe Fund purposes, as if it were a separate participating insurer with its own exposures, reimbursement premium, and loss reimbursement. Likewise, the personal lines and commercial lines accounts shall be viewed together, for all Florida Hurricane Catastrophe Fund purposes, as if the two accounts were one and represent a single, separate participating insurer with its own exposures, reimbursement premium, and loss reimbursement. The coverage provided by the Florida Hurricane Catastrophe Fund to the corporation shall constitute and operate as a full transfer of coverage from the Florida Windstorm Underwriting Association and Residential Property and Casualty Joint Underwriting to the corporation.

(v)~~(m)~~ Notwithstanding any other provision of law:

1. The pledge or sale of, the lien upon, and the security interest in any rights, revenues, or other assets of the corporation created or purported to be created pursuant to any financing documents to secure any bonds or other indebtedness of the corporation shall be and remain valid and enforceable, notwithstanding the commencement of and during the continuation of, and after, any rehabilitation, insolvency, liquidation, bankruptcy, receivership, conservatorship, reorganization, or similar proceeding against the corporation under the laws of this state.

2. No such proceeding shall relieve the corporation of its obligation, or otherwise affect its ability to perform its obligation, to continue to collect, or levy and collect, assessments, market equalization or other surcharges under subparagraph (c)10., or any other rights, revenues, or other assets of the corporation pledged pursuant to any financing documents.

3. Each such pledge or sale of, lien upon, and security interest in, including the priority of such pledge, lien, or security interest, any such assessments, market equalization or other surcharges, or other rights, revenues, or other assets which are collected, or levied and collected, after the commencement of and during the pendency of, or after, any such proceeding shall continue unaffected by such proceeding. As used in this subsection, the term "financing documents" means any agreement or agreements, instrument or instruments, or other document or documents now existing or hereafter created evidencing any bonds or other indebtedness of the corporation or pursuant to which any such bonds or other indebtedness has been or may be issued and pursuant to which any rights, revenues, or other assets of the corporation are pledged or sold to secure the repayment of such bonds or indebtedness, together with the payment of interest on such bonds or such indebtedness, or the payment of any other obligation or financial product, as defined in the plan of operation of the corporation related to such bonds or indebtedness.

4. Any such pledge or sale of assessments, revenues, contract rights, or other rights or assets of the corporation shall constitute a lien and security interest, or sale, as the case may be, that is immediately effective and attaches to such assessments, revenues, or contract rights or other rights or assets, whether or not imposed or collected at the time the pledge or sale is made. Any such pledge or sale is effective, valid,

binding, and enforceable against the corporation or other entity making such pledge or sale, and valid and binding against and superior to any competing claims or obligations owed to any other person or entity, including policyholders in this state, asserting rights in any such assessments, revenues, or contract rights or other rights or assets to the extent set forth in and in accordance with the terms of the pledge or sale contained in the applicable financing documents, whether or not any such person or entity has notice of such pledge or sale and without the need for any physical delivery, recordation, filing, or other action.

5. As long as the corporation has any bonds outstanding, the corporation may not file a voluntary petition under chapter 9 of the federal Bankruptcy Code or such corresponding chapter or sections as may be in effect, from time to time, and a public officer or any organization, entity, or other person may not authorize the corporation to be or become a debtor under chapter 9 of the federal Bankruptcy Code or such corresponding chapter or sections as may be in effect, from time to time, during any such period.

6. If ordered by a court of competent jurisdiction, the corporation may assume policies or otherwise provide coverage for policyholders of an insurer placed in liquidation under chapter 631, under such forms, rates, terms, and conditions as the corporation deems appropriate, subject to approval by the office.

(w)~~(n)~~1. The following records of the corporation are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

a. Underwriting files, except that a policyholder or an applicant shall have access to his or her own underwriting files.

b. Claims files, until termination of all litigation and settlement of all claims arising out of the same incident, although portions of the claims files may remain exempt, as otherwise provided by law. Confidential and exempt claims file records may be released to other governmental agencies upon written request and demonstration of need; such records held by the receiving agency remain confidential and exempt as provided for herein.

c. Records obtained or generated by an internal auditor pursuant to a routine audit, until the audit is completed, or if the audit is conducted as part of an investigation, until the investigation is closed or ceases to be active. An investigation is considered "active" while the investigation is being conducted with a reasonable, good faith belief that it could lead to the filing of administrative, civil, or criminal proceedings.

d. Matters reasonably encompassed in privileged attorney-client communications.

e. Proprietary information licensed to the corporation under contract and the contract provides for the confidentiality of such proprietary information.

f. All information relating to the medical condition or medical status of a corporation employee which is not relevant to the employee's capacity to perform his or her duties, except as otherwise provided in this paragraph. Information which is exempt shall include, but is not limited to, information relating to workers' compensation, insurance benefits, and retirement or disability benefits.

g. Upon an employee's entrance into the employee assistance program, a program to assist any employee who has a behavioral or medical disorder, substance abuse problem, or emotional difficulty which affects the employee's job performance, all records relative to that participation shall be confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except as otherwise provided in s. 112.0455(11).

h. Information relating to negotiations for financing, reinsurance, depopulation, or contractual services, until the conclusion of the negotiations.

i. Minutes of closed meetings regarding underwriting files, and minutes of closed meetings regarding an open claims file until termination of all litigation and settlement of all claims with regard to that claim, except that information otherwise confidential or exempt by law will be redacted.

When an authorized insurer is considering underwriting a risk insured by the corporation, relevant underwriting files and confidential claims files may be released to the insurer provided the insurer agrees in writing, notarized and under oath, to maintain the confidentiality of such files. When a file is transferred to an insurer that file is no longer a public record because it is not held by an agency subject to the provisions of the public records law. Underwriting files and confidential claims files may also be released to staff of and the board of governors of the market assistance plan established pursuant to s. 627.3515, who must retain the confidentiality of such files, except such files may be released to authorized insurers that are considering assuming the risks to which the files apply, provided the insurer agrees in writing, notarized and under oath, to maintain the confidentiality of such files. Finally, the corporation or the board or staff of the market assistance plan may make the following information obtained from underwriting files and confidential claims files available to licensed general lines insurance agents: name, address, and telephone number of the residential property owner or insured; location of the risk; rating information; loss history; and policy type. The receiving licensed general lines insurance agent must retain the confidentiality of the information received.

2. Portions of meetings of the corporation are exempt from the provisions of s. 286.011 and s. 24(b), Art. I of the State Constitution wherein confidential underwriting files or confidential open claims files are discussed. All portions of corporation meetings which are closed to the public shall be recorded by a court reporter. The court reporter shall record the times of commencement and termination of the meeting, all discussion and proceedings, the names of all persons present at any time, and the names of all persons speaking. No portion of any closed meeting shall be off the record. Subject to the provisions hereof and s. 119.07(1)(b)-(d), the court reporter's notes of any closed meeting shall be retained by the corporation for a minimum of 5 years. A copy of the transcript, less any exempt matters, of any closed meeting wherein claims are discussed shall become public as to individual claims after settlement of the claim.

(x)~~(o)~~ It is the intent of the Legislature that the amendments to this subsection enacted in 2002 should, over time, reduce the probable maximum windstorm losses in the residual markets and should reduce the potential assessments to be levied on property insurers and policyholders statewide. In furtherance of this intent:

1. The board shall, on or before February 1 of each year, provide a report to the President of the Senate and the Speaker of the House of Representatives showing the reduction or increase in the 100-year probable maximum loss attributable to wind-only coverages and the quota share program under this subsection combined, as compared to the benchmark 100-year probable maximum loss of the Florida Windstorm Underwriting Association. For purposes of this paragraph, the benchmark 100-year probable maximum loss of the Florida Windstorm Underwriting Association shall be the calculation dated February 2001 and based on November 30, 2000, exposures. In order to ensure comparability of data, the board shall use the same methods for calculating its probable maximum loss as were used to calculate the benchmark probable maximum loss.

2. Beginning February 1, *2010* ~~2007~~, if the report under subparagraph 1. for any year indicates that the 100-year probable maximum loss attributable to wind-only coverages and the quota share program combined does not reflect a reduction of at least 25 percent from the benchmark, the board shall reduce the boundaries of the high-risk area eligible for wind-only coverages under this subsection in a manner calculated to reduce such probable maximum loss to an amount at least 25 percent below the benchmark.

3. Beginning February 1, *2015* ~~2012~~, if the report under subparagraph 1. for any year indicates that the 100-year probable maximum loss attributable to wind-only coverages and the quota share program combined does not reflect a reduction of at least 50 percent from the benchmark, the boundaries of the high-risk area eligible for wind-only coverages under this subsection shall be reduced by the elimination of any area that is not seaward of a line 1,000 feet inland from the Intracoastal Waterway.

(y)~~(p)~~ In enacting the provisions of this section, the Legislature recognizes that both the Florida Windstorm Underwriting Association and the Residential Property and Casualty Joint Underwriting Association have entered into financing arrangements that obligate each entity to service its debts and maintain the capacity to repay funds secured under these financing arrangements. It is the intent of the Legislature that nothing in this section be construed to compromise, diminish, or interfere with the rights of creditors under such financing arrangements. It is further the intent of the Legislature to preserve the obligations of the Florida Windstorm Underwriting Association and Residential Property and Casualty Joint Underwriting Association with regard to outstanding financing arrangements, with such obligations passing entirely and unchanged to the corporation and, specifically, to the applicable account of the corporation. So long as any bonds, notes, indebtedness, or other financing obligations of the Florida Windstorm Underwriting Association or the Residential Property and Casualty Joint Underwriting Association are outstanding, under the terms of the financing documents pertaining to them, the governing board of the corporation shall have and shall exercise the authority to levy, charge, collect, and receive all premiums, assessments, surcharges, charges, revenues, and receipts that the associations had authority to levy, charge, collect, or receive under the provisions of subsection (2) and this subsection, respectively, as they existed on January 1, 2002, to provide moneys, without exercise of the authority provided by this subsection, in at least the amounts, and by the times, as would be provided under those former provisions of subsection (2) or this subsection, respectively, so that the value, amount, and collectability of any assets, revenues, or revenue source pledged or committed to, or any lien thereon securing such outstanding bonds, notes, indebtedness, or other financing obligations will not be diminished, impaired, or adversely affected by the amendments made by this act and to permit compliance with all provisions of financing documents pertaining to such bonds, notes, indebtedness, or other financing obligations, or the security or credit enhancement for them, and any reference in this subsection to bonds, notes, indebtedness, financing obligations, or similar obligations, of the corporation shall include like instruments or contracts of the Florida Windstorm Underwriting Association and the Residential Property and Casualty Joint Underwriting Association to the extent not inconsistent with the provisions of the financing documents pertaining to them.

(z)~~(q)~~ The corporation shall not require the securing of flood insurance as a condition of coverage if the insured or applicant 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 electing not to secure flood insurance and 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 to an applicant or insured who refuses to execute the form described herein.

(aa)~~(r)~~ A salaried employee of the corporation who performs policy administration services subsequent to the effectuation of a corporation policy is not required to be licensed as an agent under the provisions of s. 626.112.

(bb) By February 1, 2007, the corporation shall 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. In preparing the report, the corporation shall consult with the Office of Insurance Regulation, the Department of Financial Services, and any other party the corporation determines appropriate. The report must include all findings and recommendations on the feasibility of requiring authorized insurers that issue and service personal and commercial residential policies and commercial nonresidential policies that provide coverage for basic property perils except for the peril of wind to issue and service for a fee personal and commercial residential policies and commercial nonresidential policies providing coverage for the peril of wind issued by the corporation. The report must include:

1. The expense savings to the corporation of issuing and servicing such policies as determined by a cost-benefit analysis.

2. The expenses and liability to authorized insurers associated with issuing and servicing such policies.

3. The effect on service to policyholders of the corporation relating to issuing and servicing such policies.

4. The effect on the producing agent of the corporation of issuing and servicing such policies.

5. Recommendations as to the amount of the fee which should be paid to authorized insurers for issuing and servicing such policies.

6. The effect that issuing and servicing such policies will have on the corporation's number of policies, total insured value, and probable maximum loss.

(cc) There shall be no liability on the part of, and no cause of action of any nature shall arise against, producing agents of record of the corporation or employees of such agents for insolvency of any take-out insurer.

Section 12. *The amendments made by this act to s. 627.351(6), Florida Statutes, which change the method for calculating and determining the assessments and surcharges that must be levied or collected to fund deficits in Citizens Property Insurance Corporation apply to a deficit incurred by the corporation for calendar year 2006 and thereafter.*

Section 13. Effective July 1, 2006, paragraph (a) of subsection (5) of section 627.3511, Florida Statutes, is amended to read:

627.3511 Depopulation of Citizens Property Insurance Corporation.—

(5) APPLICABILITY.—

(a) The take-out bonus provided by subsection (2) and the exemption from assessment provided by paragraph (3)(a) apply only if the corporation policy is replaced by 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; however, with respect to risks located in areas where coverage through the high-risk account of the corporation is available, the replacement policy need not provide wind coverage. The insurer must renew the replacement policy at approved rates on substantially similar terms for *four* ~~two~~ additional 1-year terms, unless canceled *or not renewed* by the *policyholder* ~~insurer for a lawful reason other than reduction of hurricane exposure~~. If an insurer assumes the corporation's obligations for a policy, it must issue a replacement policy for a 1-year term upon expiration of the corporation policy and must renew the replacement policy at approved rates on substantially similar terms for *four* ~~two~~ additional 1-year terms, unless canceled *or not renewed* by the *policyholder* ~~insurer for a lawful reason other than reduction of hurricane exposure~~. For each replacement policy canceled or nonrenewed by the insurer for any reason during the *5-year* ~~3-year~~ coverage period required by this paragraph, the insurer must remove from the corporation one additional policy covering a risk similar to the risk covered by the canceled or nonrenewed policy. In addition to these requirements, the corporation must place the bonus moneys in escrow for a period of *5* ~~3~~ years; such moneys may be released from escrow only to pay claims. *If the policy is canceled or nonrenewed before the end of the 5-year period, the amount of the take-out bonus must be prorated for the time period the policy was insured.* A take-out bonus provided by subsection (2) or subsection (6) shall not be considered premium income for purposes of taxes and assessments under the Florida Insurance Code and shall remain the property of the corporation, subject to the prior security interest of the insurer under the escrow agreement until it is released from escrow, and after it is released from escrow it shall be considered an asset of the insurer and credited to the insurer's capital and surplus.

Section 14. Subsection (1) of section 627.3512, Florida Statutes, is amended to read:

627.3512 Recoupment of residual market deficit assessments.—

(1) An insurer or insurer group may recoup any assessments that have been paid during or after 1995 by the insurer or insurer group to defray deficits of an insurance risk apportionment plan or assigned risk plan under ss. 627.311 and 627.351, net of any earnings returned to the insurer or insurer group by the association or plan for any year after 1993. *A limited apportionment company as defined in s. 627.351(6)(c) may recoup amy regular assessment that has been levied by, or paid to, Citizens Property Insurance Corporation.* The recoupment shall be made by applying a separate assessment factor on policies of the same line or type as were considered by the residual markets in determining the assessment liability of the insurer or insurer group. An insurer or insurer group shall calculate a separate assessment factor for personal lines and commercial lines. The separate assessment factor shall provide for full recoupment of the assessments over a period of 1 year, unless the insurer or insurer group, at its option, elects to recoup the assessments over a longer period. The assessment factor expires upon collection of the full amount allowed to be recouped. Amounts recouped under this section are not subject to premium taxes, fees, or commissions.

Section 15. Effective July 1, 2006, section 627.3517, Florida Statutes, is amended to read:

627.3517 Consumer choice.—

(1) Except as provided in subsection (2), no provision of s. 627.351, s. 627.3511, or s. 627.3515 shall be construed to impair the right of any insurance risk apportionment plan policyholder, upon receipt of any keepout or take-out offer, to retain his or her current agent, so long as that agent is duly licensed and appointed by the insurance risk apportionment plan or otherwise authorized to place business with the insurance risk apportionment plan. This right shall not be canceled, suspended, impeded, abridged, or otherwise compromised by any rule, plan of operation, or depopulation plan, whether through keepout, take-out, midterm assumption, or any other means, of any insurance risk apportionment plan or depopulation plan, including, but not limited to, those described in s. 627.351, s. 627.3511, or s. 627.3515. The commission shall adopt any rules necessary to cause any insurance risk apportionment plan or market assistance plan under such sections to demonstrate that the operations of the plan do not interfere with, promote, or allow interference with the rights created under this section. If the policyholder's current agent is unable or unwilling to be appointed with the insurer making the take-out or keepout offer, the policyholder shall not be disqualified from participation in the appropriate insurance risk apportionment plan because of an offer of coverage in the voluntary market. An offer of full property insurance coverage by the insurer currently insuring either the ex-wind or wind-only coverage on the policy to which the offer applies shall not be considered a take-out or keepout offer. Any rule, plan of operation, or plan of depopulation, through keepout, take-out, midterm assumption, or any other means, of any property insurance risk apportionment plan under s. 627.351(2) or (6) is subject to ss. 627.351(2)(b) and (6)(c) and 627.3511(4).

(2) This section does not apply during the first 10 days after a new application for coverage has been submitted to Citizens Property Insurance Corporation under s. 627.351(6), whether or not coverage is bound during this period.

Section 16. Section 627.3519, Florida Statutes, is created to read:

627.3519 Annual report of aggregate net probable maximum losses, financing options, and potential assessments.—No later than February 1 of each year, the Financial Services Commission shall provide to the Legislature a report of the aggregate net probable maximum losses, financing options, and potential assessments of the Florida Hurricane Catastrophe Fund and Citizens Property Insurance Corporation. The report must include the respective 50-year, 100-year, and 250-year probable maximum losses of the fund and the corporation; analysis of all reasonable financing strategies for each such probable maximum loss, including the amount and term of debt instruments; specification of the percentage assessments that would be needed to support each of the financing strategies; and calculations of the aggregate assessment burden on Florida property and casualty policyholders for each of the probable maximum losses. The commission shall require the fund and the corporation to provide the commission with such data and analysis as the commission considers necessary to prepare the report.

Section 17. Paragraph (b) of subsection (3) of section 627.4035, Florida Statutes, is amended to read:

627.4035 Cash payment of premiums; claims.—

(3) All payments of claims made in this state under any contract of insurance shall be paid:

(b) If authorized in writing by the recipient or the recipient's representative, by debit card or any other form of electronic transfer. Any fees or costs to be charged against the recipient must be disclosed in writing to the recipient or the recipient's representative at the time of written authorization. *However, the written authorization requirement may be waived by the recipient or the recipient's representative if the insurer verifies the identity of the insured or the insured's recipient and does not charge a fee for the transaction. If the funds are misdirected, the insurer remains liable for the payment of the claim.*

Section 18. Section 627.6121, Florida Statutes, is created to read:

627.6121 Payment of claims for dual interest property.—For policies issued or renewed on or after October 1, 2006, a property insurer shall transmit claims payments directly to the primary policyholder by check or other allowable payment method, payable to the primary policyholder only, without requiring a dual endorsement from any mortgageholder or lienholder, for the following:

(1) Amounts payable under the policy for personal property and contents, additional living expenses, and other covered items that are not subject to a recorded security interest that is noted in the dual interest provision of the policy.

(2) Amounts payable under the policy for the lesser of $20,000 or the first 20 percent of the insurer's estimate of the total projected covered claim amount, for the repair or replacement of property subject to a recorded security interest that is noted in the dual interest provision of the policy. The insurer shall provide written notice to the mortgageholder or lienholder of such payments made pursuant to this subsection.

Section 19. Subsection (2) of section 627.7011, Florida Statutes, is amended, and subsection (6) is added to that section, to read:

627.7011 Homeowners' policies; offer of replacement cost coverage and law and ordinance coverage.—

(2) Unless the insurer obtains the policyholder's written refusal of the policies or endorsements specified in subsection (1), any policy covering the dwelling is deemed to include the *law and ordinance* coverage *limited to 25 percent of the dwelling limit* ~~specified in paragraph (1)(b)~~. The rejection or selection of alternative coverage shall be made on a form approved by the office. The form shall fully advise the applicant of the nature of the coverage being rejected. If this form is signed by a named insured, it will be conclusively presumed that there was an informed, knowing rejection of the coverage or election of the alternative coverage on behalf of all insureds. Unless the policyholder requests in writing the coverage specified in this section, it need not be provided in or supplemental to any other policy that renews, insures, extends, changes, supersedes, or replaces an existing policy when the policyholder has rejected the coverage specified in this section or has selected alternative coverage. The insurer must provide such policyholder with notice of the availability of such coverage in a form approved by the office at least once every 3 years. The failure to provide such notice constitutes a violation of this code, but does not affect the coverage provided under the policy.

(6) This section does not prohibit an insurer from limiting its liability under a policy or endorsement providing that loss will be adjusted on the basis of replacement costs to the lesser of:

(a) The limit of liability shown on the policy declarations page;

(b) The reasonable and necessary cost to repair the damaged, destroyed, or stolen covered property; or

(c) The reasonable and necessary cost to replace the damaged, destroyed, or stolen covered property.

Section 20. Section 627.7019, Florida Statutes, is created to read:

627.7019 Standardization of requirements applicable to insurers after natural disasters.—

(1) The commission shall adopt by rule, pursuant to s. 120.54(1)-(3), standardized requirements that may be applied to insurers as a consequence of a hurricane or other natural disaster. The rules shall address the following areas:

(a) Claims reporting requirements.

(b) Grace periods for payment of premiums and performance of other duties by insureds.

(c) Temporary postponement of cancellations and nonrenewals.

(2) The rules adopted under this section shall require the office to issue an order within 72 hours after the occurrence of a hurricane or other natural disaster specifying, by line of insurance, which of the standardized requirements apply, the geographic areas in which they apply, the time at which applicability commences, and the time at which applicability terminates.

(3) Any emergency rule adopted under s. 120.54(4) which is in conflict with any provision of the rules adopted under this section must be by unanimous vote of the commission.

Section 21. Effective October 1, 2006, subsection (1) and paragraph (d) of subsection (2) of section 627.706, Florida Statutes, are amended to read:

627.706 Sinkhole insurance; definitions.—

(1) Every insurer authorized to transact property insurance in this state shall make available coverage for insurable sinkhole losses on any structure, including contents of personal property contained therein, to the extent provided in the form to which the sinkhole coverage attaches. *A policy for residential property insurance may include a deductible amount applicable to sinkhole losses equal to 1 percent, 2 percent, 5 percent, or 10 percent of the policy dwelling limits, with appropriate premium discounts offered with each deductible amount.*

(2) As used in ss. 627.706-627.7074, and as used in connection with any policy providing coverage for sinkhole losses:

(d) "*Professional* engineer" means a person, as defined in s. 471.005, who has a bachelor's degree or higher in engineering with a specialty in the geotechnical engineering field. *A professional* ~~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.

Section 22. Subsections (2), (3), (5), (6), and (9) of section 627.707, Florida Statutes, are amended to read:

627.707 Standards for investigation of sinkhole claims by insurers; nonrenewals.—Upon receipt of a claim for a sinkhole loss, an insurer must meet the following standards in investigating a claim:

(2) Following the insurer's initial inspection, the insurer shall engage *a professional* ~~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 *a professional* ~~an~~ engineer or a professional geologist to verify or eliminate sinkhole loss and to engage *a professional* ~~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 *a professional* ~~an~~ engineer or a professional geologist and the circumstances under which the policyholder may demand certain testing.

(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 *professional* 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. If repair *covered by a personal lines residential property insurance policy* has begun and the *professional* engineer selected or approved by the insurer determines that the repair cannot be completed within the policy limits, the insurer must either complete the *professional* engineer's recommended repair or tender the policy limits to the policyholder without a reduction for the repair expenses incurred.

(c) Upon the insurer's obtaining the written approval of the policyholder and any lienholder, the insurer may make payment directly to the persons selected by the policyholder to perform the land and building stabilization and foundation repairs. The decision by the insurer to make payment to such persons does not hold the insurer liable for the work performed.

(6) Except as provided in subsection (7), the fees and costs of the *professional* engineer or the professional geologist shall be paid by the insurer.

(9) The insurer may engage a *professional* structural engineer to make recommendations as to the repair of the structure.

Section 23. Section 627.7072, Florida Statutes, is amended to read:

627.7072 Testing standards for sinkholes.—

~~(1)~~ The *professional* 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 *professional* 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 24. Subsections (1) and (2) of section 627.7073, Florida Statutes, are amended to read:

627.7073 Sinkhole reports.—

(1) Upon completion of testing as provided in s. 627.7072, the *professional* engineer *or* ~~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, *a professional* ~~an~~ engineer *or* ~~and~~ a professional geologist *issues* ~~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 *professional* 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 *professional* engineer *or* ~~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 *professional* engineer *or* ~~and~~ professional geologist as to the *cause of distress to the property* ~~verification or elimination of a sinkhole loss~~ and the findings, opinions, and recommendations of the *professional* engineer as to land and building stabilization and foundation repair shall be presumed correct.

(2)*(a)* 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), *including the legal description of the real property and the name of the property owner,* with the county *clerk of court* ~~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 recording of the report and certification does not:*

1. Constitute a lien, encumbrance, or restriction on the title to the real property or constitute a defect in the title to the real property;

2. Create any cause of action or liability against any grantor of the real property for breach of any warranty of good title or warranty against encumbrances; or

3. Create any cause of action or liability against any title insurer that insures the title to the real property.

(b) The seller of real property upon which a sinkhole claim has been made *by the seller and paid by the insurer* 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.

Section 25. Effective October 1, 2006, section 627.7074, Florida Statutes, is created to read:

627.7074 Alternative procedure for resolution of disputed sinkhole insurance claims.—

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

(a) "Neutral evaluation" means the alternative dispute resolution provided for in this section.

(b) "Neutral evaluator" means a professional engineer or a professional geologist who has completed a course of study in alternative dispute resolution designed or approved by the department for use in the neutral evaluation process, who is determined to be fair and impartial.

(2)(a) The department shall certify and maintain a list of persons who are neutral evaluators.

(b) The department shall prepare a consumer information pamphlet for distribution by insurers to policyholders which clearly describes the neutral evaluation process and includes information and forms necessary for the policyholder to request a neutral evaluation.

(3) Following the receipt of the report provided under s. 627.7073 or the denial of a claim for a sinkhole loss, the insurer shall notify the policyholder of his or her right to participate in the neutral evaluation program under this section. Neutral evaluation supersedes the alternative dispute resolution process under s. 627.7015. The insurer shall provide to the policyholder the consumer information pamphlet prepared by the department pursuant to paragraph (2)(b).

(4) Neutral evaluation is optional and nonbinding. Either the policyholder or the insurer may decline to participate. A request for neutral evaluation may be filed with the department by the policyholder or the insurer on a form approved by the department. The request for neutral evaluation must state the reason for the request and must include an explanation of all the issues in dispute at the time of the request. Filing a request for neutral evaluation tolls the applicable time requirements for filing suit for a period of 60 days following the conclusion of the neutral evaluation process or the time prescribed in s. 95.11, whichever is later.

(5) Neutral evaluation shall be conducted as an informal process in which formal rules of evidence and procedure need not be observed. A party to neutral evaluation is not required to attend neutral evaluation if a representative of the party attends and has the authority to make a binding decision on behalf of the party. All parties shall participate in the evaluation in good faith.

(6) The insurer shall pay the costs associated with the neutral evaluation.

(7) Upon receipt of a request for neutral evaluation, the department shall provide the parties a list of certified neutral evaluators. The parties shall mutually select a neutral evaluator from the list and promptly inform the department. If the parties cannot agree to a neutral evaluator within 10 business days, the department shall appoint a neutral evaluator from the department list. Upon selection or appointment, the department shall promptly refer the request to the neutral evaluator. Within 5 business days after the referral, the neutral evaluator shall notify the policyholder and the insurer of the date, time, and place of the neutral evaluation conference. The conference may be held by telephone, if feasible and desirable. The neutral evaluation conference shall be held within 45 days after the receipt of the request by the department.

(8) The department shall adopt rules of procedure for the neutral evaluation process.

(9) For policyholders not represented by an attorney, a consumer affairs specialist of the department or an employee designated as the primary contact for consumers on issues relating to sinkholes under s. 20.121 shall be available for consultation to the extent that he or she may lawfully do so.

(10) Evidence of an offer to settle a claim during the neutral evaluation process, as well as any relevant conduct or statements made in negotiations concerning the offer to settle a claim, is inadmissible to prove liability or absence of liability for the claim or its value, except as provided in subsection (13).

(11) Any court proceeding related to the subject matter of the neutral evaluation shall be stayed pending completion of the neutral evaluation.

(12) For matters that are not resolved by the parties at the conclusion of the neutral evaluation, the neutral evaluator shall prepare a report stating that in his or her opinion the sinkhole loss has been verified or eliminated and, if verified, the need for and estimated costs of stabilizing the land and any covered structures or buildings and other appropriate remediation or structural repairs. The evaluator's report shall be sent to all parties in attendance at the neutral evaluation and to the department.

(13) The recommendation of the neutral evaluator is not binding on any party, and the parties retain access to courts. The neutral evaluator's

written recommendation is admissible in any subsequent action or proceeding relating to the claim or to the cause of action giving rise to the claim only for purposes of determining the award of attorney's fees.

(14) If the neutral evaluator first verifies the existence of a sinkhole and, second, recommends the need for and estimates costs of stabilizing the land and any covered structures or buildings and other appropriate remediation or structural repairs, which costs exceed the amount that the insurer has offered to pay the policyholder, the insurer is liable to the policyholder for up to $2,500 in attorney's fees for the attorney's participation in the neutral evaluation process. For purposes of this subsection, the term "offer to pay" means a written offer signed by the insurer or its legal representative and delivered to the policyholder within 10 days after the insurer receives notice that a request for neutral evaluation has been made under this section.

(15) If the policyholder declines to participate in neutral evaluation requested by the insurer or declines to resolve the matter in accordance with the recommendation of the neutral evaluator pursuant to this section, the insurer is not liable for attorney's fees under s. 627.428 or other provisions of the insurance code or for extra-contractual damages related to a claim for a sinkhole loss.

(16) A party may seek judicial review of the recommendation of the neutral evaluator to determine whether the recommendation is reasonable. A recommendation is reasonable unless: it was procured by corruption, fraud, or other undue means; there was evident partiality by the neutral evaluator or misconduct prejudicing the rights of any party; or the neutral evaluator exceeded the authority and power granted by this section. If the court declares the recommendation is not reasonable, the neutral evaluation recommendation shall be vacated.

Section 26. Subsection (5) of section 627.727, Florida Statutes, is amended to read:

627.727 Motor vehicle insurance; uninsured and underinsured vehicle coverage; insolvent insurer protection.—

(5) Any person having a claim against an insolvent insurer as defined in *s. 631.54(6)* ~~s. 631.54(5)~~ under the provisions of this section shall present such claim for payment to the Florida Insurance Guaranty Association only. In the event of a payment to any person in settlement of a claim arising under the provisions of this section, the association is not subrogated or entitled to any recovery against the claimant's insurer. The association, however, has the rights of recovery as set forth in chapter 631 in the proceeds recoverable from the assets of the insolvent insurer.

Section 27. Paragraph (f) is added to subsection (2) of section 631.181, Florida Statutes, to read:

631.181 Filing and proof of claim.—

(2)

(f) The signed statement required by this section shall not be required on claims for which adequate claims file documentation exists within the records of the insolvent insurer. Claims for payment of unearned premium shall not be required to use the signed statement required by this section if the receiver certifies to the guaranty fund that the records of the insolvent insurer are sufficient to determine the amount of unearned premium owed to each policyholder of the insurer and such information is remitted to the guaranty fund by the receiver in electronic or other mutually agreed-upon format.

Section 28. Subsection (3) of section 631.54, Florida Statutes, is amended, present subsections (5), (6), (7), and (8) of that section are renumbered as subsections (6), (7), (8), and (9), respectively, and a new subsection (5) is added to that section to read:

631.54 Definitions.—As used in this part:

(3) "Covered claim" means an unpaid claim, including one of unearned premiums, which arises out of, and is within the coverage, and not in excess of, the applicable limits of an insurance policy to which this part applies, issued by an insurer, if such insurer becomes an insolvent insurer and the claimant or insured is a resident of this state at the time of the insured event or the property from which the claim arises is permanently located in this state. *For entities other than individuals, the residence of a claimant, insured, or policyholder is the state in which the entity's principal place of business is located at the time of the insured event.* "Covered claim" shall not include:

(a) Any amount due any reinsurer, insurer, insurance pool, or underwriting association, sought directly or indirectly through a third party, as subrogation, contribution, indemnification, or otherwise; or

(b) Any claim that would otherwise be a covered claim under this part that has been rejected by any other state guaranty fund on the grounds that an insured's net worth is greater than that allowed under that state's guaranty law. Member insurers shall have no right of subrogation, contribution, indemnification, or otherwise, sought directly or indirectly through a third party, against the insured of any insolvent member.

(5) "Homeowner's insurance" means personal lines residential property insurance coverage that consists of the type of coverage provided under homeowner's, dwelling, and similar policies for repair or replacement of the insured structure and contents, which policies are written directly to the individual homeowner. Residential coverage for personal lines as set forth in this section includes policies that provide coverage for particular perils such as windstorm and hurricane coverage but excludes all coverage for mobile homes, renter's insurance, or tenant's coverage. The term "homeowner's insurance" excludes commercial residential policies covering condominium associations or homeowners' associations, which associations have a responsibility to provide insurance coverage on residential units within the association, and also excludes coverage for the common elements of a homeowners' association.

Section 29. Subsection (1) of section 631.55, Florida Statutes, is amended to read:

631.55 Creation of the association.—

(1) There is created a nonprofit corporation to be known as the "Florida Insurance Guaranty Association, Incorporated." All insurers defined as member insurers in *s. 631.54(7)* ~~s. 631.54(6)~~ shall be members of the association as a condition of their authority to transact insurance in this state, and, further, as a condition of such authority, an insurer shall agree to reimburse the association for all claim payments the association makes on said insurer's behalf if such insurer is subsequently rehabilitated. The association shall perform its functions under a plan of operation established and approved under s. 631.58 and shall exercise its powers through a board of directors established under s. 631.56. The corporation shall have all those powers granted or permitted nonprofit corporations, as provided in chapter 617.

Section 30. Paragraph (a) of subsection (1), paragraph (d) of subsection (2), and paragraph (a) of subsection (3) of section 631.57, Florida Statutes, are amended, and paragraph (e) is added to subsection (3) of that section, to read:

631.57 Powers and duties of the association.—

(1) The association shall:

(a)1. Be obligated to the extent of the covered claims existing:

a. Prior to adjudication of insolvency and arising within 30 days after the determination of insolvency;

b. Before the policy expiration date if less than 30 days after the determination; or

c. Before the insured replaces the policy or causes its cancellation, if she or he does so within 30 days of the determination.

2. The obligation under subparagraph 1. includes only the amount of each covered claim which is in excess of $100 and is less than $300,000, except that policies providing coverage for homeowner's insurance shall provide for an additional $200,000 for the portion of a covered claim which relates only to the damage to the structure and contents.

3.a.~~2.~~ *Notwithstanding subparagraph 2.,* the obligation under subparagraph 1. *for* ~~shall include only that amount of each covered claim which is in excess of $100 and is less than $300,000, except with respect to~~ policies covering condominium associations or homeowners' associations, which associations have a responsibility to provide insurance coverage on residential units within the association, ~~the obligation~~ shall include that amount of each covered property insurance claim which is less than $100,000 multiplied by the number of condominium units or other residential units; however, as to homeowners' associations, this *sub-subparagraph* ~~subparagraph~~ applies only to claims for damage or loss to residential units and structures attached to residential units.

b. Notwithstanding sub-subparagraph a., the association has no obligation to pay covered claims that are to be paid from the proceeds of bonds issued under s. 631.695. However, the association shall assign and pledge the first available moneys from all or part of the assessments to be made under paragraph (3)(a) to or on behalf of the issuer of such bonds for the benefit of the holders of such bonds. The association shall administer any such covered claims and present valid covered claims for payment in accordance with the provisions of the assistance program in connection with which such bonds have been issued.

4.~~3.~~ In no event shall the association be obligated to a policyholder or claimant in an amount in excess of the obligation of the insolvent insurer under the policy from which the claim arises.

(2) The association may:

(d) Negotiate and become a party to such contracts as are necessary to carry out the purpose of this part. *Additionally, the association may enter into such contracts with a municipality, a county, or a legal entity created pursuant to s. 163.01(7)(g) as are necessary in order for the municipality, county, or legal entity to issue bonds under s. 631.695. In connection with the issuance of any such bonds and the entering into of any such necessary contracts, the association may agree to such terms and conditions as the association deems necessary and proper.*

(3)(a) To the extent necessary to secure the funds for the respective accounts for the payment of covered claims, ~~and also~~ to pay the reasonable costs to administer the same, *and to the extent necessary to secure the funds for the account specified in s. 631.55(2)(c) or to retire indebtedness, including, without limitation, the principal, redemption premium, if any, and interest on, and related costs of issuance of, bonds issued under s. 631.695 and the funding of any reserves and other payments required under the bond resolution or trust indenture pursuant to which such bonds have been issued,* the office, upon certification of the board of directors, shall levy assessments in the proportion that each insurer's net direct written premiums in this state in the classes protected by the account bears to the total of said net direct written premiums received in this state by all such insurers for the preceding calendar year for the kinds of insurance included within such account. Assessments shall be remitted to and administered by the board of directors in the manner specified by the approved plan. Each insurer so assessed shall have at least 30 days' written notice as to the date the assessment is due and payable. Every assessment shall be made as a uniform percentage applicable to the net direct written premiums of each insurer in the kinds of insurance included within the account in which the assessment is made. The assessments levied against any insurer shall not exceed in any one year more than 2 percent of that insurer's net direct written premiums in this state for the kinds of insurance included within such account during the calendar year next preceding the date of such assessments.

(e)1.a. In addition to assessments otherwise authorized in paragraph (a) and to the extent necessary to secure the funds for the account specified in s. 631.55(2)(c) or to retire indebtedness, including, without limitation, the principal, redemption premium, if any, and interest on, and related costs of issuance of, bonds issued under s. 631.695 and the funding of any reserves and other payments required under the bond resolution or trust indenture pursuant to which such bonds have been issued, the office, upon certification of the board of directors, shall levy emergency assessments upon insurers holding a certificate of authority. The emergency assessments payable under this paragraph by any insurer shall not exceed in any single year more than 2 percent of that insurer's direct written premiums, net of refunds, in this state during the preceding calendar year for the kinds of insurance within the account specified in s. 631.55(2)(c).

b. Any emergency assessments authorized under this paragraph shall be levied by the office upon insurers referred to in sub-subparagraph a., upon certification as to the need for such assessments by the board of directors, in each year that bonds issued under s. 631.695 and secured by such emergency assessments are outstanding, in such amounts up to such 2-percent limit as required in order to provide for the full and timely payment of the principal of, redemption premium, if any, and interest on, and related costs of issuance of, such bonds. The emergency assessments provided for in this paragraph are assigned and pledged to the municipality, county, or legal entity issuing bonds under s. 631.695 for the benefit of the holders of such bonds, in order to enable such municipality, county, or legal entity to provide for the payment of the principal of, redemption premium, if any, and interest on such bonds, the cost of issuance of such bonds, and the funding of any reserves and other payments required under the bond resolution or trust indenture pursuant to which such bonds have been issued, without the necessity of any further action by the association, the office, or any other party. To the extent bonds are issued under s. 631.695 and the association determines to secure such bonds by a pledge of revenues received from the emergency assessments, such bonds, upon such pledge of revenues, shall be secured by and payable from the proceeds of such emergency assessments, and the proceeds of emergency assessments levied under this paragraph shall be remitted directly to and administered by the trustee or custodian appointed for such bonds.

c. Emergency assessments under this paragraph may be payable in a single payment or, at the option of the association, may be payable in 12 monthly installments with the first installment being due and payable at the end of the month after an emergency assessment is levied and subsequent installments being due not later than the end of each succeeding month.

d. If emergency assessments are imposed, the report required by s. 631.695(7) shall include an analysis of the revenues generated from the emergency assessments imposed under this paragraph.

e. If emergency assessments are imposed, the references in sub-subparagraph (1)(a)3.b. and s. 631.695(2) and (7) to assessments levied under paragraph (a) shall include emergency assessments imposed under this paragraph.

2. In order to ensure that insurers paying emergency assessments levied under this paragraph continue to charge rates that are neither inadequate nor excessive, within 90 days after being notified of such assessments, each insurer that is to be assessed pursuant to this paragraph shall submit a rate filing for coverage included within the account specified in s. 631.55(2)(c) and for which rates are required to be filed under s. 627.062. If the filing reflects a rate change that, as a percentage, is equal to the difference between the rate of such assessment and the rate of the previous year's assessment under this paragraph, the filing shall consist of a certification so stating and shall be deemed approved when made. Any rate change of a different percentage shall be subject to the standards and procedures of s. 627.062.

3. An annual assessment under this paragraph shall continue while the bonds issued with respect to which the assessment was imposed are outstanding, including any bonds the proceeds of which were used to refund bonds issued pursuant to s. 631.695, unless adequate provision has been made for the payment of the bonds in the documents authorizing the issuance of such bonds.

4. Emergency assessments under this paragraph are not premium and are not subject to the premium tax, to any fees, or to any commissions. An insurer is liable for all emergency assessments that the insurer collects and shall treat the failure of an insured to pay an emergency assessment as a failure to pay the premium. An insurer is not liable for uncollectible emergency assessments.

Section 31. Section 631.695, Florida Statutes, is created to read:

631.695 Revenue bond issuance through counties or municipalities.—

(1) The Legislature finds:

(a) The potential for widespread and massive damage to persons and property caused by hurricanes making landfall in this state can generate insurance claims of such a number as to render numerous insurers operating within this state insolvent and therefore unable to satisfy covered claims.

(b) The inability of insureds within this state to receive payment of covered claims or to timely receive such payment creates financial and other hardships for such insureds and places undue burdens on the state, the affected units of local government, and the community at large.

(c) In addition, the failure of insurers to pay covered claims or to timely pay such claims due to the insolvency of such insurers can undermine the public's confidence in insurers operating within this state, thereby adversely affecting the stability of the insurance industry in this state.

(d) The state has previously taken action to address these problems by adopting the Florida Insurance Guaranty Association Act, which, among other things, provides a mechanism for the payment of covered claims under certain insurance policies to avoid excessive delay in payment and to avoid financial loss to claimants or policyholders because of the insolvency of an insurer.

(e) In the wake of the unprecedented destruction caused by various hurricanes that have made landfall in this state, the resultant covered claims, and the number of insurers rendered insolvent thereby, make it evident that alternative programs must be developed to allow the Florida Insurance Guaranty Association to more expeditiously and effectively provide for the payment of covered claims.

(f) It is therefore determined to be in the best interests of, and necessary for, the protection of the public health, safety, and general welfare of the residents of this state and for the protection and preservation of the economic stability of insurers operating in this state, and it is declared to be an essential public purpose, to permit certain municipalities and counties to take such actions as will provide relief to claimants and policyholders having covered claims against insolvent insurers operating in this state by expediting the handling and payment of covered claims.

(g) To achieve the foregoing purposes, it is proper to authorize municipalities and counties of this state substantially affected by the landfall of a hurricane to issue bonds to assist the Florida Insurance Guaranty Association in expediting the handling and payment of covered claims of insolvent insurers.

(h) In order to avoid the needless and indiscriminate proliferation, duplication, and fragmentation of such assistance programs, it is in the best interests of the residents of this state to authorize municipalities and counties severely affected by a hurricane to provide for the payment of covered claims beyond their territorial limits in the implementation of such programs.

(i) It is a paramount public purpose for municipalities and counties substantially affected by the landfall of a hurricane to be able to issue bonds for the purposes described in this section. Such issuance shall provide assistance to residents of those municipalities and counties as well as to other residents of this state.

(2) The governing body of any municipality or county, the residents of which have been substantially affected by a hurricane, may issue bonds to fund an assistance program in conjunction with, and with the consent of, the Florida Insurance Guaranty Association for the purpose of paying claimants' or policyholders' covered claims, as defined in s. 631.54, arising through the insolvency of an insurer, which insolvency is determined by the Florida Insurance Guaranty Association to have been a result of a hurricane, regardless of whether the claimants or policyholders are residents of such municipality or county or the property to which the claim relates is located within or outside the territorial jurisdiction of the municipality or county. The power of a municipality or county to issue bonds, as described in this section, is in addition to any powers granted by law and may not be abrogated or restricted by any provisions in such municipality's or county's charter. A municipality or county issuing bonds for this purpose shall enter into such contracts with the Florida Insurance Guaranty Association or any entity acting on behalf of the Florida Insurance Guaranty Association as are necessary to implement the assistance program. Any bonds issued by a municipality or county or a combination thereof under this subsection shall be payable from and secured by moneys received by or on behalf of the municipality or county from assessments levied under s. 631.57(3)(a) and assigned and pledged to or on behalf of the municipality or county for the benefit of the holders of the bonds in connection with the assistance program. The funds, credit, property, and taxing power of the state or any municipality or county shall not be pledged for the payment of such bonds.

(3) Bonds may be validated by the municipality or county pursuant to chapter 75. The proceeds of the bonds may be used to pay covered claims of insolvent insurers; to refinance or replace previously existing borrowings or financial arrangements; to pay interest on bonds; to fund reserves for the bonds; to pay expenses incident to the issuance or sale of any bond issued under this section, including costs of validating, printing, and delivering the bonds, costs of printing the official statement, costs of publishing notices of sale of the bonds, costs of obtaining credit enhancement or liquidity support, and related administrative expenses; or for such other purposes related to the financial obligations of the fund as the association may determine. The term of the bonds may not exceed 30 years.

(4) The state covenants with holders of bonds of the assistance program that the state will not take any action that will have a material adverse effect on the holders and will not repeal or abrogate the power of the board of directors of the association to direct the Office of Insurance Regulation to levy the assessments and to collect the proceeds of the revenues pledged to the payment of the bonds as long as any of the bonds remain outstanding, unless adequate provision has been made for the payment of the bonds in the documents authorizing the issuance of the bonds.

(5) The accomplishment of the authorized purposes of such municipality or county under this section is in all respects for the benefit of the people of the state, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions. The municipality or county, in performing essential governmental functions in accomplishing its purposes, is not required to pay any taxes or assessments of any kind whatsoever upon any property acquired or used by the county or municipality for such purposes or upon any revenues at any time received by the county or municipality. The bonds, notes, and other obligations of the municipality or county and the transfer of and income from such bonds, notes, and other obligations, including any profits made on the sale of such bonds, notes, and other obligations, are exempt from taxation of any kind by the state or by any political subdivision or other agency or instrumentality of the state. The exemption granted in this subsection is not applicable to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations.

(6) Two or more municipalities or counties, the residents of which have been substantially affected by a hurricane, may create a legal entity pursuant to s. 163.01(7)(g) to exercise the powers described in this section as well as those powers granted in s. 163.01(7)(g). References in this section to a municipality or county includes such legal entity.

(7) The association shall issue an annual report on the status of the use of bond proceeds as related to insolvencies caused by hurricanes. The report must contain the number and amount of claims paid. The association shall also include an analysis of the revenue generated from the assessment levied under s. 631.57(3)(a) to pay such bonds. The association shall submit a copy of the report to the President of the Senate, the Speaker of the House of Representatives, and the Chief Financial Officer within 90 days after the end of each calendar year in which bonds were outstanding.

Section 32. *No provision of s. 631.57 or s. 631.695, Florida Statutes, shall be repealed until such time as the principal, redemption premium, if any, and interest on all bonds issued under s. 631.695, Florida Statutes, payable and secured from assessments levied under s. 631.57(3)(a), Florida Statutes, have been paid in full or adequate provision for such payment has been made in accordance with the bond resolution or trust indenture pursuant to which the bonds were issued.*

Section 33. Subsection (2) of section 877.02, Florida Statutes, is amended to read:

877.02 Solicitation of legal services or retainers therefor; penalty.—

(2) It shall be unlawful for any person in the employ of or in any capacity attached to any hospital, sanitarium, police department, wrecker service or garage, prison or court, ~~or~~ for a person authorized to furnish bail bonds, investigators, photographers, insurance or public adjusters, *or for a general or other contractor as defined in s. 489.105 or other business providing sinkhole remediation services,* to communicate directly or indirectly with any attorney or person acting on said attorney's behalf for the purpose of aiding, assisting or abetting such attorney in the solicitation of legal business or the procurement through solicitation of a retainer, written or oral, or any agreement authorizing the attorney to perform or render legal services.

Section 34. *By January 1, 2007, the Office of Insurance Regulation shall 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. In preparing the report, the office shall consult with the Department of Highway Safety and Motor Vehicles, the Department of Community Affairs, the Florida Building Commission, the Florida Home Builders Association, representatives of the mobile and manufactured home industry, representatives of the property and casualty insurance industry, and any other party the office determines is appropriate. The report shall include findings and recommendations on the insurability of attached or free standing structures to residential homes, mobile, or manufactured homes, such as carports or pool enclosures; the increase or decrease in insurance costs associated with insuring such structures; the feasibility of insuring such structures; the impact on homeowners of not having insurance coverage for such structures; the ability of mitigation measures relating to such structures to reduce risk and loss; and such other related information as the office determines is appropriate for the Legislature to consider.*

Section 35. *(1) The Office of Insurance Regulation, in consultation with the Department of Community Affairs, the Department of Financial Services, the Federal Alliance for Safe Homes, the Florida Insurance Council, the Florida Home Builders Association, the Florida Manufactured Housing Association, the Risk and Insurance Department of Florida State University, and the Institute for Business and Homes Safety, shall study and develop a program that will provide an objective rating system that will allow homeowners to evaluate the relative ability of Florida properties to withstand the wind load from a sustained severe tropical storm or hurricane.*

(2) The rating system will be designed in a manner that is easy to understand for the property owner, based on proven readily verifiable mitigation techniques and devices, and able to be implemented based on a visual inspection program. The Department of Financial Services shall implement a pilot program for use in the Florida Comprehensive Hurricane Damage Mitigation Program.

(3) The Department shall provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by March 31, 2007, detailing the nature and construction of the rating scale, its effectiveness based on implementation in a pilot program, and an operational plan for statewide implementation of the rating scale.

Section 36. *(1) By September 1, 2006, the Office of Insurance Regulation shall calculate a presumed factor to reflect the impact to rates of the changes made by the provisions of this act related to insurance claims for sinkhole losses and by sections 17, 18, 19, 20, and 21 of chapter 2005-111, Laws of Florida.*

(2) In determining the presumed factor, the office shall use generally accepted actuarial techniques and standards in determining the expected impact on losses, expenses, and investment income of the insurer.

(3) The office may contract with an appropriate vendor to determine the presumed factor.

(4) Each residential property insurer shall, at its next rate filing after October 1, 2006, reflect a rate change that takes into account the presumed factor determined under subsection (1).

(5) The sum of $250,000 in nonrecurring funds is appropriated from the Insurance Regulatory Trust Fund in the Department of Financial Services to the Office of Insurance Regulation for the 2006-2007 fiscal year for the purpose of implementing this section.

Section 37. *The sums of $115,322 in recurring funds and $10,486 in nonrecurring funds are appropriated from the Insurance Regulatory Trust Fund in the Department of Financial Services for the 2006-2007 fiscal year for the purpose of implementing the provisions this act related to the neutral evaluation process for insurance claims, and two full-time equivalent positions with $59,435 in associated salary rate are authorized.*

Section 38. *For the 2006-2007 fiscal year, the sum of $___ million is appropriated from nonrecurring funds in the General Revenue Fund to the Department of Financial Services as a nonrecurring appropriation for the purposes of the Florida Comprehensive Hurricane Damage Mitigation Program specified in s. 215.5586, Florida Statutes, as created by this act. The department may expend up to 1 percent of the funds appropriated to administer the program.*

Section 39. *For the 2005-2006 fiscal year and the 2006-2007 fiscal year, the sum of $___ million is appropriated from nonrecurring funds in the General Revenue Fund to the Department of Financial Services for transfer to the State Board of Administration as a nonrecurring appropriation for the purposes of the Insurance Capital Build-Up Incentive Program established pursuant to s. 215.5595, Florida Statutes, as created by this act. Costs and fees incurred by the board in administering this program, including fees for investment services and for administrative services associated with the additional cost of the Florida Hurricane Catastrophe Fund, shall be paid from funds appropriated by the Legislature for this program, but are limited to 1 percent of the amount appropriated. Unexpended funds remaining in the program shall revert to the General Revenue Fund on June 30, 2007.*

Section 40. *(1) For the 2006-2007 fiscal year, the sum of $___ million is appropriated to the Department of Financial Services from nonrecurring funds in the General Revenue Fund, to be used as follows:*

(a)1. The department shall first reimburse each policyholder for the amount of the premium paid to the insurer for the recoupment of the assessment by Citizens Property Insurance Corporation, established pursuant to s. 627.351(6), Florida Statues, for the deficit incurred in the 2004 calendar year.

2. Authorized insurers that were assessed by the corporation for the 2004 deficit shall report to the department the names and addresses of policyholders who paid a premium that included a recoupment by the insurer of such assessment, and the amount charged to that policyholder for the amount recouped, in a manner required by the department. The Florida Surplus Lines Services Office shall also report such data to the department for surplus lines policyholders, as assessable insureds of the corporation, for which the surplus lines agent collected the assessment. Surplus lines insurers and agents shall report such information to the Florida Surplus Lines Services Office in such form as it may require.

3. The department shall establish reporting periods for the information required by this paragraph in order to enable the department to begin reimbursing policyholders a soon as practical and to continue to reimburse policyholders as soon as practical after they have paid a premium that included a recoupment for the 2004 deficit of the corporation. The department shall not provide reimbursement to a policyholder if the amount is less than $5. The department may adopt rules to implement this paragraph, which may be adopted pursuant to the emergency rule procedures of section 120.54(4), Florida Statutes.

(b) For the funds remaining after being paid or reserved by the department for the purposes of paragraph (a), the department shall transfer such remaining funds to Citizens Property Insurance Corporation. The appropriation shall be allocated to each of the personal lines and commercial lines accounts so as to eliminate the deficit for the 2005 calendar year in each of those two accounts, and the remaining moneys shall be applied to reduce the portion of the deficit in the high-risk account that would have been paid from the proceeds of regular assessments except for the appropriation. The moneys allocated to each account from the appro-

priation shall be considered as proceeds of regular assessments for purposes of the financing documents of Citizens Property Insurance Corporation.

(2) Citizens Property Insurance Corporation shall include in the notice of assessment to each assessable insurer the amount by which the assessment has been reduced due to the appropriation in paragraph (1)(b).

(3) Each insurer that recoups an assessment from its policyholders as allowed by law for the regular assessment by Citizens Property Insurance Corporation for its 2005 deficit shall include on the premium notice sent to policyholders, in 12-point type, the following statement with the appropriate dollar amount shown:

"The $ SURCHARGE IN YOUR PREMIUM FOR THE ASSESSMENT BY CITIZENS PROPERTY INSURANCE CORPORATION HAS BEEN REDUCED BY $ DUE TO AN APPROPRIATION BY THE FLORIDA LEGISLATURE."

(5) A violation of this section by an insurer is a violation of the Insurance Code and the insurer is subject to the penalties provided in ss. 624.418 and 624.4211, Florida Statutes.

(6) For the purposes of this section, the terms "assessable insurer," "assessable insured," "corporation," "deficit," and "regular assessment," have the same meaning as provided in s. 627.351(6), Florida Statutes.

Section 41. *Effective July 1, 2006, subsection (3) of s. 215.559, Florida Statutes, is repealed.*

Section 42. 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 property insurance; amending s. 215.555, F.S.; redefining the term "losses" for purposes of the Florida Hurricane Catastrophe Fund; allowing limited apportionment companies to purchase additional coverage amounts from the fund; revising certain reimbursement contract criteria; revising certain reimbursement premium requirements; specifying procedures for Citizens Property Insurance Corporation to obtain coverage for certain policies from the fund; deleting a requirement that bonds be validated; revising certain revenue bond emergency assessment requirements; specifying premiums that are subject to assessment; revising the date on which the exemption of medical malpractice premiums from emergency assessments is repealed; creating s. 215.5586, F.S.; establishing the Florida Comprehensive Hurricane Damage Mitigation Program within the Department of Financial Services; providing qualifications for the program administrator; providing program components and requirements; providing for wind certification and hurricane mitigation inspections; providing inspection requirements; providing inspector eligibility requirements; providing for grants; providing grant requirements; for loans; providing public education and consumer awareness requirements; creating s. 215.5595, F.S.; providing legislative findings concerning the appropriation of state funds to be used as surplus notes for residential property insurers; providing conditions and requirements for the issuance of surplus notes to new or existing residential property insurers under the Insurance Capital Build-Up Incentive Program; providing for the program to be administered by the State Board of Administration; limiting the amount of a surplus note; requiring that an insurer maintain a specified ratio of net written premium to surplus for the term of the note; providing for the term of a surplus note and the rate of interest; providing that the state is a creditor for unpaid principal and interest on a surplus note; requiring the board to adopt emergency rules; providing requirements for the investment of appropriated funds; creating s. 252.63, F.S.; providing purpose and intent; providing powers of the Commissioner of Insurance Regulation during a state of emergency; authorizing the commissioner to issue certain orders in a state of emergency; providing for effect and duration of such orders; providing for legislative termination of such orders; requiring the commissioner to publish such orders and an explanatory statement; creating s. 626.8795, F.S.; prohibiting a public adjuster from engaging in certain activities that constitute a conflict of interest; amending s. 626.918, F.S.; authorizing certain letters of credit to fund a surplus lines insurer's required policyholder protection trust fund; defining the term "qualified United States financial institution"; amending s. 627.062, F.S.; requiring the Office of Insurance Regulation to approve a rating factor relative to an insurer's rate of return; providing that the burden is on the Office of Insurance Regulation to establish that certain rates are excessive; amending s. 627.0628, F.S.; authorizing certain determinations to be made in a rate hearing regarding the assumptions and factors found to be accurate or reliable by the Florida Commission on Hurricane Loss Projection Methodology; amending s. 627.06281, F.S.; requiring the public hurricane loss-projection model to be submitted for review by the Florida Commission on Hurricane Loss Projection Methodology; allowing the Office of Insurance Regulation to use the public model until the commission determines that the public model is not accurate or reliable; amending s. 627.0629, F.S.; requiring that the office reevaluate the rate differentials for construction techniques that meet the requirements of the Florida Building Code; amending s. 627.351, F.S.; providing that certain responsibilities of the Office of Insurance Regulation with respect to the plan of operation of Citizens Property Insurance Corporation be assumed by the Financial Services Commission; defining the terms "homestead property" and "nonhomestead property" for use with respect to Citizens Property Insurance Corporation; limiting eligibility for personal lines coverage by the corporation; directing the corporation board to reduce or, with approval by necessary parties, restructure existing debt; requiring a report with respect thereto; providing for a reduction in aggregate amount of a regular assessment in certain circumstances; authorizing the corporation to adopt policy forms that contain more restrictive coverage; requiring the executive director of the corporation to be confirmed by the Senate; deleting authority of the Chief Financial Officer to review corporate employees; prescribing a 10-day waiting period for applications for coverage for a new policy; authorizing exceptions; redesignating the market equalization surcharge as a Citizens policyholder surcharge and providing for its calculation; prescribing an additional surcharge on deficit assessments for certain nonhomestead property; revising the liability of limited apportionment companies for regular assessments; providing for optional payment plans; requiring insurers to provide claims-adjusting services for certain wind coverage in certain circumstances; requiring the corporation to limit coverage on certain mobile homes; requiring prospective senior management employees of the corporation to successfully pass a background check; requiring employees of the corporation to sign annually a statement that they have no conflict of interest; providing that senior managers and members of the board of governors are subject to the code of ethics and must file financial disclosure; prohibiting employees and members of the board of governors from accepting gifts or expenditures from a persons or entity, or employee thereof, which has or is under consideration for a contract with the corporation; providing penalties; providing a limitation on senior managers' representation of persons before the corporation after retirement or termination of employment and on employment with an insurer that has received a take-out bonus; prescribing guidelines for purchases of goods and services; providing guidelines on use of outside counsel; prohibiting the corporation from retaining a lobbyist; authorizing full-time employees to register and engage in lobbying; creating the Office of Internal Auditor and prescribing its duties; providing record-retention requirements; requiring establishment of a unit or division to investigate claims involving possible fraud against the corporation and another to receive and respond to consumer complaints; requiring employees of the corporation to report suspected fraud; requiring a periodic comprehensive market conduct examination of the corporation; requiring periodic operational audits of the corporation by the Auditor General; prescribing elements to be included in such audits; providing requirements for the office with respect to rate filings; providing a rate surcharge for certain nonhomestead property and property valued at more than a certain amount; providing that rates for the corporation are not subject to the requirements for being noncompetitive if the Office of Insurance Regulation makes a certain determination; deleting provisions relating to appointment of a rate methodology panel; providing for use of the public hurricane loss-projection model in ratemaking; prescribing requirements for paying takeout bonuses or payments to insurers; requiring records of takeout bonuses or other payments for certain purposes; clarifying that debt obligations of the corporation are not subject to taxation; prohibiting the corporation and other persons from making certain filings under, or becoming a debtor under, the federal Bankruptcy Code; authorizing the corporation to assume the policies of an

insurer placed in liquidation under conditions approved by the office; postponing the dates by which the boundaries of high-risk areas must be reduced; requiring a study of the viability of authorized insurers issuing and servicing, for a fee, certain high-risk insurance policies; requiring a report to legislative leaders; providing that insurance agents are not liable for certain action; providing applicability of specified provisions relating to assessments and surcharges; amending s. 627.3511, F.S.; extending the period for which an insurer that assumes Citizens Property Insurance Corporation's obligations under a policy must renew the replacement policy; revising circumstances under which replacement is not required; amending s. 627.3512, F.S.; authorizing a limited apportionment company to recoup assessments levied by Citizens Property Insurance Corporation; amending s. 627.3517, F.S.; providing that an insurance risk apportionment plan policyholder's right to retain his or her current agent does not apply during the first 10 days after a new application for coverage has been submitted to Citizens Property Insurance Corporation; creating s. 627.3519, F.S.; requiring the Financial Services Commission to report annually to the Legislature on probable maximum losses, financing options, and assessment potentials of the Florida Hurricane Catastrophe Fund and Citizens Property Insurance Corporation; amending s. 627.4035, F.S.; providing for a waiver of a written authorization requirement to pay claims by debit card or other electronic transfer; creating s. 627.6121, F.S.; prescribing circumstances under which an insurer must pay benefits to a primary policyholder of dual interest property; requiring mortgageholders and lienholders be given notice of such payment; amending s. 627.7011, F.S.; limiting certain law and ordinance coverage; providing that the section does not prohibit an insurer from limiting its liability concerning certain replacement costs; creating s. 627.7019, F.S.; requiring the Financial Services Commission to adopt rules imposing standardized requirements applicable to insurers after certain natural events; providing criteria; providing requirements of the Office of Insurance Regulation; amending s. 627.706, F.S.; allowing for a deductible amount applicable to sinkhole losses in a policy for residential property insurance; defining the term "professional engineer"; amending s. 627.707, F.S.; revising references to certain engineers; authorizing insurers to make direct payment for certain repairs; excluding insurers from liability for repairs under certain circumstances; amending s. 627.7072, F.S.; revising references to certain engineers; deleting a standard for testing; amending s. 627.7073, F.S.; revising requirements for sinkhole reports by professional engineers and professional geologists; providing for the recording of sinkhole reports by the clerk of court rather than the property appraiser; providing that the recording of the report and certification does not constitute certain restrictions or create certain causes of action or liabilities; creating s. 627.7074, F.S.; prescribing an alternative method for resolving disputed sinkhole insurance claims; providing definitions; prescribing procedures for invoking the alternative method; providing that a recommendation by a neutral evaluator is not binding on any party; providing for payments of costs; requiring the insurer to pay attorney's fees of the policyholder up to a specified amount under certain conditions; providing that an insurer is not liable for attorney's fees or for certain damages under certain conditions; providing for judicial review; amending s. 627.727, F.S.; conforming a cross-reference; amending s. 631.181, F.S.; providing an exception to certain requirements for a signed statement for certain claims related to the insolvency of an insurer; providing requirements; amending s. 631.54, F.S.; redefining the term "covered claim" and defining the term "homeowner's insurance" for purposes of the Florida Insurance Guaranty Association; amending s. 631.55, F.S.; conforming a cross-reference; amending s. 631.57, F.S.; revising requirements and limitations for obligations of the Florida Insurance Guaranty Association for covered claims; authorizing the association to contract with counties, municipalities, and legal entities to issue revenue bonds for certain purposes; authorizing the Office of Insurance Regulation to levy assessments and emergency assessments on insurers under certain circumstances for certain bond repayment purposes; providing requirements for and limitations on such assessments; providing for payment, collection, and distribution of such assessments; requiring insurers to include an analysis of revenues from such assessments in a required report; providing rate filing requirements for insurers relating to such assessments; providing for continuing annual assessments under certain circumstances; specifying emergency assessments as not premium and not subject to certain taxes, fees, or commissions; specifying insurer liability for emergency assessments; providing an exception; creating s. 631.695, F.S.; providing legislative findings and purposes; providing for issuance of revenue bonds through counties and municipalities to fund assistance programs for paying covered claims for hurricane damage; providing procedures, requirements, and limitations for counties, municipalities, and the Florida Insurance Guaranty Association, Inc., relating to issuance and validation of such bonds; prohibiting pledging the funds, credit, property, and taxing power of the state, counties, and municipalities for payment of bonds; specifying authorized uses of bond proceeds; limiting the term of bonds; specifying a state covenant to protect bondholders from adverse actions relating to such bonds; specifying exemptions for bonds, notes, and other obligations of counties and municipalities from certain taxes or assessments on property and revenues; authorizing counties and municipalities to create a legal entity to exercise certain powers; requiring the association to issue an annual report on the status of certain uses of bond proceeds; providing report requirements; requiring the association to provide a copy of the report to the Legislature and Chief Financial Officer; prohibiting repeal of certain provisions relating to certain bonds under certain circumstances; amending s. 877.02, F.S.; prohibiting certain solicitations by contractors and other persons providing sinkhole remediation services; providing penalties; requiring the Office of Insurance Regulation to submit reports to the Legislature relating to the insurability of certain attached or free-standing structures and relating to an objective rating system for homes; requiring the Office of Insurance Regulation to calculate a presumed factor that reflects certain provisions of the act related to sinkhole claims and by ss. 17, 18, 19, 20, and 21 of ch. 2005-111, Laws of Florida; providing procedures; requiring residential property insurers to use the presumed factor in calculating rates after a specified date; providing appropriations; requiring the Department of Financial Services to reimburse policyholders for the amount of a premium paid to an insurer for the assessment by Citizens Property Insurance Corporation; requiring insurers and the Florida Surplus Lines Service Office to report data to the department; requiring surplus lines insurers and agents to report certain information; authorizing the department to adopt rules; requiring that an appropriation be transferred to Citizens Property Insurance Corporation to reduce the amount of the regular assessment for a specified deficit; requiring the corporation to notify assessable insurers of the amount by which assessments have been reduced; requiring insurers who recoup assessments to notify policyholders of the amount by which the surcharge has been reduced; providing penalties for a violation; defining terms; repealing s. 215.559(3), F.S.; deleting the requirement that the Department of Community Affairs develop a low-interest loan program for retrofitting homes; providing effective dates.

On motion by Senator Garcia, further consideration of **CS for CS for SB 1980** with pending **Amendment 1 (021596)** was deferred.

REMARKS

On motion by Senator King, the following opening remarks on CS for CS for SB 1980 by Senator Alexander were ordered spread upon the Journal:

Senator Alexander: Thank you, Mr. President and members. Let me see if I can frame where it is. Senator Garcia has told you about the losses that we've had. Our insurer of last resort, Citizens, which is on the order of about $8 billion, with $1.7 million in assessments, or what I like to call taxes, placed on folks who got no benefits from having those insurance policies written. They had to pay a fee, a tax, in order to pay off the loss. They're broke today; they don't have any money, virtually none.

Then we look at our CAT Fund. Just a couple of years ago, we had $6 billion in our CAT Fund. Today, it's broke, and we've got about $1 billion, a little over a billion dollars of taxes coming out of that, that the people of Florida are having to pay.

Recently, we've learned that a company called Poe Insurance, three companies actually, has been taken under the control of the Office of Insurance Regulation because its capital has gotten to the point that it can't function. It can't buy reinsurance, and it's currently got 284,000 policies or so, that are very likely to become part of Citizens, taking Citizens from 25% of the market place to something approaching 35% of the market place. Now, in virtually every other state in the country, the insurer of last resort is in the low single digits, not a third of the market place.

What happens when Citizens gets so big? Any time government gets involved in things, this is what we're talking about. This is a classic discussion of whether you want a centralized, socialized, government program, or you want to try to create a market-based, competitive environment where consumers have choices.

When you continue to allow Citizens to grow larger, you wind up with the problems we had in the last storm. You can't have a one state, one line, government insurance company that can possibly have enough adjusters on staff to get out in the field and properly adjust the claims. So you have lots of complaints about how they handle their policies. You will always have those complaints. When you don't have somebody minding the store whose bonus is determined and whose stock plan is determined on how well the company does, guess what—there's not an incentive to really pay attention to those claims and they write more claims.

In Citizens' case, when those claims go up, guess who pays—the people of Florida—either through assessments or through higher rates.

Today, we also have what is called FIGA, Florida Insurance Guarantee Association. If any of the companies in this state go bankrupt, guess who pays for that—you and I pay for that because that's also taxed against all of us.

When you put all of that together, and I've talked about the Sarbanes-Oxley-Alexander amendment. Frankly, if we were a public company, it is quite clear that Elliot Spitzer would be down here trying to put us in jail for the undisclosed liabilities on the people of Florida. They are tremendous liabilities. You say, "What are we talking about?" You know, we've got about $26 billion in total debt to date.

Well if Citizens gets a 250-year storm, they say, "Oh my God, it will be 250 years until one of those happen." Wrong. If you go back in history, the last hundred years, there are lots of 100 and 250-year storms. It's not going to be 250 years until you see a 250-year storm. It may be this year. It may be next year. We hope it's a long time. It's certainly not something that you can discount and say that it's going to be 250 years from now.

We are told the latest estimates on the probable maximum loss—that's when they take the hurricane models and take the density and cost of the structures and the likely damage that would result and the new public model that we help fund—have indicated that we are looking at about a $37 billion loss. For a hundred-year storm the latest estimate is over $12 billion. $12 billion that the people of Florida would have to pay through these taxes. On top of that, we would be into the CAT Fund. The CAT Fund would be broke and for a hundred-year storm you might be looking at something approaching the ceiling of a $15 billion assessment. Certainly with a 250-year storm you will be looking at a $15 billion assessment on top of the $37 billion assessment and, at the same time, you're going to have guarantee fund taxes coming too. That is an unbelievable liability for the people of Florida to accept.

It is not prudent to continue to allow these undisclosed, unfunded liabilities to accrue to the people of Florida. That's essentially the decision we're recommending to you. We can't keep doing this on the guise that we don't want to pay the rate that's necessary to be able to spread that risk to the world-wide community. So far, we've not been able to get our Federal friends to help us out. We need their help. Until we get it, I think we have got to do the responsible thing and look at plans that will help move us away. We've already had the insurance increases that we've seen in our districts and this is really tough medicine. No matter what you do, it's going to be tough medicine. I don't know how to solve all of it. What we've tried to do in this proposal is to take it as easy as possible on those homeowners that can least afford rapid increases in rates. If you can afford a second home or if you're not a Florida resident, we've said, "Okay, we've got a real responsibility to help those folks that are Florida residents that are counting on us." Those folks that have second homes and can afford to do that, or million dollar homes, we don't have the same level of responsibility to them. They should be able to fend for themselves to some degree.

We have brought forward this package, and we'll get through all the details of it so that you will have a full and complete understanding of it. It's essentially two or three things. One, we are recommending on Citizens that we charge sufficient rates. We direct Citizens to charge sufficient rates to go to a 100 probable maximum unit loss. When you charge that rate, what that does is then allow Citizens the opportunity to go out into the world re-insurance market and place some of that risk on somebody other than the people of Florida in order to reduce that $50 plus billion in potential assessments that we are facing. Additionally, we are recommending that we charge an increase factor so that we can begin catching up some cash into our CAT Fund. If we are fortunate enough to have a couple light years maybe we can save a little money to help us get through the next big storm rather than having to face tremendous taxes coming out of those deficits that will be created if we don't begin to save some money there. Next, we are saying since right now only about 45 percent of the market place has what is generally considered fully capitalized companies writing that insurance, we think that should be much more.

One way to help hold rates down and moderate the increase in rate costs that must happen is to help attract folks to our state who can help us underwrite this risk and give the people of Florida some choices so that you're not just stuck with Citizens or maybe one other company. Ideally, we would like to create the situation where we have multiple choices and some level of competition. It's a lot like what we're seeing in the auto market where there are a number of companies offering policies that you can choose from and get the best value and the right package that fits you.

In order to do that, we put forward an amendment that would do what we're calling an Insurance Capital Build-up Plan. Essentially, if a company will come into Florida with new risk capital, we'll match them dollar for dollar. If they put up a dollar that can be lost before our dollar, then we'll put up a dollar to match them. That allows them to not have to have as much rate in order to have an attractive return to get them into Florida. It helps to hold down rates and gives more competition in the market place so consumers have choices and somewhat lower rates than they would have otherwise. We're also recommending that we begin hardening our structures. We've been working with the House for some time now to come up with a plan that will allow us to begin in a targeted way to make structurally stronger, where we can, investments that will help reduce the potential losses that we have in our state.

Finally, we're not recommending, outside of the million dollar home level, that we deregulate the insurance business. We think that until you have a competitive market place where consumers have choices, you just simply can't do that. It's not prudent and it's not right. We are encouraging the legislature to send a signal to the market place that we do want private companies to come in and help us share this risk. We're doing that with some language from the Office of Insurance Regulation to allow more of a factor, more of a return for the risk factor of coming here. That's essentially the plan in a broad overview. We'll be happy to begin with Senator Garcia going through the specifics.

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 5.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Local Bill Calendar for Thursday, May 4, 2006: SB 2764, SB 2810, HB 479, HB 495, HB 547, HB 757, HB 847, HB 921, HB 923, HB 925, HB 927, HB 929, HB 931, HB 951, HB 993, HB 1051, HB 1053, HB 1081, HB 1085, SB 2842, HB 1133, HB 1137, HB 1151, HB 1161, HB 1183, HB 1189, HB 1195, HB 1203, HB 1205, HB 1207, HB 1217, HB 1219, HB 1245, HB 1303, HB 1335, SB 2814, HB 1375, HB 1399, HB 1413, HB 1445, HB 1481, HB 1531, SB 2828, HB 1631, HB 1633, HB 1297, HB 1483, HB 1509, HB 1559, HB 1579, HB 1629

Respectfully submitted,
Ken Pruitt, Chair

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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 CS for SB 256, CS for SB 1194, CS for SB 1268 and CS for CS for SB 1324.

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 121, HB 135, HB 147, HB 155, HB 187, HB 281, HB 293, HB 567, HB 585, HB 795, HB 1027, HB 1221, HB 1363, HB 1449, HB 1489, HB 1567, HB 7119, HB 7031, HB 7075, HB 7087, HB 7131, HB 7201 and HB 7237 as amended; and has passed HJR 631, as amended, by the required constitutional three-fifths vote of the membership.

John B. Phelps, Clerk

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 4 was corrected and approved.

CO-INTRODUCERS

Senators Argenziano—SB 186, CS for CS for SB 2234; Bullard—CS for CS for SB 178, SJR 626, SB 972, CS for CS for SB 1798; Campbell—SJR 626, CS for SB 2322; Garcia—CS for CS for SB 2234; Haridopolos—CS for SB 2168; Klein—CS for CS for SB 132, CS for CS for SB 862, SB 2566; Lynn—CS for CS for SB 2234; Peaden—CS for SB 430; Posey—CS for CS for SB 2278, CS for CS for CS for SB 2280; Villalobos—CS for CS for SB 2234

RECESS

On motion by Senator Pruitt, the Senate recessed at 6:55 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Friday, May 5 or upon call of the President.