Journal of the Senate

Number 21—Regular Session **Wednesday, May 1, 2013**

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CALL TO ORDER

The Senate was called to order by President Gaetz at 10:00 a.m. A quorum present—40:

Mr. President	Flores	Negron
Abruzzo	Galvano	Richter
Altman	Garcia	Ring
Bean	Gardiner	Sachs
Benacquisto	Gibson	Simmons
Bradley	Grimsley	Simpson
Brandes	Hays	Smith
Braynon	Hukill	Sobel
Bullard	Joyner	Soto
Clemens	Latvala	Stargel
Dean	Lee	Thompson
Detert	Legg	Thrasher
Diaz de la Portilla	Margolis	
Evers	Montford	

PRAYER

The following prayer was offered by Pastor R.B. Holmes, Bethel Missionary Baptist Church, Tallahassee:

Eternal God, for grace, mercy, strength, fellowship, and love we say thank you. For this great state; for this great President; and these great and committed Senators, we say thank you. We pray, Lord, that you will bless them, bless their work, bless their skills, and give them wisdom, insight, and good ideas as they bless your people across the State of Florida.

We thank you for this day. We thank you for this moment. Now Lord, we honor you; we praise you; and again bless these Senators with good health and good success. In your name, we pray. Amen.

PLEDGE

Senate Pages Marissa Lamberti of Pompano; and Nick DiMinno and Katie Heffley of Tallahassee led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Nicole N. Balmer of Tallahassee, sponsored by Senator Montford, as doctor of the day. Dr. Balmer specializes in Pathology/Dermatopathology.

ADOPTION OF RESOLUTIONS

On motion by Senator Bradley—

By Senator Bradley—

SR 1904—A resolution recognizing September 2013 and each September thereafter as "Dystonia Awareness Month."

WHEREAS, Dystonia is a neurologic movement disorder characterized by involuntary muscle contractions that often cause painful and debilitating body positions for the victim, and

WHEREAS, Dystonia is a nonterminal disease that attacks an otherwise healthy individual who is living a normal life and makes even the simplest of tasks impossible to achieve, and

WHEREAS, Dystonia is nondegenerative, and, with the investment of the proper resources, a cure is within reach, and

WHEREAS, Dystonia affects an estimated 500,000 people in North America, with a third of all dystonia patients children, and

WHEREAS, Tyler's Hope for a Dystonia Cure has long been recognized as a leading nonprofit organization in Dystonia research and awareness and has teamed up with Dystonia advocacy groups to form Team Dystonia, a coalition aimed at furthering awareness of the disorder across the nation, NOW, THEREFORE,

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

That we recognize September 2013 and each September thereafter as "Dystonia Awareness Month."

—was introduced out of order and read by title. On motion by Senator Bradley, **SR 1904** was read the second time in full and adopted.

At the request of Senator Gibson—

By Senator Gibson—

SR 1908—A resolution recognizing Bishop Rudolph W. McKissick, Sr., for a lifetime of service and expressing appreciation for his outstanding leadership in the faith community and the community at large.

WHEREAS, Bishop Rudolph W. McKissick, Sr., served as a choral member, music director, and deacon at Bethel Baptist Institutional Church before being called to succeed Reverend Robert Wilson as pastor in 1966, and

WHEREAS, the service of Bishop Rudolph W. McKissick, Sr., as pastor at Bethel Baptist Institution Church has spanned 47 years and allows him the distinction of being the longest serving leader of Florida's oldest African-American church, and

WHEREAS, in demonstration of his strong commitment to a quality education, Bishop Rudolph W. McKissick, Sr., earned a bachelor's degree from Edward Waters College and holds conferred doctoral degrees from Edward Waters College and Bethune Cookman University, and

WHEREAS, Bishop Rudolph W. McKissick, Sr., received additional training at the Tuskegee Institute, Columbia University, Princeton University, and Luther Rice University and Seminary, and

WHEREAS, in meeting and supporting the ever-changing needs and growth of congregants, now numbering more than 12,000, Bishop Rudolph W. McKissick, Sr., has established more than 50 ministries, including The Help Center, a Christian Mission, a marriage ministry, a church basketball league, youth retreats, and a missionary outreach program, and

WHEREAS, the exemplary teachings and spiritual guidance of Bishop Rudolph W. McKissick, Sr., have inspired more than 50 servant leaders to accept God's calling to the ministry, and

WHEREAS, in 1993, Bishop Rudolph W. McKissick, Sr., and his wife of 50 years, Estelle, established the B.E.S.T. (Bethel Enhancing Students Totally) Academy to support the needs of elementary and secondary students, and under the leadership of Estelle McKissick, B.E.S.T. has become a valuable community resource and earned recognition as an approved summer school site for Duval County's most academically challenged students, and

WHEREAS, Bishop Rudolph W. McKissick, Sr., has held membership on numerous boards and commissions, including appointment to the first Board of Trustees at the University of North Florida, the Jacksonville Urban League, and the YMCA James Weldon Branch, and is a member of the NAACP and the Omega Psi Phi fraternity, and

WHEREAS, in September 2011, Bishop Rudolph W. McKissick, Sr., was elevated to Bishop of Marriage and Family in the Full Gospel Baptist Church Fellowship International, and

WHEREAS, Bishop Rudolph W. McKissick, Sr., now shepherds his flock with his son and co-pastor, Bishop Rudolph McKissick, Jr., and, together, they are partnering with ministries across the globe, and

WHEREAS, the outstanding leadership and service of Bishop Rudolph W. McKissick, Sr., has been recognized with numerous awards, including the Meritorious Leadership Award, presented by Dr. Martin Luther King, Sr.; the 1992 Silver Medallion Humanitarian award, presented by the National Conference for Christians and Jews; and The City of Jacksonville's Human Relations Award, and

WHEREAS, in addition to his exemplary professional career, Bishop Rudolph W. McKissick, Sr., is also a dedicated husband to his wife, Estelle Williams McKissick, loving father to his son, Bishop Rudolph McKissick, Jr., and doting grandfather to his grandchildren, Jocelyn, Janai, and Joshua, and

WHEREAS, with an abiding commitment to his faith in God, enduring dedication to the Bethel congregation, and undying love and faithfulness to his family and community, Bishop Rudolph W. McKissick, Sr., has paved a pathway of service and gratitude which will forever be remembered in the hearts and minds of the Bethel Baptist Institutional Church congregation, NOW, THEREFORE,

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

That Bishop Rudolph W. McKissick, Sr., is recognized for a lifetime of service as the esteemed pastor of Bethel Baptist Institutional Church in Jacksonville.

—**SR 1908** was introduced, read and adopted by publication.

At the request of Senator Bullard—

By Senator Bullard—

SR 1918—A resolution recognizing May 1, 2013, as "Go Blue Day" in the Florida Senate.

WHEREAS, Huntington's Disease (HD) is a devastating, hereditary, degenerative brain disorder for which there is, at present, no cure and only one FDA-approved treatment for a symptom of HD, and

WHEREAS, HD slowly diminishes an affected individual's ability to walk, talk, and reason, eventually rendering the individual totally dependent upon others for his or her care, and

WHEREAS, HD profoundly affects the lives of entire families, emotionally, socially, and economically, and

WHEREAS, advocates for those diagnosed with HD and their family members have adopted the color blue as a part of their campaign for a cure, and

WHEREAS, as a gesture of solidarity in showing support for all affected by HD, the members of the Florida Senate have been invited to "show their blue," NOW, THEREFORE,

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

That May 1, 2013 is recognized as "Go Blue Day" in the Florida Senate.

—**SR 1918** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Thrasher, by two-thirds vote **HB 533**, **CS for HB 1007**, **CS for HB 1009**, **HB 1285**, and **CS for HB 1421** were withdrawn from the Committee on Rules.

LOCAL BILL CALENDAR

HB 533—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending chapter 23559, Laws of Florida, 1945, as amended; revising the General Employees' Pension Plan for the City of Tampa; revising the definition of the term "Pension Credit"; specifying conditions under which an Employee's Pension Credit is nonforfeitable; providing for the return to an Employee of his or her contributions to the Plan under certain circumstances; providing an effective date.

—was read the second time by title. On motion by Senator Joyner, by two-thirds vote **HB 533** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Flores	Negron
Abruzzo	Galvano	Richter
Altman	Garcia	Ring
Bean	Gardiner	Sachs
Benacquisto	Gibson	Simmons
Bradley	Grimsley	Simpson
Brandes	Hays	Smith
Braynon	Hukill	Sobel
Bullard	Joyner	Soto
Clemens	Latvala	Stargel
Dean	Lee	Thompson
Detert	Legg	Thrasher
Diaz de la Portilla	Margolis	
Evers	Montford	

Nays—None

CS for HB 1007—A bill to be entitled An act relating to the Lee County Tourist Development Council, Lee County; revising membership of the council; providing an exception to general law; providing an effective date.

—was read the second time by title. On motion by Senator Richter, by two-thirds vote **CS for HB 1007** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Abruzzo	Altman

Bean	Galvano	Negron
Benacquisto	Garcia	Richter
Bradley	Gardiner	Ring
Brandes	Gibson	Sachs
Braynon	Grimsley	Simmons
Bullard	Hays	Simpson
Clemens	Hukill	Smith
Dean	Joyner	Sobel
Detert	Latvala	Soto
Diaz de la Portilla	Lee	Stargel
Evers	Legg	Thompson
Flores	Margolis	Thrasher

Nays—None

CS for HB 1009—A bill to be entitled An act relating to the Fellsmere Water Control District, Indian River County; codifying, amending, reenacting, and repealing chapters 8877 (1921), 11555 (1925), 12023 (1927), 14719 (1931), 16998 (1935), 28418 (1953), 61-1414, and 69-1161, Laws of Florida; renaming the district as the Fellsmere Improvement District, a special tax district; providing legislative intent; providing additional authority relating to the provision of public infrastructure, services, assessment, levy, and collection of non-ad valorem assessments and fees, public finance, and district operations; providing district boundaries; providing for applicability of chapter 298, F.S., and other general laws; providing powers of the district; providing for compliance with county and municipal plans and regulations; providing for levy of non-ad valorem assessments; providing for collection, enforcement, and penalties; providing for issuance of revenue bonds, assessment bonds, and bond anticipation notes; ratifying prior acts and circuit court decrees; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Altman, by two-thirds vote **CS for HB 1009** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Montford
Abruzzo	Galvano	Negron
Altman	Garcia	Richter
Bean	Gardiner	Ring
Benacquisto	Gibson	Sachs
Bradley	Grimsley	Simmons
Braynon	Hays	Simpson
Bullard	Hukill	Smith
Clemens	Joyner	Sobel
Dean	Latvala	Soto
Detert	Lee	Stargel
Diaz de la Portilla	Legg	Thompson
Evers	Margolis	Thrasher

Nays—None

Vote after roll call:

Yea—Brandes

HB 1285—A bill to be entitled An act relating to the Tallahassee-Leon County Civic Center Authority, Leon County; abolishing the authority; repealing chapter 2004-435, Laws of Florida, relating to the charter of the authority; designating the Tallahassee-Leon County Civic Center as the "Donald L. Tucker Civic Center"; providing for the erection of suitable markers; requiring the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue a beverage license to Florida State University or its designee; transferring all assets and liabilities of the authority to the university; providing for applicability; providing an effective date.

—was read the second time by title. On motion by Senator Montford, by two-thirds vote **HB 1285** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Evers	Montford
Abruzzo	Flores	Negron
Altman	Galvano	Richter
Bean	Garcia	Ring
Benacquisto	Gardiner	Sachs
Bradley	Grimsley	Simmons
Brandes	Hays	Simpson
Braynon	Hukill	Smith
Bullard	Joyner	Sobel
Clemens	Latvala	Soto
Dean	Lee	Stargel
Detert	Legg	Thompson
Diaz de la Portilla	Margolis	Thrasher

Nays—None

Vote after roll call:

Yea—Gibson

CS for HB 1421—A bill to be entitled An act relating to Madison County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue a special alcoholic beverage license to certain hotels and motels in the county; providing an effective date.

—was read the second time by title. On motion by Senator Montford, by two-thirds vote **CS for HB 1421** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Flores	Negron
Abruzzo	Galvano	Richter
Bean	Garcia	Ring
Benacquisto	Gardiner	Sachs
Bradley	Gibson	Simmons
Brandes	Grimsley	Simpson
Braynon	Hays	Smith
Bullard	Hukill	Sobel
Clemens	Joyner	Soto
Dean	Latvala	Stargel
Detert	Lee	Thompson
Diaz de la Portilla	Legg	Thrasher
Evers	Montford	

Nays—None

Vote after roll call:

Yea—Altman

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Don Gaetz, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 328, with 1 amendment, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for CS for SB 328—A bill to be entitled An act relating to public accountancy; amending s. 473.3065, F.S.; revising provisions for the distribution of scholarships under the Certified Public Accountant Education Minority Assistance Program; revising the annual maximum expenditures and frequency of distribution of moneys for the scholarships; amending s. 473.311, F.S.; clarifying provisions; creating s. 473.3125, F.S.; providing definitions; requiring the Board of Accountancy to adopt rules for peer review programs; authorizing the board to es-

tablish a peer review oversight committee; requiring certain licensees to be enrolled in a peer review program by a certain date; amending s. 473.313, F.S.; revising license delinquency dates; providing an effective date.

House Amendment 1 (891509) (with title amendment)—Remove lines 20-38 and insert:

Section 1. Section 473.3065, Florida Statutes, is amended to read:

473.3065 *Clay Ford Scholarship Program;* Certified Public Accountant Education Minority Assistance ~~Program;~~ Advisory Council.—

(1) The *Clay Ford Scholarship* ~~Certified Public Accountant Education Minority Assistance~~ Program for Florida residents is hereby established in the division for the purpose of providing scholarships to minority persons as defined in s. 288.703 who are students enrolled in their fifth year of an accounting education program at an institution in this state approved by the board by rule. A Certified Public Accountant Education Minority Assistance Advisory Council shall assist the board in administering the program.

(2) All moneys used to provide scholarships under the *Clay Ford Scholarship* Program shall be funded by a portion of existing license fees, as set by the board, not to exceed $10 per license. Such moneys shall be deposited into the Professional Regulation Trust Fund in a separate account maintained for that purpose. The department *may* ~~is authorized to~~ spend up to *$200,000* ~~$100,000~~ per year for the program from this program account~~,~~ but may not allocate overhead charges to it. Moneys for scholarships shall be disbursed *twice per year* ~~annually~~ upon recommendation of the advisory council and approval by the board, based on the adopted eligibility criteria and comparative evaluation of all applicants. Funds in the program account may be invested by the Chief Financial Officer under the same limitations as apply to investment of other state funds, and all interest earned thereon shall be credited to the program account.

(3) The board shall adopt rules as necessary for administration of the *Clay Ford Scholarship* Program, including rules relating to the following:

(a) Eligibility criteria for receipt of a scholarship, which, at a minimum, shall include the following factors:

1. Financial need.

2. Ethnic, gender, or racial minority status pursuant to s. 288.703(4).

3. Scholastic ability and performance.

(b) Scholarship application procedures.

(c) Amounts in which scholarships may be provided, the total amount that may be provided, the timeframe for payments or partial payments, and criteria for how scholarship funds may be expended.

(d) The total amount of scholarships that can be made each year.

(e) The minimum balance that must be maintained in the program account.

(4) Determinations made by the board regarding recipients of scholarship moneys shall not be considered agency action for purposes of chapter 120.

(5) It is unlawful for any person or agent of such person to knowingly file with the board any notice, statement, or other document *that* ~~which~~ is false or *that* ~~which~~ contains any material misstatement of fact. A person who violates ~~any provision of~~ this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(6) There is hereby created the Certified Public Accountant Education Minority Assistance Advisory Council to assist the board in administering the *Clay Ford Scholarship* Program. The council shall be diverse and representative of the gender, ethnic, and racial categories set forth in s. 288.703(4).

(a) The council shall consist of five licensed Florida-certified public accountants selected by the board, of whom one shall be a board member who serves as chair of the council, one shall be a representative of the National Association of Black Accountants, one shall be a representative of the Cuban American CPA Association, and two shall be selected at large. At least one member of the council must be a woman.

(b) The board shall determine the terms for initial appointments and appointments thereafter.

(c) Any vacancy on the council shall be filled in the manner provided for the selection of the initial member. Any member appointed to fill a vacancy of an unexpired term shall be appointed for the remainder of that term.

(d) Three consecutive absences or absences constituting 50 percent or more of the council's meetings within any 12-month period shall cause the council membership of the member in question to become void, and the position shall be considered vacant.

(e) The members of the council shall serve without compensation, and any necessary and actual expenses incurred by a member while engaged in the business of the council shall be borne by such member or by the organization or agency such member represents. However, the council member who is a member of the board shall be compensated in accordance with ss. 455.207(4) and 112.061.

And the title is amended as follows:

Remove lines 3-6 and insert: 473.3065, F.S.; renaming the Certified Public Accountant Education Minority Assistance Program as the "Clay Ford Scholarship Program"; revising provisions for the distribution of scholarships under the program; revising the annual maximum expenditures and

On motion by Senator Latvala, the Senate concurred in **House Amendment 1 (891509)**.

CS for CS for SB 328 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	Evers	Montford
Abruzzo	Flores	Negron
Altman	Galvano	Richter
Bean	Garcia	Ring
Benacquisto	Gardiner	Sachs
Bradley	Gibson	Simmons
Brandes	Grimsley	Simpson
Braynon	Hays	Smith
Bullard	Hukill	Sobel
Clemens	Joyner	Soto
Dean	Latvala	Stargel
Detert	Lee	Thompson
Diaz de la Portilla	Legg	Thrasher

Nays—None

MOMENT OF SILENCE

By direction of the President, the Senate observed a moment of silence for Representative Clay Ford who died March 18, 2013.

The Honorable Don Gaetz, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 56, with 1 amendment, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for SB 56—A bill to be entitled An act relating to infant death; amending s. 383.311, F.S.; revising the education and orientation requirements for birth centers and their families to incorporate safe sleep

practices and causes of Sudden Unexpected Infant Death; amending s. 383.318, F.S.; revising the postpartum care for birth center clients and infants to incorporate instruction on safe sleep practices and causes of Sudden Unexpected Infant Death; amending s. 383.3362, F.S.; revising legislative findings and intent with respect to the sudden unexpected death of an infant under a specified age; defining the term "Sudden Unexpected Infant Death"; revising provisions relating to training requirements for first responders; revising requirements relating to autopsies performed by medical examiners; requiring the Medical Examiners Commission to provide for the development and implementation of a protocol for the forensic investigation of Sudden Unexpected Infant Death; creating s. 395.1053, F.S.; requiring a hospital that provides birthing services to incorporate information on safe sleep practices and the possible causes of Sudden Unexpected Infant Death into the hospital's postpartum instruction on the care of newborns; providing an effective date.

House Amendment 1 (924119)—Remove line 120 and insert: within 24 hours after the death, or as soon thereafter as is

On motion by Senator Hays, the Senate concurred in **House Amendment 1 (924119)**.

CS for SB 56 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	Evers	Margolis
Abruzzo	Flores	Montford
Altman	Galvano	Negron
Bean	Garcia	Richter
Benacquisto	Gardiner	Ring
Bradley	Gibson	Sachs
Brandes	Grimsley	Simpson
Braynon	Hays	Smith
Bullard	Hukill	Sobel
Clemens	Joyner	Soto
Dean	Latvala	Stargel
Detert	Lee	Thompson
Diaz de la Portilla	Legg	Thrasher

Nays—None

Vote after roll call:

Yea—Simmons

The Honorable Don Gaetz, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 186, with 1 amendment, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for SB 186—A bill to be entitled An act relating to the jurisdiction of the courts; amending s. 48.193, F.S.; providing that a person submits to the jurisdiction of the courts of this state by entering into a contract that specifies that the law of this state governs the contract and that the person agrees to submit to the jurisdiction of the courts of this state; amending s. 55.502, F.S.; revising the definition of the term "foreign judgment" for purposes of the Florida Enforcement of Foreign Judgments Act; amending s. 684.0002, F.S.; clarifying the circumstances under which an arbitration is international; amending s. 684.0003, F.S.; correcting a cross-reference; amending s. 684.0019, F.S.; limiting the application of certain provisions to instances in which an arbitral tribunal orders a party to preserve evidence that may be relevant and material to the resolution of a dispute; amending s. 684.0026, F.S.; correcting a cross-reference in the Florida International Commercial Arbitration Act; creating s. 684.0049, F.S.; providing that the initiation of arbitration in this state, or the making of a written agreement to arbitrate which provides for arbitration in this state, constitutes a consent to exercise in personam jurisdiction by the courts of this state; providing an effective date.

House Amendment 1 (763285) (with title amendment)—Remove lines 34-73 and insert:

(1)*(a) A* ~~Any~~ person, whether or not a citizen or resident of this state, who personally or through an agent does any of the acts enumerated in this subsection thereby submits himself or herself and, if he or she is a natural person, his or her personal representative to the jurisdiction of the courts of this state for any cause of action arising from ~~the doing of~~ any of the following acts:

1.~~(a)~~ Operating, conducting, engaging in, or carrying on a business or business venture in this state or having an office or agency in this state.

2.~~(b)~~ Committing a tortious act within this state.

3.~~(c)~~ Owning, using, possessing, or holding a mortgage or other lien on any real property within this state.

4.~~(d)~~ Contracting to insure *a* ~~any~~ person, property, or risk located within this state at the time of contracting.

5.~~(e)~~ With respect to a proceeding for alimony, child support, or division of property in connection with an action to dissolve a marriage or with respect to an independent action for support of dependents, maintaining a matrimonial domicile in this state at the time of the commencement of this action or, if the defendant resided in this state preceding the commencement of the action, whether cohabiting during that time or not. This paragraph does not change the residency requirement for filing an action for dissolution of marriage.

6.~~(f)~~ Causing injury to persons or property within this state arising out of an act or omission by the defendant outside this state, if, at or about the time of the injury, either:

a.~~1.~~ The defendant was engaged in solicitation or service activities within this state; or

b.~~2.~~ Products, materials, or things processed, serviced, or manufactured by the defendant anywhere were used or consumed within this state in the ordinary course of commerce, trade, or use.

7.~~(g)~~ Breaching a contract in this state by failing to perform acts required by the contract to be performed in this state.

8.~~(h)~~ With respect to a proceeding for paternity, engaging in the act of sexual intercourse within this state with respect to which a child may have been conceived.

9. Entering into a contract that complies with s. 685.102.

(b) Notwithstanding any provision of this subsection, a penalty or fine imposed by an agency of any other state shall not be enforceable against any person or entity incorporated or having its principal place of business in this state where such other state does not provide a mandatory right of review of such agency decision in a state court of competent jurisdiction.

And the title is amended as follows:

Remove line 8 and insert: courts of this state; providing that penalties or fines imposed by agencies of other states are not enforceable in certain circumstances; amending s. 55.502, F.S.;

On motion by Senator Diaz de la Portilla, the Senate concurred in **House Amendment 1 (763285)**.

CS for SB 186 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—40

Mr. President	Braynon	Flores
Abruzzo	Bullard	Galvano
Altman	Clemens	Garcia
Bean	Dean	Gardiner
Benacquisto	Detert	Gibson
Bradley	Diaz de la Portilla	Grimsley
Brandes	Evers	Hays

Hukill	Negron	Sobel
Joyner	Richter	Soto
Latvala	Ring	Stargel
Lee	Sachs	Thompson
Legg	Simmons	Thrasher
Margolis	Simpson	
Montford	Smith	

Nays—None

The Honorable Don Gaetz, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 354, with 1 amendment, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for SB 354—A bill to be entitled An act relating to ad valorem tax exemptions; amending s. 196.199, F.S.; providing that certain leasehold interests and improvements to land owned by the United States, a branch of the United States Armed Forces, or any agency or quasi-governmental agency of the United States are exempt from ad valorem taxation under specified circumstances; providing that such leasehold interests and improvements are entitled to an exemption from ad valorem taxation without an application being filed for the exemption or the property appraiser approving the exemption; providing for retroactive application; providing an effective date.

House Amendment 1 (760753) (with title amendment)—Remove lines 48-59 and insert: *filed or approved by the property appraiser. This subparagraph does not apply to a transient public lodging establishment as defined in s. 509.013.*

And the title is amended as follows:

Remove line 12 and insert: property appraiser approving the exemption; providing for applicability; providing

On motion by Senator Thrasher, the Senate refused to concur in **House Amendment 1 (760753)** to **CS for SB 354** and the House was requested to recede. The action of the Senate was certified to the House.

BILLS ON THIRD READING

Consideration of **CS for HB 7065**, **CS for CS for HB 617** and **CS for CS for HB 57** was deferred.

CS for CS for HB 635—A bill to be entitled An act relating to insurance; amending s. 215.555, F.S.; revising the date of the future repeal of an exemption of medical malpractice insurance premiums from emergency assessments imposed to fund certain obligations, costs, and expenses of the Florida Hurricane Catastrophe Fund and the Florida Hurricane Catastrophe Fund Finance Corporation; amending s. 316.646, F.S.; authorizing a uniform motor vehicle proof-of-insurance card to be in an electronic format; providing construction with respect to the parameters of a person's consent to access information on an electronic device presented to provide proof of insurance; providing immunity from liability to a law enforcement officer for damage to an electronic device presented to provide proof of insurance; authorizing the Department of Highway Safety and Motor Vehicles to adopt rules; amending s. 320.02, F.S.; authorizing insurers to furnish uniform proof-of-purchase cards in an electronic format for use by insureds to prove the purchase of required insurance coverage when registering a motor vehicle; amending s. 554.1021, F.S.; defining the term "authorized inspection agency"; amending s. 554.107, F.S.; requiring the chief inspector of the state boiler inspection program to issue a certificate of competency as a special inspector to certain individuals; specifying how long such certificate remains in effect; amending s. 554.109, F.S.; authorizing specified insurers to contract with an authorized inspection agency for boiler inspections; requiring such insurers to annually report the identity of contracted authorized inspection agencies to the Department of Financial Services; amending s. 624.413, F.S.; revising a specified time period applicable to a certified examination that must be filed by a foreign or alien insurer applying for a certificate of authority; amending s. 626.0428, F.S.; requiring a branch place of business to have an agent in charge; authorizing an agent to be in charge of more than one branch office under certain circumstances; providing requirements relating to the designation of an agent in charge; providing that the agent in charge is accountable for misconduct and violations committed by the licensee and any person under his or her supervision; prohibiting an insurance agency from conducting insurance business at a location without a designated agent in charge; providing for expiration of an agency license under specified circumstances; amending s. 626.112, F.S.; providing licensure exemptions that allow specified individuals or entities to conduct insurance business at specified locations under certain circumstances; revising licensure requirements and penalties with respect to registered insurance agencies; providing that the registration of an approved registered insurance agency automatically converts to an insurance agency license on a specified date; amending s. 626.172, F.S.; revising requirements relating to applications for insurance agency licenses; conforming provisions to changes made by the act; amending s. 626.321, F.S.; providing that a limited license to offer motor vehicle rental insurance issued to a business that rents or leases motor vehicles encompasses the employees of such business; amending s. 626.382, F.S.; providing that an insurance agency license continues in force until canceled, suspended, revoked, or terminated; amending s. 626.601, F.S.; revising terminology relating to investigations conducted by the Department of Financial Services and the Office of Insurance Regulation with respect to individuals and entities involved in the insurance industry; repealing s. 626.747, F.S., relating to branch agencies, agents in charge, and the payment of additional county tax under certain circumstances; amending s. 626.8411, F.S.; conforming a cross-reference; amending s. 626.8805, F.S.; revising insurance administrator application requirements; amending s. 626.8817, F.S.; authorizing an insurer's designee to provide certain coverage information to an insurance administrator; authorizing an insurer to subcontract the audit of an insurance administrator; amending s. 626.882, F.S.; prohibiting a person from acting as an insurance administrator without a specific written agreement; amending s. 626.883, F.S.; requiring insurance administrators to furnish fiduciary account records to an insurer's designee; requiring administrator withdrawals from a fiduciary account to be made according to specific written agreements; providing that an insurer's designee may authorize payment of claims; amending s. 626.884, F.S.; revising an insurer's right of access to certain administrator records; amending s. 626.89, F.S.; revising the deadline for filing certain financial statements; amending s. 626.931, F.S.; deleting provisions requiring a surplus lines agent to file a quarterly affidavit with the Florida Surplus Lines Service Office; amending s. 626.932, F.S.; revising the due date of surplus lines tax; amending ss. 626.935 and 626.936, F.S.; conforming provisions to changes made by the act; amending s. 627.062, F.S.; requiring the Office of Insurance Regulation to use certain models or straight averages of certain models to estimate hurricane losses when determining whether the rates in a rate filing are excessive, inadequate, or unfairly discriminatory; amending s. 627.0628, F.S.; increasing the length of time during which an insurer must adhere to certain findings made by the Commission on Hurricane Loss Projection Methodology with respect to certain methods, principles, standards, models, or output ranges used in a rate finding; providing that the requirement to adhere to such findings does not limit an insurer from using a straight average of results of certain models or output ranges under specified circumstances; amending s. 627.072, F.S.; authorizing retrospective rating plans relating to workers' compensation and employer's liability insurance to allow negotiations between certain employers and insurers with respect to rating factors used to calculate premiums; amending s. 627.281, F.S.; conforming a cross-reference; amending s. 627.351, F.S.; requiring Citizens Property Insurance Corporation to submit a biannual report on the number of residential sinkhole policies issued and declined; requiring the corporation to establish a Citizens Sinkhole Stabilization Repair Program for sinkhole claims; providing definitions; providing program components; specifying the corporation's liability with respect to sinkhole claims; requiring the offering by the corporation of specified deductible amounts for sinkhole loss coverage; repealing s. 627.3519, F.S., relating to an annual report from the Financial Services Commission to the Legislature of aggregate net probable maximum losses, financing options, and potential assessments of the Florida Hurricane Catastrophe Fund and Citizens Property Insurance Corporation; amending s. 627.4133, F.S.; increasing the amount of prior notice required with respect to the nonrenewal, cancellation, or termination of certain insurance policies; deleting certain provisions that require extended periods of prior notice with respect to the nonrenewal, cancellation, or termination of certain insurance policies; prohibiting the can-

cellation of certain policies that have been in effect for a specified amount of time except under certain circumstances; amending s. 627.4137, F.S.; adding licensed company adjusters to the list of persons who may respond to a claimant's written request for information relating to liability insurance coverage; amending s. 627.421, F.S.; authorizing the electronic delivery of certain insurance documents; amending s. 627.43141, F.S.; authorizing a notice of change in policy terms to be sent in a separate mailing to an insured under certain circumstances; requiring an insurer to provide such notice to insured's insurance agent; amending s. 627.6484, F.S.; providing that coverage for each policyholder of the Florida Comprehensive Health Association terminates on a specified date; requiring the association to provide assistance to policyholders; requiring the association to notify policyholders of termination of coverage and provide information concerning how to obtain other coverage; requiring the association to impose a final assessment or provide a refund to member insurers, sell or dispose of physical assets, perform a final accounting, legally dissolve the association, submit a required report, and transfer all records to the Office of Insurance Regulation; repealing s. 627.64872, F.S., relating to the Florida Health Insurance Plan; providing for the future repeal of ss. 627.648, 627.6482, 627.6484, 627.6486, 627.6488, 627.6489, 627.649, 627.6492, 627.6494, 627.6496, 627.6498, and 627.6499, F.S., relating to the Florida Comprehensive Health Association Act, definitions, termination of enrollment and availability of other coverage, eligibility, the Florida Comprehensive Health Association, the Disease Management Program, the administrator of the health insurance plan, participation of insurers, insurer assessments, deferment, and assessment limitations, issuing of policies, minimum benefits coverage and exclusions, premiums, and deductibles, and reporting by insurers and third-party administrators, respectively; amending s. 627.7015, F.S.; revising the rulemaking authority of the department with respect to qualifications and specified types of penalties covered under the property insurance mediation program; creating s. 627.70151, F.S.; providing criteria for an insurer or policyholder to challenge the impartiality of a loss appraisal umpire for purposes of disqualifying such umpire; amending s. 627.706, F.S.; revising the definition of the term "neutral evaluator"; amending s. 627.7074, F.S.; requiring the department to adopt rules relating to certification of neutral evaluators; amending s. 627.736, F.S.; revising the time period for applicability of certain Medicare fee schedules or payment limitations; amending s. 627.745, F.S.; revising qualifications for approval as a mediator by the department; providing grounds for the department to deny an application, or suspend or revoke approval of a mediator or certification of a neutral evaluator; authorizing the department to adopt rules; amending s. 627.782, F.S.; revising the date by which title insurance agencies and certain insurers must annually submit specified information to the Office of Insurance Regulation; amending s. 627.841, F.S.; providing that an insurance premium finance company may impose a charge for payments returned, declined, or unable to be processed due to insufficient funds; amending s. 627.952, F.S.; providing that certain persons who are not residents of this state must be licensed and appointed as nonresident surplus lines agents in this state in order to engage in specified activities with respect to servicing insurance contracts, certificates, or agreements for purchasing or risk retention groups; deleting a fidelity bond requirement applicable to certain nonresident agents who are licensed as surplus lines agents in another state; amending ss. 627.971 and 627.972, F.S.; including licensed mutual insurers in financial guaranty insurance corporations; amending s. 628.901, F.S.; revising the definition of the term "qualifying reinsurer parent company"; amending s. 628.909, F.S.; providing for applicability of certain provisions of the Insurance Code to specified captive insurers; amending s. 634.406, F.S.; revising criteria authorizing premiums of certain service warranty associations to exceed their specified net assets limitations; revising requirements relating to contractual liability policies that insure warranty associations; providing effective dates.

—as amended April 26 was read the third time by title.

Senator Flores moved the following amendment:

Amendment 5 (332122) (with title amendment)—Delete lines 441-513 and insert:

Section 4. Effective September 1, 2013, subsection (1) of section 320.04, Florida Statutes, is amended to read:

320.04 Registration service charge.—

(1)(a) There shall be a service charge of *$2.50* ~~$5~~ for each application which is handled in connection with original issuance, duplicate issuance, or transfer of any license plate, mobile home sticker, or validation sticker or with transfer or duplicate issuance of any registration certificate*, which shall* ~~. Of that amount, $2.50 shall be deposited into the General Revenue Fund, and the remainder shall~~ be retained by the department or by the tax collector, as the case may be, as other fees accruing to those offices.

(b) There shall also be a service charge of *$1* ~~$3~~ for the issuance of each license plate validation sticker, vessel decal, and mobile home sticker issued from an automated vending facility or printer dispenser machine, which is payable to the department *and*~~. Of that amount, $1~~ shall be used to provide for automated vending facilities or printer dispenser machines used to dispense such stickers and decals by each tax collector's or license tag agent's employee. ~~The remaining $2 shall be deposited into the General Revenue Fund.~~

(c) The tax collector may impose an additional service charge of not more than 50 cents on any transaction specified in paragraph (a) or paragraph (b), or on any transaction specified in s. 319.32(2)(a) or s. 328.48 if such transaction occurs at any tax collector's branch office.

Section 5. Effective September 1, 2013, subsections (1), (2), and (3) of section 320.06, Florida Statutes, are amended to read:

320.06 Registration certificates, license plates, and validation stickers generally.—

(1)(a) Upon the receipt of an initial application for registration and payment of the appropriate license tax and other fees required by law, the department shall assign to the motor vehicle a registration license number consisting of letters and numerals or numerals and issue to the owner or lessee a certificate of registration and one registration license plate, unless two plates are required for display by s. 320.0706, for each vehicle so registered.

(b) Registration license plates bearing a graphic symbol and the alphanumeric system of identification shall be issued for a 10-year period. At the end of that 10-year period, upon renewal, the plate shall be replaced. The department shall extend the scheduled license plate replacement date from a 6-year period to a 10-year period. The fee for such replacement is $28, $2.80 of which shall be paid each year before the plate is replaced, to be credited towards the next $28 replacement fee. The fees shall be deposited into the Highway Safety Operating Trust Fund. A credit or refund may not be given for any prior years' payments of such prorated replacement fee if the plate is replaced or surrendered before the end of the 10-year period, except that a credit may be given if a registrant is required by the department to replace a license plate under s. 320.08056(8)(a). With each license plate, a validation sticker shall be issued showing the owner's birth month, license plate number, and the year of expiration or the appropriate renewal period if the owner is not a natural person. The validation sticker shall be placed on the upper right corner of the license plate. Such license plate and validation sticker shall be issued based on the applicant's appropriate renewal period. The registration period is 12 months, the extended registration period is 24 months, and all expirations occur based on the applicant's appropriate registration period. A vehicle with an apportioned registration shall be issued an annual license plate and a cab card that denote the declared gross vehicle weight for each apportioned jurisdiction in which the vehicle is authorized to operate.

(c) Registration license plates equipped with validation stickers subject to the registration period are valid for not more than 12 months and expire at midnight on the last day of the registration period. A registration license plate equipped with a validation sticker subject to the extended registration period is valid for not more than 24 months and expires at midnight on the last day of the extended registration period. For each registration period after the one in which the metal registration license plate is issued, and until the license plate is required to be replaced, a validation sticker showing the month and year of expiration shall be issued upon payment of the proper license tax amount and fees and is valid for not more than 12 months. For each extended registration period occurring after the one in which the metal registration license plate is issued and until the license plate is required to be replaced, a validation sticker showing the year of expiration shall be issued upon payment of the proper license tax amount and fees and is valid for not more than 24 months. When license plates equipped with

validation stickers are issued in any month other than the owner's birth month or the designated registration period for any other motor vehicle, the effective date shall reflect the birth month or month and the year of renewal. However, when a license plate or validation sticker is issued for a period of less than 12 months, the applicant shall pay the appropriate amount of license tax and the applicable fee under s. 320.14 in addition to all other fees. Validation stickers issued for vehicles taxed under s. 320.08(6)(a), for any company that owns 250 vehicles or more, or for semitrailers taxed under the provisions of s. 320.08(5)(a), for any company that owns 50 vehicles or more, may be placed on any vehicle in the fleet so long as the vehicle receiving the validation sticker has the same owner's name and address as the vehicle to which the validation sticker was originally assigned.

(2) The department shall provide the several tax collectors and license plate agents with the necessary number of validation stickers.

(3)(a) Registration license plates must be made of metal specially treated with a retroreflection material, as specified by the department. The registration license plate is designed to increase nighttime visibility and legibility and must be at least 6 inches wide and not less than 12 inches in length, unless a plate with reduced dimensions is deemed necessary by the department to accommodate motorcycles, mopeds, or similar smaller vehicles. Validation stickers must also be treated with a retroreflection material, must be of such size as specified by the department, and must adhere to the license plate. The registration license plate must be imprinted with a combination of bold letters and numerals or numerals, not to exceed seven digits, to identify the registration license plate number. The license plate must be imprinted with the word "Florida" at the top and the name of the county in which it is sold, the state motto, or the words "Sunshine State" at the bottom. Apportioned license plates must have the word "Apportioned" at the bottom and license plates issued for vehicles taxed under s. 320.08(3)(d), (4)(m) or (n), (5)(b) or (c), or (14) must have the word "Restricted" at the bottom. License plates issued for vehicles taxed under s. 320.08(12) must be imprinted with the word "Florida" at the top and the word "Dealer" at the bottom. Manufacturer license plates issued for vehicles taxed under s. 320.08(12) must be imprinted with the word "Florida" at the top and the word "Manufacturer" at the bottom. License plates issued for vehicles taxed under s. 320.08(5)(d) or (e) must be imprinted with the word "Wrecker" at the bottom. Any county may, upon majority vote of the county commission, elect to have the county name removed from the license plates sold in that county. The state motto or the words "Sunshine State" shall be printed in lieu thereof. A license plate issued for a vehicle taxed under s. 320.08(6) may not be assigned a registration license number, or be issued with any other distinctive character or designation, that distinguishes the motor vehicle as a for-hire motor vehicle.

(b) An additional fee of *50 cents* ~~$1.50~~ shall be collected *and deposited into the Highway Safety Operating Trust Fund* on each motor vehicle registration or motor vehicle renewal registration issued in this state in order for all license plates and validation stickers to be fully treated with retroreflection material. ~~Of that amount, $1 shall be deposited into the General Revenue Fund and 50 cents shall be deposited into the Highway Safety Operating Trust Fund.~~

Section 6. Effective September 1, 2013, section 320.0804, Florida Statutes, is amended to read:

320.0804 Surcharge on license tax; transportation trust fund.—There is hereby levied and imposed on each license tax imposed under s. 320.08, except those set forth in s. 320.08(11), a surcharge in the amount of *$2* ~~$4~~, which shall be collected in the same manner as the license tax *and*~~. Of this amount, $2 shall be~~ deposited into the State Transportation Trust Fund~~, and $2 shall be deposited into the General Revenue Fund~~.

Section 7. Effective September 1, 2013, section 320.08046, Florida Statutes, is amended to read:

320.08046 Surcharge on license tax.—There is levied on each license tax imposed under s. 320.08, except those set forth in s. 320.08(11), a surcharge in the amount of *$1* ~~$5.50~~, which shall be collected in the same manner as the license tax *and*~~. Of the proceeds of each license tax surcharge, $4.50 shall be deposited into the General Revenue Fund and $1 shall be~~ deposited into the Grants and Donations Trust Fund in the Department of Juvenile Justice to fund the juvenile crime prevention programs and the community juvenile justice partnership grants program.

Section 8. Effective September 1, 2013, for the purpose of incorporating the amendment made by this act to section 320.06, Florida Statutes, in a reference thereto, subsection (4) of section 320.0807, Florida Statutes, is reenacted to read:

320.0807 Special license plates for Governor and federal and state legislators.—

(4) License plates purchased under subsection (1), subsection (2), or subsection (3) shall be replaced by the department at no cost, other than the fees required by ss. 320.04 and 320.06(3)(b), when the person to whom the plates have been issued leaves the elective office with respect to which the license plates were issued. Within 30 days after leaving office, the person to whom the license plates have been issued shall make application to the department for a replacement license plate. The person may return the prestige license plates to the department or may retain the plates as souvenirs. Upon receipt of the replacement license plate, the person may not continue to display on any vehicle the prestige license plate or plates issued with respect to his or her former office.

Section 9. Subsection (8) is added to section 554.1021, Florida Statutes, to read:

554.1021 Definitions.—As used in ss. 554.1011-554.115:

(8) "Authorized inspection agency" means:

(a) Any county, city, town, or other governmental subdivision that has adopted and administers, at a minimum, Section I of the A.S.M.E. Boiler and Pressure Vessel Code as a legal requirement and whose inspectors hold valid certificates of competency in accordance with s. 554.113; or

(b) Any insurance company that is licensed or registered by an appropriate authority of any state of the United States or province of Canada and whose inspectors hold valid certificates of competency in accordance with s. 554.113.

Section 10. Section 554.107, Florida Statutes, is amended to read:

554.107 Special inspectors.—

(1) Upon application by any *authorized inspection agency* ~~company licensed to insure boilers in this state~~, the chief inspector shall issue a certificate of competency as a special inspector to any inspector employed by the *authorized inspection agency* ~~company~~, provided that such inspector satisfies the competency requirements for inspectors as provided in s. 554.113.

(2) The certificate of competency of a special inspector shall remain in effect only so long as the special inspector is employed by *an authorized inspection agency* ~~a company licensed to insure boilers in this state~~. Upon termination of employment with such *agency* ~~company~~, a special inspector shall, in writing, notify the chief inspector of such termination. Such notice shall be given within 15 days following the date of termination.

Section 11. Subsection (1) of section 554.109, Florida Statutes, is amended to read:

554.109 Exemptions.—

(1) Any insurance company insuring a boiler located in a public assembly location in this state shall inspect *or contract with an authorized inspection agency to inspect* such boiler ~~so insured,~~ and *shall annually report to the department the identity of any authorized inspection agency performing any required boiler inspection on behalf of the company. A* ~~any~~ county, city, town, or other governmental subdivision *that* ~~which~~ has adopted into law the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers and the National Board Inspection Code for the construction, installation, inspection, maintenance, and repair of boilers, regulating such boilers in public assembly locations, shall inspect such boilers so regulated; provided that such inspection shall be conducted by a special inspector licensed pursuant to ss. 554.1011-554.115. Upon filing of a report of satisfactory inspection with the department, such boiler is exempt from inspection by the department.

Section 12. Paragraph (f) of subsection (1) of section 624.413, Florida Statutes, is amended to read:

624.413 Application for certificate of authority.—

(1) To apply for a certificate of authority, an insurer shall file its application therefor with the office, upon a form adopted by the commission and furnished by the office, showing its name; location of its home office and, if an alien insurer, its principal office in the United States; kinds of insurance to be transacted; state or country of domicile; and such additional information as the commission reasonably requires, together with the following documents:

(f) If a foreign or alien insurer, a copy of the report of the most recent examination of the insurer certified by the public official having supervision of insurance in its state of domicile or of entry into the United States. The end of the most recent year covered by the examination must be within the *5-year* ~~3 year~~ period preceding the date of application. In lieu of the certified examination report, the office may accept an audited certified public accountant's report prepared on a basis consistent with the insurance laws of the insurer's state of domicile, certified by the public official having supervision of insurance in its state of domicile or of entry into the United States.

Section 13. Subsections (5) through (9) of section 624.509, Florida Statutes, are amended to read:

624.509 Premium tax; rate and computation.—

~~(5)(a)1. There shall be allowed a credit against the net tax imposed by this section equal to 15 percent of the amount paid by an insurer in salaries to employees located or based within this state and who are covered by the provisions of chapter 443.~~

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

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

~~(b) For purposes of this subsection:~~

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

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

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

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

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

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

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

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

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

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

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

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

(5)~~(6)(a)~~ The total of the credit granted for the taxes paid by the insurer under chapter 220 ~~and the credit granted by subsection (5)~~ may 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.~~

(6)~~(7)~~ Credits and deductions against the tax imposed by this section shall be taken in the following order: deductions for assessments made pursuant to s. 440.51; credits for taxes paid under ss. 175.101 and 185.08; *and* credits for income taxes paid under chapter 220 ~~and the credit allowed under subsection (5)~~, as these credits are limited by subsection *(5)* ~~(6)~~; all other available credits and deductions.

(7)~~(8)~~ From and after July 1, 1980, the premium tax authorized by this section shall not be imposed upon receipts of annuity premiums or considerations paid by holders in this state if the tax savings derived are credited to the annuity holders. Upon request by the Department of Revenue, any insurer availing itself of this provision shall submit to the department evidence which establishes that the tax savings derived have been credited to annuity holders. As used in this subsection, the term "holders" shall be deemed to include employers contributing to an employee's pension, annuity, or profit-sharing plan.

(8)~~(9)~~ As used in this section "insurer" includes any entity subject to the tax imposed by this section.

Section 14. Subsection (1) of section 624.5091, Florida Statutes, is amended to read:

624.5091 Retaliatory provision, insurers.—

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

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

Section 15. Subsection (1) of section 624.51055, Florida Statutes, is amended to read:

624.51055 Credit for contributions to eligible nonprofit scholarship-funding organizations.—

(1) There is allowed a credit of 100 percent of an eligible contribution made to an eligible nonprofit scholarship-funding organization under s. 1002.395 against any tax due for a taxable year under s. 624.509(1) after deducting from such tax deductions for assessments made pursuant to s. 440.51; credits for taxes paid under ss. 175.101 and 185.08; *and* credits for income taxes paid under chapter 220~~; and the credit allowed under s. 624.509(5)~~, as *these credits are* ~~such credit is~~ limited by *s. 624.509(5)* ~~s. 624.509(6)~~. An insurer claiming a credit against premium tax liability under this section shall not be required to pay any additional retaliatory tax levied pursuant to s. 624.5091 as a result of claiming such credit. Section 624.5091 does not limit such credit in any manner.

Section 16. *The amendments made by this act to ss. 624.509, 624.5091, and 624.51055 shall apply beginning in the 2013 insurance premium tax year.*

And the title is amended as follows:

Delete lines 22-37 and insert: registering a motor vehicle; amending s. 320.04, F.S.; reducing the service charges that are collected with an application for the original issuance, duplicate issuance, or transfer of certain specified registration certificates; amending s. 320.06, F.S.; reducing a fee collected for a motor vehicle registration; amending ss. 320.0804 and 320.08046, F.S.; reducing a surcharge on a license tax; reenacting s. 320.0807(4), F.S., relating to special vehicle license plates for the Governor and federal and state legislators, to incorporate the amendment made to s. 320.06, F.S., in a reference thereto; amending s. 554.1021, F.S.; defining the term "authorized inspection agency"; amending s. 554.107, F.S.; requiring the chief inspector of the state boiler inspection program to issue a certificate of competency as a special inspector to certain individuals; specifying how long such certificate remains in effect; amending s. 554.109, F.S.; authorizing specified insurers to contract with an authorized inspection agency for boiler inspections; requiring such insurers to annually report the identity of contracted authorized inspection agencies to the Department of Financial Services; amending s. 624.413, F.S.; revising a specified time period applicable to a certified examination that must be filed by a foreign or alien insurer applying for a certificate of authority; amending s. 624.509, F.S.; deleting a credit based on the amount paid in salaries to employees within this state; amending ss. 624.5091 and 624.51055, F.S.; revising provisions to conform to changes made by the act; providing for applicability;

POINT OF ORDER

Senator Gibson raised a point of order that pursuant to Rule 7.1 **Amendment 5 (332122)** was not germane to the bill.

The President referred the point of order and the amendment to Senator Thrasher, Chair of the Committee on Rules.

On motion by Senator Brandes, further consideration of **CS for CS for HB 635** as amended with pending **Amendment 5 (332122)** and pending point of order was deferred.

HB 7079—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 741.313, F.S., relating to an exemption from public records requirements for certain information contained in records documenting an act of domestic violence or sexual violence which are submitted to an agency by an agency employee; removing the scheduled repeal of the exemption; providing an effective date.

—was read the third time by title.

On motion by Senator Evers, **HB 7079** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Braynon	Flores
Abruzzo	Bullard	Galvano
Altman	Clemens	Garcia
Bean	Dean	Gardiner
Benacquisto	Detert	Gibson
Bradley	Diaz de la Portilla	Grimsley
Brandes	Evers	Hays

Hukill	Montford	Simpson
Joyner	Negron	Smith
Latvala	Richter	Sobel
Lee	Ring	Soto
Legg	Sachs	Stargel
Margolis	Simmons	Thompson

Nays—None

Vote after roll call:

Yea—Thrasher

Consideration of **CS for SB 1350**, **CS for SB 808** and **HB 725** was deferred.

SENATOR RICHTER PRESIDING

CS for CS for HB 7009—A bill to be entitled An act relating to charter schools; amending s. 1002.33, F.S.; clarifying enforcement of policies agreed to by the sponsor and charter school that are subsequently amended; requiring a sponsor to annually report specific information regarding charter applications; authorizing a charter school operated by a Florida College System institution to serve students in kindergarten through grade 12 if certain criteria are met; providing disclosure requirements for applicants of previous charter schools subject to corrective action or financial recovery plans; revising provisions relating to the timely submission of charter school applications; providing requirements relating to the appeal of a denied application submitted by a high-performing charter school; reducing the amount of time for negotiation of a charter; revising provisions relating to the issuance of a final order in contract dispute cases; clarifying instructional methods for blended learning courses; providing a restriction relating to a required certificate of occupancy; authorizing the consolidation of multiple charters into a single charter in certain circumstances; establishing student academic achievement as a priority in determining charter renewals and terminations; revising the timeline for charter schools to submit waiver of termination requests to the Department of Education; restricting expenditures upon nonrenewal, closure, or termination of a charter school; requiring an independent audit within a specified time after notification of nonrenewal, closure, or termination; prohibiting certain actions by a charter school; providing penalties; requiring a charter school to maintain specified information on a website; revising provisions relating to determination of a charter school's student enrollment; revising provisions requiring charter school compliance with statutes relating to education personnel compensation, contracts, and performance evaluations and workforce reductions; providing requirements for the reimbursement of federal funds to charter schools; providing restrictions on the membership of a governing board; amending s. 1002.331, F.S.; revising criteria for classification as a high-performing charter school; providing requirements for modification of the charter of a high-performing charter school; requiring the Commissioner of Education to annually review a high-performing charter school's eligibility for high-performing status; authorizing declassification as a high-performing charter school; amending s. 1002.332, F.S.; revising requirements for classification as a high-performing charter school system; authorizing an entity operating outside the state to obtain high-performing charter school system status under certain circumstances; requiring the commissioner to annually review a high-performing charter school system's eligibility for high-performing status; authorizing declassification as a high-performing charter school system; requiring the department to develop a proposed statewide, standard charter contract; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Legg, **CS for CS for HB 7009** as amended was passed and certified to the House. The vote on passage was:

Yeas—31

Altman	Bradley	Detert
Bean	Brandes	Diaz de la Portilla
Benacquisto	Dean	Evers
Flores	Lee	Simpson
Galvano	Legg	Smith
Garcia	Margolis	Soto
Gardiner	Montford	Stargel
Grimsley	Negron	Thompson
Hays	Richter	Thrasher
Hukill	Ring	
Latvala	Simmons	

Nays—7

Braynon	Gibson	Sobel
Bullard	Joyner	
Clemens	Sachs	

Vote after roll call:

Nay—Abruzzo

Consideration of **CS for HB 461** and **CS for CS for HB 7127** was deferred.

SPECIAL ORDER CALENDAR

Consideration of **CS for CS for SB 1840** and **CS for CS for SB 904** was deferred.

CS for CS for SB 1628—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 253.034, F.S.; requiring public hearings relating to the development of land management plans to be held in any one, rather than each, county affected by such plans; amending s. 259.1052, F.S.; providing for Lee County to retain ownership and assume responsibility for management of a specified portion of the Babcock Crescent B Ranch Florida Forever acquisition; requiring certain activities on the property to be compatible with working ranch and agricultural activities; establishing the Department of Agriculture and Consumer Services as the lead agency responsible for managing the Babcock Crescent B Ranch; amending s. 259.10521, F.S.; replacing the term "Babcock Crescent B Ranch" with the term "Babcock Ranch Preserve" for limited purposes; amending s. 259.1053, F.S.; deleting and revising provisions of the Babcock Ranch Preserve Act to conform to the termination or expiration of the management agreement and the dissolution of Babcock Ranch, Inc.; revising definitions; creating the Babcock Ranch Advisory Group; providing for the department to manage and operate the preserve; requiring certain fees to be deposited into the Incidental Trust Fund of the Florida Forest Service of the Department of Agriculture and Consumer Services, subject to appropriation; directing the Fish and Wildlife Conservation Commission, in cooperation with the department, to establish, implement, and administer certain activities and fees; requiring such fees to be deposited into the State Game Trust Fund of the Fish and Wildlife Conservation Commission and used for specified purposes; authorizing the Board of Trustees of the Internal Improvement Trust Fund to negotiate and enter into certain agreements and grant certain privileges, leases, concessions, and permits; providing for certain funds to revert to the Incidental Trust Fund of the Florida Forest Service upon dissolution of Babcock Ranch, Inc.; providing a date for dissolution of the Babcock Ranch Advisory Group, subject to Legislative reenactment; amending s. 388.261, F.S.; revising provisions for the distribution and use of state funds for local mosquito control programs; amending s. 388.271, F.S.; revising the date by which mosquito control districts must submit their certified budgets for approval by the department; amending s. 487.160, F.S.; deleting provisions requiring the department to conduct a survey and compile a report on restricted-use pesticides; amending s. 534.083, F.S.; deleting permitting requirements for livestock haulers; amending s. 570.07, F.S.; clarifying the authority of the department to regulate certain open burning; creating s. 570.087, F.S.; providing legislative findings; requiring the Department of Agriculture and Consumer Services to enter into a memorandum of agreement with the Fish and Wildlife Conservation Commission for the purpose of developing voluntary best management practices for this state's agricultural industry; allowing for pilot projects; providing that the department has rulemaking authority for these purposes; requiring that rules provide for a notice of intent to implement these practices; emphasizing that implementation of the best

management practices created pursuant to this section is voluntary; restricting the adoption or enforcement of any law regarding the best management practices created pursuant to this section; creating s. 570.64, F.S.; establishing the duties of the Division of Food, Nutrition, and Wellness within the department; providing for a director of the division; amending s. 570.902, F.S.; clarifying the applicability of definitions relating to certain designated programs and direct-support organizations; amending s. 570.903, F.S.; authorizing the department to establish direct-support organizations for museums and other programs of the department; deleting provisions that limit the establishment of direct-support organizations to particular museums and programs; deleting provisions authorizing direct-support organizations to enter into certain contracts or agreements; clarifying provisions prohibiting specified entities from receiving commissions, fees, or financial benefits in connection with the sale or exchange of real property and historical objects; providing for the termination of agreements between the department and direct-support organizations; providing for the distribution of certain assets; deleting provisions requiring the department to establish certain procedures relating to museum artifacts and records; amending s. 576.051, F.S.; authorizing the department to establish certain criteria for fertilizer sampling and analysis; amending s. 576.061, F.S.; requiring the department to adopt rules establishing certain investigational allowances for fertilizer deficiencies; providing a date by which such allowances are effective and other allowances are repealed; amending s. 576.181, F.S.; revising the department's authority to adopt rules establishing certain criteria for fertilizer analysis; amending s. 585.61, F.S.; deleting provisions for the establishment of an animal disease diagnostic laboratory in Suwannee County; amending s. 586.10, F.S.; authorizing apiary inspectors to be certified beekeepers under certain conditions; amending s. 586.15, F.S.; authorizing the Department of Agriculture and Consumer Services to collect certain costs to be deposited into the General Inspection Trust Fund; amending s. 589.02, F.S.; deleting annual and special meeting requirements for the Florida Forestry Council; amending s. 589.19, F.S.; establishing the Operation Outdoor Freedom Program within the Florida Forest Service to replace provisions for the designation of specified hunt areas in state forests for wounded veterans and servicemembers; providing purpose and intent of the program; providing eligibility requirements for program participation; providing exceptions from eligibility requirements for certain activities; providing for deposit and use of funds donated to the program; limiting the liability of private landowners who provide land for designation as hunting sites for purposes of the program; amending s. 589.30, F.S.; revising references to certain Florida Forest Service personnel titles; amending s. 590.02, F.S.; authorizing the Florida Forest Service to allow certain types of burning; specifying that sovereign immunity applies to certain planning level activities; deleting provisions relating to the composition and duties of the Florida Forest Training Center advisory council; prohibiting government entities from banning certain types of burning; authorizing the service to delegate authority to special districts to manage certain types of burning; revising such authority delegated to counties and municipalities; amending s. 590.11, F.S.; revising the prohibition on leaving certain recreational fires unattended, to which penalties apply; amending s. 590.125, F.S.; revising and providing definitions relating to open burning authorized by the Florida Forest Service; revising requirements for noncertified and certified burning; limiting the liability of the service and certain persons related to certain burns; amending s. 590.25, F.S.; revising provisions relating to criminal penalties for obstructing the prevention, detection, or suppression of wildfires; creating chapter 595, F.S., to establish the Florida School Food and Nutrition Act; creating s. 595.401, F.S.; providing a short title; creating s. 595.402, F.S.; providing definitions; creating s. 595.403, F.S.; declaring state policy relating to school food and nutrition services; transferring, renumbering, and amending ss. 570.98 and 570.981, F.S., relating to school food and nutrition services and the Florida Farm Fresh Schools Program; revising the department's duties and responsibilities for administering such services and program; revising requirements for school districts and sponsors; transferring, renumbering, and amending s. 570.982, F.S., relating to the children's summer nutrition program; clarifying provisions; transferring and renumbering s. 570.072, F.S., relating to commodity distribution; creating s. 595.501, F.S.; providing certain penalties; transferring, renumbering, and amending s. 570.983, F.S., relating to the Food and Nutrition Services Trust Fund; conforming a cross-reference; transferring and renumbering s. 570.984, F.S., relating to the Healthy Schools for Healthy Lives Council; amending s. 1001.42, F.S.; requiring district school boards to perform duties relating to school lunch programs as required by the department's rules; amending s. 1003.453, F.S.; requiring each school district to electronically submit a revised local school wellness policy to the Department of Agriculture and Consumer Services and a revised physical education policy to the Department of Education; repealing ss. 487.0615, 570.382, 570.97, and 590.50, F.S., relating to the Pesticide Review Council, Arabian horse racing and the Arabian Horse Council, the Gertrude Maxwell Save a Pet Direct-Support Organization, and permits for the sale of cypress products, respectively; amending ss. 487.041, 550.2625, and 550.2633, F.S.; conforming provisions; providing for the disbursement of specified funds; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 1628** to **CS for HB 7087**.

Pending further consideration of **CS for CS for SB 1628** as amended, on motion by Senator Montford, by two-thirds vote **CS for HB 7087** was withdrawn from the Committees on Agriculture; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Montford—

CS for HB 7087—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 253.034, F.S.; requiring public hearings relating to the development of land management plans to be held in any one, rather than each, county affected by such plans; amending s. 259.1052, F.S.; providing for Lee County to retain ownership and assume responsibility for management of a specified portion of the Babcock Crescent B Ranch Florida Forever acquisition; requiring certain activities on the property to be compatible with working ranch and agricultural activities; amending s. 259.10521, F.S.; revising provisions relating to the citizen support organization for the Babcock Ranch Preserve and use of the ranch property; amending s. 259.1053, F.S.; revising provisions of the Babcock Preserve Ranch Act to conform to the termination or expiration of the management agreement and the dissolution of Babcock Ranch, Inc.; creating the Babcock Ranch Advisory Group; providing for the department to manage and operate the preserve; requiring certain fees to be deposited into the Incidental Trust Fund of the Florida Forest Service, subject to appropriation; directing the Fish and Wildlife Commission, in cooperation with the Florida Forest Service, to establish, implement, and administer certain activities and fees; requiring such fees to be deposited into the State Game Trust Fund of the Fish and Wildlife Conservation Commission and used for specified purposes; authorizing the Board of Trustees of the Internal Improvement Trust Fund to negotiate and enter into certain agreements and grant certain privileges, leases, concessions, and permits; providing for transfer of the Babcock Ranch, Inc., to the department upon dissolution of the corporation; providing for certain funds to revert to the Incidental Trust Fund of the Florida Forest Service upon such dissolution; amending s. 388.261, F.S.; revising provisions for the distribution and use of state funds for local mosquito control programs; amending s. 388.271, F.S.; revising the date by which mosquito control districts must submit their certified budgets for approval by the department; amending s. 487.160, F.S.; deleting provisions requiring the department to conduct a survey and compile a report on restricted-use pesticides; amending s. 534.083, F.S.; deleting permitting requirements for livestock haulers; creating s. 570.087, F.S.; providing for the department and the Fish and Wildlife Conservation Commission to enter into a memorandum of agreement to develop best management practices for the agriculture industry; authorizing the department to adopt certain rules; providing that implementation of such best management practices is voluntary; prohibiting governmental agencies from adopting or enforcing specified ordinances, resolutions, regulations, rules, or policies; amending s. 570.07, F.S.; clarifying the authority of the department to regulate certain open burning; creating s. 570.64, F.S.; establishing the duties of the Division of Food, Nutrition, and Wellness within the department; providing for a director of the division; amending s. 570.902, F.S.; clarifying the applicability of definitions relating to certain designated programs and direct-support organizations; amending s. 570.903, F.S.; authorizing the department to establish direct-support organizations for museums and other programs of the department; deleting provisions that limit the establishment of direct-support organizations to particular museums and programs; deleting provisions authorizing direct-support organizations to enter into certain contracts or agreements; clarifying provisions prohibiting specified entities from receiving commissions, fees, or financial benefits in connection with the sale or exchange of real property and historical objects; providing for the termination of agreements between the department and direct-support

organizations; providing for the distribution of certain assets; deleting provisions requiring the department to establish certain procedures relating to museum artifacts and records; amending s. 576.051, F.S.; authorizing the department to establish certain criteria for fertilizer sampling and analysis; amending s. 576.061, F.S.; requiring the department to adopt rules establishing certain investigational allowances for fertilizer deficiencies; providing a date by which such allowances are effective and other allowances are repealed; amending s. 576.181, F.S.; revising the department's authority to adopt rules establishing certain criteria for fertilizer analysis; amending s. 585.61, F.S.; deleting provisions for the establishment of an animal disease diagnostic laboratory in Suwannee County; amending s. 586.10, F.S.; authorizing apiary inspectors to be certified beekeepers under certain conditions; amending s. 586.15, F.S.; providing for the collection and deposit of costs related to enforcement of prohibitions against the adulteration or misbranding of honey; amending s. 589.02, F.S.; deleting annual and special meeting requirements for the Florida Forestry Council; amending s. 589.19, F.S.; establishing the Operation Outdoor Freedom Program within the Florida Forest Service to replace provisions for the designation of specified hunt areas in state forests for wounded veterans and servicemembers; providing purpose and intent of the program; providing eligibility requirements for program participation; providing exceptions from eligibility requirements for certain activities; providing for deposit and use of funds donated to the program; limiting the liability of private landowners who provide land for designation as hunting sites for purposes of the program; amending s. 589.30, F.S.; revising references to certain Florida Forest Service personnel titles; amending s. 590.02, F.S.; authorizing the Florida Forest Service to allow certain types of burning; specifying that sovereign immunity applies to certain planning level activities; deleting provisions relating to the composition and duties of the Florida Forest Training Center advisory council; prohibiting government entities from banning certain types of burning; authorizing the service to delegate authority to special districts to manage certain types of burning; revising such authority delegated to counties and municipalities; amending s. 590.11, F.S.; revising the prohibition on leaving certain recreational fires unattended, to which penalties apply; amending s. 590.125, F.S.; revising and providing definitions relating to open burning authorized by the Florida Forest Service; revising requirements for noncertified and certified burning; limiting the liability of the service and certain persons related to certain burns; amending s. 590.25, F.S.; revising provisions relating to criminal penalties for obstructing the prevention, detection, or suppression of wildfires; creating chapter 595, F.S., to establish the Florida School Food and Nutrition Act; creating s. 595.401, F.S.; providing a short title; creating s. 595.402, F.S.; providing definitions; creating s. 595.403, F.S.; declaring state policy relating to school food and nutrition services; transferring, renumbering, and amending ss. 570.98 and 570.981, F.S., relating to school food and nutrition services and the Florida Farm Fresh Schools Program; revising the department's duties and responsibilities for administering such services and program; revising requirements for school districts and sponsors; transferring, renumbering, and amending s. 570.982, F.S., relating to the children's summer nutrition program; clarifying provisions; transferring, renumbering, and amending s. 570.072, F.S., relating to the authority of the department to conduct, supervise, and administer commodity distribution services for school food and nutrition services; creating s. 595.501, F.S.; providing certain penalties; transferring, renumbering, and amending s. 570.983, relating to the Food and Nutrition Services Trust Fund; conforming a cross-reference; transferring and renumbering s. 570.984, F.S., relating to the Healthy Schools for Healthy Lives Council; amending s. 1001.42, F.S.; requiring district school boards to perform duties relating to school lunch programs as required by the department's rules; amending s. 1003.453, F.S.; deleting an obsolete provision; requiring school districts to submit certain policies to the Department of Agriculture and Consumer Services and the Department of Education; repealing ss. 487.0615, 570.382, 570.97, and 590.50, F.S., relating to the Pesticide Review Council, Arabian horse racing and the Arabian Horse Council, the Gertrude Maxwell Save a Pet Direct-Support Organization, and permits for the sale of cypress products, respectively; amending ss. 487.041, 550.2625, and 550.2633, F.S.; conforming provisions; providing for the disbursement of specified funds; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1628** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 7087** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 1458—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 110.205, F.S.; providing that certain positions in the department are exempt from career service; amending s. 207.002, F.S., relating to the Florida Diesel Fuel and Motor Fuel Use Tax Act of 1981; deleting definitions of the terms "apportioned motor vehicle" and "apportionable vehicle"; providing legislative intent relating to road rage and traffic congestion; amending s. 316.003, F.S.; defining the term "road rage"; amending s. 316.066, F.S.; authorizing the Department of Transportation to immediately receive a crash report; amending s. 316.083, F.S.; requiring that an operator of a motor vehicle yield the furthermost left-hand lane when being overtaken on a multilane highway; providing exceptions; reenacting s. 316.1923, F.S., relating to aggressive careless driving, to incorporate the amendments made to s. 316.083, F.S., in a reference thereto; requiring that the Department of Highway Safety and Motor Vehicles provide information about the act in driver license educational materials that are newly published on or after a specified date; amending s. 316.1937, F.S.; revising operational specifications for ignition interlock devices; amending s. 316.2015, F.S.; prohibiting the operator of a pickup truck or flatbed truck from permitting a child who is younger than 6 years of age from riding within the open body of the truck under certain circumstances; amending s. 316.302, F.S.; revising provisions for certain commercial motor vehicles and transporters and shippers of hazardous materials; providing for application of specified federal regulations; removing a provision for application of specified provisions and federal regulations to transporting liquefied petroleum gas; amending s. 316.3025, F.S.; providing penalties for violation of specified federal regulations relating to medical and physical requirements for commercial drivers while driving a commercial motor vehicle; revising provisions for seizure of a motor vehicle for refusal to pay penalty; amending s. 316.515, F.S.; providing that a straight truck may attach a forklift to the rear of the cargo bed if it does not exceed a specific length; amending s. 316.545, F.S.; revising language relating to certain commercial motor vehicles not properly licensed and registered; amending s. 316.646, F.S.; authorizing the use of an electronic device to provide proof of insurance under the section; providing that displaying such information on an electronic device does not constitute consent for a law enforcement officer to access other information stored on the device; providing that the person displaying the device assumes the liability for any resulting damage to the device; requiring the department to adopt rules; amending s. 317.0016, F.S., relating to expedited services; removing a requirement that the department provide such service for certain certificates; amending s. 318.14, F.S., relating to disposition of traffic citations; providing that certain alternative procedures for certain traffic offenses are not available to a person who holds a commercial learner's permit; amending s. 318.1451, F.S.; revising provisions relating to driver improvement schools; removing a provision for a chief judge to establish requirements for the location of schools within a judicial circuit; removing a provision that authorizes a person to operate a driver improvement school; revising provisions for persons taking an unapproved course; providing criteria for initial approval of courses; revising requirements for assessment fees, courses, course certificates, and course providers; directing the department to adopt rules; creating s. 319.141, F.S.; establishing a pilot rebuilt motor vehicle inspection program; providing definitions; requiring the department to contract with private vendors to establish and operate inspection facilities in certain counties; providing minimum requirements for applicants; requiring the department to submit a report to the Legislature; providing for future repeal; amending s. 319.225, F.S.; revising provisions for certificates of title, reassignment of title, and forms; revising procedures for transfer of title; amending s. 319.23, F.S.; revising requirements for content of certificates of title and applications for title; amending s. 319.28, F.S.; revising provisions for transfer of ownership by operation of law when a motor vehicle or mobile home is repossessed; removing provisions for a certificate of repossession; amending s. 319.323, F.S., relating to expedited services of the department; removing certificates of repossession; amending s. 320.01, F.S.; removing the definition of the term "apportioned motor vehicle"; revising the definition of the term "apportionable motor vehicle"; amending s. 320.02, F.S.; revising requirements for application for motor vehicle registration; amending s. 320.03, F.S.; revising a provision for registration under the International Registration Plan; amending s. 320.071, F.S.; revising a provision for advance renewal of registration under the International Registration Plan;

amending s. 320.0715, F.S.; revising provisions for vehicles required to be registered under the International Registration Plan; amending s. 320.18, F.S.; providing for withholding of motor vehicle or mobile home registration when a coowner has failed to register the motor vehicle or mobile home during a previous period when such registration was required; providing for cancelling a vehicle or vessel registration, driver license, identification card, or fuel-use tax decal if the coowner pays certain fees and other liabilities with a dishonored check; amending s. 320.27, F.S., relating to motor vehicle dealers; providing for extended periods for dealer licenses and supplemental licenses; providing fees; amending s. 320.62, F.S., relating to manufacturers, distributors, and importers of motor vehicles; providing for extended licensure periods; providing fees; amending s. 320.77, F.S., relating to mobile home dealers; providing for extended licensure periods; providing fees; amending s. 320.771, F.S., relating to recreational vehicle dealers; providing for extended licensure periods; providing fees; amending s. 320.8225, F.S., relating to mobile home and recreational vehicle manufacturers, distributors, and importers; providing for extended licensure periods; providing fees; amending s. 322.095, F.S.; requiring an applicant for a driver license to complete a traffic law and substance abuse education course; providing exceptions; revising procedures for evaluation and approval of such courses; revising criteria for such courses and the schools conducting the courses; providing for collection and disposition of certain fees; requiring providers to maintain records; directing the department to conduct effectiveness studies; requiring a provider to cease offering a course that fails the study; requiring courses to be updated at the request of the department; providing a timeframe for course length; prohibiting a provider from charging for a completion certificate; requiring providers to disclose certain information; requiring providers to submit course completion information to the department within a certain time period; prohibiting certain acts; providing that the department shall not accept certification from certain students; prohibiting a person convicted of certain crimes from conducting courses; directing the department to suspend course approval for certain purposes; providing for the department to deny, suspend, or revoke course approval for certain acts; providing for administrative hearing before final action denying, suspending, or revoking course approval; providing penalties for violations; amending s. 322.125, F.S.; revising criteria for members of the Medical Advisory Board; amending s. 322.135, F.S.; removing a provision that authorizes a tax collector to direct certain licensees to the department for examination or reexamination; creating s. 322.143, F.S.; defining terms; prohibiting a private entity from swiping an individual's driver license or identification card except for certain specified purposes; providing that a private entity that swipes an individual's driver license or identification card may not store, sell, or share personal information collected from swiping the driver license or identification card; providing that a private entity may store or share personal information collected from swiping an individual's driver license or identification card for the purpose of preventing fraud or other criminal activity against the private entity; providing that the private entity may manually collect personal information; prohibiting a private entity from withholding the provision of goods or services solely as a result of the individual requesting the collection of the data through manual means; providing remedies; amending s. 322.18, F.S.; revising provisions for a vision test required for driver license renewal for certain drivers; amending s. 322.21, F.S.; making grammatical changes; amending s. 322.212, F.S.; providing penalties for certain violations involving application and testing for a commercial driver license or a commercial learner's permit; amending s. 322.22, F.S.; authorizing the department to withhold issuance or renewal of a driver license, identification card, vehicle or vessel registration, or fuel-use decal under certain circumstances; amending s. 322.245, F.S.; requiring a depository or clerk of court to electronically notify the department of a person's failure to pay support or comply with directives of the court; amending s. 322.25, F.S.; removing a provision for a court order to reinstate a person's driving privilege on a temporary basis when the person's license and driving privilege have been revoked under certain circumstances; amending s. 322.2615, F.S., relating to review of a license suspension when the driver had blood or breath alcohol at a certain level or the driver refused a test of his or her blood or breath to determine the alcohol level; providing procedures for a driver to be issued a restricted license under certain circumstances; revising provisions for informal and formal reviews; providing for the hearing officer to be designated by the department; authorizing the hearing officer to conduct hearings using telecommunications technology; revising procedures for enforcement of subpoenas; amending s. 322.2616, F.S., relating to review of a license suspension when the driver is under 21 years of age and had blood or breath alcohol at a certain level; revising provisions for informal and formal reviews; providing for the hearing officer to be designated by the department; authorizing the hearing officer to conduct hearings using telecommunications technology; revising procedures for enforcement of subpoenas; amending s. 322.271, F.S.; correcting cross-references and conforming provisions to changes made by the act; providing procedures for certain persons who have no previous convictions for certain alcohol-related driving offenses to be issued a driver license for business purposes only; amending s. 322.2715, F.S.; providing requirements for issuance of a restricted license for a person convicted of a DUI offense if a medical waiver of placement of an ignition interlock device was given to such person; amending s. 322.28, F.S., relating to revocation of driver license for convictions of DUI offenses; providing that convictions occurring on the same date for offenses occurring on separate dates are considered separate convictions; removing a provision relating to a court order for reinstatement of a revoked license; repealing s. 322.331, F.S., relating to habitual traffic offenders; amending s. 322.61, F.S.; revising provisions for disqualification from operating a commercial motor vehicle; providing for application of such provisions to persons holding a commercial learner's permit; revising the offenses for which certain disqualifications apply; amending s. 322.64, F.S., relating to driving with unlawful blood-alcohol level or refusal to submit to breath, urine, or blood test by a commercial driver license holder or person driving a commercial motor vehicle; providing that a disqualification from driving a commercial motor vehicle is considered a conviction for certain purposes; revising the time period a person is disqualified from driving for alcohol-related violations; revising requirements for notice of the disqualification; providing that under the review of a disqualification the hearing officer shall consider the crash report; revising provisions for informal and formal reviews; providing for the hearing officer to be designated by the department; authorizing the hearing officer to conduct hearings using telecommunications technology; revising procedures for enforcement of subpoenas; directing the department to issue a temporary driving permit or invalidate the suspension under certain circumstances; providing for construction of specified provisions; amending s. 323.002, F.S.; revising the definition of a wrecker operator system; providing that an unauthorized wrecker, tow truck, or other motor vehicle used during certain offenses may be immediately removed and impounded; requiring that an unauthorized wrecker operator disclose in writing to the owner or operator of a disabled motor vehicle certain information; requiring that the unauthorized wrecker operator provide such disclosure to the owner or operator of the disabled vehicle in the presence of a law enforcement officer if one is present at the scene of a motor vehicle accident; authorizing a law enforcement officer from a local governmental agency or state law enforcement agency to remove and impound an unauthorized wrecker, tow truck, or other motor vehicle from the scene of a disabled vehicle or wreck; authorizing the authority that caused the removal and impoundment to assess a cost-recovery fine; requiring a release form; requiring that the wrecker, tow truck, or other motor vehicle remain impounded until the fine has been paid; providing for public sale of an impounded vehicle; providing fines for violations; requiring that the unauthorized wrecker operator pay the fees associated with the removal and storage of the wrecker, tow truck, or other motor vehicle; amending s. 324.0221, F.S.; revising the actions which must be reported to the department by an insurer that has issued a policy providing personal injury protection coverage or property damage liability coverage; revising time allowed for submitting the report; amending s. 324.031, F.S.; revising the methods a vehicle owner or operator may use to prove financial responsibility; removing a provision for posting a bond with the department; amending s. 324.091, F.S.; revising provisions requiring motor vehicle owners and operators to provide evidence to the department of liability insurance coverage under certain circumstances; revising provisions for verification by insurers of such evidence; amending s. 324.161, F.S.; providing requirements for issuance of a certificate of insurance; requiring proof of a certificate of deposit of a certain amount of money in a financial institution; providing for power of attorney to be issued to the department for execution under certain circumstances; amending s. 328.01, F.S., relating to vessel titles; revising identification requirements for applications for a certificate of title; amending s. 328.48, F.S., relating to vessel registration; revising identification requirements for applications for vessel registration; amending s. 328.76, F.S., relating to vessel registration funds; revising provisions for funds to be deposited into the Highway Safety Operating Trust Fund; amending s. 713.585, F.S.; requiring that a lienholder check the National Motor Vehicle Title Information System or the records of any corresponding agency of any other state before enforcing a lien by selling the motor vehicle; requiring the lienholder to notify the local law enforcement agency in writing by certified mail informing the law enforcement

agency that the lienholder has made a good faith effort to locate the owner or lienholder; specifying that a good faith effort includes a check of the Department of Highway Safety and Motor Vehicles database records and the National Motor Vehicle Title Information System; setting requirements for notification of the sale of the vehicle as a way to enforce a lien; requiring the lienholder to publish notice; requiring the lienholder to keep a record of proof of checking the National Motor Vehicle Title Information System; amending s. 713.78, F.S.; revising provisions for enforcement of a lien for recovering, towing, or storing a vehicle or vessel; amending ss. 212.08, 261.03, 316.2122, 316.2124, 316.21265, 316.3026, 316.550, 317.0003, 320.08, 320.0847, 322.282, 324.023, 324.171, 324.191, 627.733, and 627.7415, F.S.; correcting cross-references and conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1458**, on motion by Senator Brandes, by two-thirds vote **CS for CS for HB 7125** was withdrawn from the Committees on Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Appropriations.

On motion by Senator Brandes—

CS for CS for HB 7125—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 110.205, F.S.; providing that certain positions in the department are exempt from career service; amending s. 207.002, F.S., relating to the Florida Diesel Fuel and Motor Fuel Use Tax Act of 1981; deleting definitions of the terms "apportioned motor vehicle" and "apportionable vehicle"; amending s. 316.0083, F.S.; revising provisions for enforcement of specified provisions using a traffic infraction detector; prohibiting a notice of violation or a traffic citation for a right on red violation under specified provisions; amending s. 316.066, F.S.; authorizing the Department of Transportation to immediately receive a crash report; amending s. 316.0776, F.S.; removing a requirement that the department, a county, or a municipality notify the public of enforcement of violations concerning right turns via a traffic infraction detector; amending s. 316.081, F.S.; prohibiting a driver from driving at less than the posted speed in the furthermost left-hand lane of a road, street, or highway having two or more lanes if being overtaken by a motor vehicle; providing exceptions; providing penalties; amending s. 316.1937, F.S.; revising operational specifications for ignition interlock devices; amending s. 316.2397, F.S.; exempting specified municipal officials from a prohibition against showing or displaying blue lights on a motor vehicle under certain conditions; amending s. 316.302, F.S.; revising provisions for certain commercial motor vehicles and transporters and shippers of hazardous materials; providing for application of specified federal regulations; removing a provision for application of specified provisions and federal regulations to transporting liquefied petroleum gas; amending s. 316.3025, F.S.; providing penalties for violation of specified federal regulations relating to medical and physical requirements for commercial drivers while driving a commercial motor vehicle; revising provisions for seizure of motor vehicle for refusal to pay penalty; providing penalties for violation of specified federal regulations relating to commercial drivers and the use of mobile telephones and texting while driving a commercial motor vehicle; providing exemptions; amending s. 316.515, F.S.; revising provisions for exceptions to width, height, and length limitations; amending s. 316.545, F.S.; revising language relating to certain commercial motor vehicles not properly licensed and registered; amending s. 316.646, F.S., relating to proof of property damage liability security and display thereof; providing for proof of insurance in an electronic format and on an electronic device; providing conditions relating to the use of such electronic device; requiring the department to adopt rules; amending s. 317.0016, F.S., relating to expedited services; removing a requirement that the department provide such service for certain certificates; amending s. 318.14, F.S., relating to disposition of traffic citations; providing that certain alternative procedures for certain traffic offenses are not available to a person who holds a commercial learner's permit; amending s. 318.1451, F.S.; revising provisions relating to driver improvement schools; removing a provision for a chief judge to establish requirements for the location of schools within a judicial circuit; removing a provision that authorizes a person to operate a driver improvement school; revising provisions for persons taking unapproved course; providing criteria for initial approval of courses; revising requirements for courses, course certificates, and course providers; directing the department to adopt rules; creating s. 319.141, F.S.; directing the department to conduct a pilot program to evaluate rebuilt vehicle inspection services performed by the private sector; providing definitions; providing for the department to enter into a memorandum of understanding with the private provider; providing minimum criteria and certain requirements; requiring the department to provide a report to the Legislature; providing for future expiration; amending s. 319.225, F.S.; revising provisions for certificates of title, reassignment of title, and forms; revising procedures for transfer of title; amending s. 319.23, F.S.; revising requirements for content of certificates of title and applications for title; amending s. 319.28, F.S.; revising provisions for transfer of ownership by operation of law when a motor vehicle or mobile home is repossessed; removing provisions for a certificate of repossession; amending s. 319.30, F.S., relating to disposition of derelict motor vehicles; defining the term "National Motor Vehicle Title Information System"; requiring salvage motor vehicle dealers, insurance companies, and other persons to notify the system when receiving or disposing of such a vehicle; requiring proof of such notification when applying for a certificate of destruction or salvage certificate of title; providing penalties; amending s. 319.323, F.S., relating to expedited services of the department; removing certificates of repossession; amending s. 320.01, F.S.; removing the definition of the term "apportioned motor vehicle"; revising the definition of the term "apportionable vehicle"; amending s. 320.02, F.S.; revising requirements for application for motor vehicle registration; providing for insurers to furnish proof-of-purchase cards in a paper or an electronic format; requiring the application form for motor vehicle registration and renewal of registration to include language permitting the applicant to make a voluntary contribution to the Auto Club Group Traffic Safety Foundation, Inc.; amending s. 320.03, F.S.; revising a provision for registration under the International Registration Plan; amending s. 320.071, F.S.; revising a provision for advance renewal of registration under the International Registration Plan; amending s. 320.0715, F.S.; revising provisions for vehicles required to be registered under the International Registration Plan; amending s. 320.08058, F.S.; revising the prescribed use of proceeds from the sale of Hispanic Achievers license plates; amending s. 320.089, F.S.; creating a special use license plate for current or former members of the United States Armed Forces who participated in Operation Desert Storm or Operation Desert Shield; amending s. 320.18, F.S.; providing for withholding of motor vehicle or mobile home registration when a coowner has failed to register the motor vehicle or mobile home during a previous period when such registration was required; providing for cancelling a vehicle or vessel registration, driver license, identification card, or fuel-use tax decal if the coowner pays certain fees and other liabilities with a dishonored check; amending s. 320.27, F.S., relating to motor vehicle dealers; providing for extended periods for dealer licenses and supplemental licenses; providing fees; amending s. 320.62, F.S., relating to manufacturers, distributors, and importers of motor vehicles; providing for extended licensure periods; providing fees; amending s. 320.77, F.S., relating to mobile home dealers; providing for extended licensure periods; providing fees; amending s. 320.771, F.S., relating to recreational vehicle dealers; providing for extended licensure periods; providing fees; amending s. 320.8225, F.S., relating to mobile home and recreational vehicle manufacturers, distributors, and importers; providing for extended licensure periods; providing fees; amending s. 322.08, F.S.; requiring the application form for an original, renewal, or replacement driver license or identification card to include language permitting the applicant to make a voluntary contribution to the Auto Club Group Traffic Safety Foundation, Inc.; amending s. 322.095, F.S.; requiring an applicant for a driver license to complete a traffic law and substance abuse education course; providing exceptions; revising procedures for evaluation and approval of such courses; revising criteria for such courses and the schools conducting the courses; providing for collection and disposition of certain fees; requiring providers to maintain records; directing the department to conduct effectiveness studies; requiring a provider to cease offering a course that fails the study; requiring courses to be updated at the request of the department; requiring providers to disclose certain information; requiring providers to submit course completion information to the department within a certain time period; prohibiting certain acts; providing that the department shall not accept certification from students; prohibiting a person convicted of certain crimes from conducting courses; directing the department to suspend course approval for certain purposes; providing for the department to deny, suspend, or revoke course approval for certain acts; providing for administrative hearing before final action denying, suspending, or revoking course approval; providing penalties for violations; amending s. 322.125, F.S.; revising criteria for members of the Medical Advisory Board; amending s. 322.135, F.S.; removing a provision that authorizes a

tax collector to direct certain licensees to the department for examination or reexamination; creating s. 322.143, F.S.; defining terms; prohibiting a private entity from swiping an individual's driver license or identification card except for certain specified purposes; providing that a private entity that swipes an individual's driver license or identification card may not store, sell, or share personal information collected from swiping the driver license or identification card; providing exceptions; providing that the private entity may manually collect personal information; prohibiting a private entity from withholding the provision of goods or services solely as a result of the individual requesting the collection of the data through manual means; providing remedies; amending s. 322.212, F.S.; providing penalties for certain violations involving application and testing for a commercial driver license or a commercial learner's permit; amending s. 322.22, F.S.; authorizing the department to withhold issuance or renewal of a driver license, identification card, vehicle or vessel registration, or fuel-use decal under certain circumstances; amending s. 322.245, F.S.; requiring a depository or clerk of court to electronically notify the department of a person's failure to pay support or comply with directives of the court; amending s. 322.25, F.S.; removing a provision for a court order to reinstate a person's driving privilege on a temporary basis when the person's license and driving privilege have been revoked under certain circumstances; amending ss. 322.2615 and 322.2616, F.S., relating to review of a license suspension when the driver had blood or breath alcohol at a certain level or the driver refused a test of his or her blood or breath to determine the alcohol level; authorizing the driver to request a review of eligibility for a restricted driving privilege; revising provisions for informal and formal reviews; providing for the hearing officer to be designated by the department; authorizing the hearing officer to conduct hearings using telecommunications technology; revising procedures for enforcement of subpoenas; directing the department to issue a temporary driving permit or invalidate the suspension under certain circumstances; providing for construction of specified provisions; amending s. 322.271, F.S.; providing conditions under which a person whose driver license is suspended for a DUI-related offense may be eligible to receive a restricted driving privilege; amending s. 322.2715, F.S.; providing requirements for issuance of a restricted driver license for a person convicted of a DUI offense if a medical waiver of placement of an ignition interlock device was given to such person; amending s. 322.28, F.S., relating to revocation of driver license for convictions of DUI offenses; providing that convictions occurring on the same date for offenses occurring on separate dates are considered separate convictions; removing a provision relating to a court order for reinstatement of a revoked driver license; repealing s. 322.331, F.S., relating to habitual traffic offenders; amending s. 322.61, F.S.; revising provisions for disqualification from operating a commercial motor vehicle; providing for application of such provisions to persons holding a commercial learner's permit; revising the offenses for which certain disqualifications apply; amending s. 322.64, F.S., relating to driving with unlawful blood-alcohol level or refusal to submit to breath, urine, or blood test by a commercial driver license holder or person driving a commercial motor vehicle; providing that a disqualification from driving a commercial motor vehicle is considered a conviction for certain purposes; revising the time period a person is disqualified from driving for alcohol-related violations; revising requirements for notice of the disqualification; providing that under the review of a disqualification the hearing officer shall consider the crash report; revising provisions for informal and formal reviews; providing for the hearing officer to be designated by the department; authorizing the hearing officer to conduct hearings using telecommunications technology; revising procedures for enforcement of subpoenas; directing the department to issue a temporary driving permit or invalidate the suspension under certain circumstances; providing for construction of specified provisions; amending s. 323.002, F.S.; providing that an unauthorized wrecker operator's wrecker, tow truck, or other motor vehicle used during certain offenses may be removed and impounded; requiring an unauthorized wrecker operator to disclose certain information in writing to the owner or operator of a motor vehicle and provide a copy of the disclosure to the owner or operator in the presence of a law enforcement officer if an officer is present; authorizing state and local government law enforcement officers to cause to be removed and impounded any wrecker, tow truck, or other motor vehicle used in violation of specified provisions; authorizing the authority that caused the removal and impoundment to assess a cost recovery fine; providing procedures and requirements for release of the vehicle; providing penalties; requiring that the unauthorized wrecker operator pay the fees associated with the removal and storage of the vehicle; amending s. 324.0221, F.S.; revising the actions which must be reported to the department by an insurer that has issued a policy providing personal injury protection coverage or property damage liability coverage; revising time allowed for submitting the report; amending s. 324.031, F.S.; revising the methods a vehicle owner or operator may use to prove financial responsibility; removing a provision for posting a bond with the department; amending s. 324.091, F.S.; revising provisions requiring motor vehicle owners and operators to provide evidence to the department of liability insurance coverage under certain circumstances; revising provisions for verification by insurers of such evidence; amending s. 324.161, F.S.; providing requirements for issuance of a certificate of insurance; requiring proof of a certificate of deposit of a certain amount of money in a financial institution; providing for power of attorney to be issued to the department for execution under certain circumstances; amending s. 328.01, F.S., relating to vessel titles; revising identification requirements for applications for a certificate of title; amending s. 328.48, F.S., relating to vessel registration; revising identification requirements for applications for vessel registration; amending s. 328.76, F.S., relating to vessel registration funds; revising provisions for funds to be deposited into the Highway Safety Operating Trust Fund; providing for certain funds to be used for aquaculture development; providing appropriations; amending s. 713.585, F.S.; revising procedures and requirements for enforcement of lien by sale of motor vehicle when ownership is not established; revising provisions for establishing a good faith effort to locate the owner or lienholder; requiring the lienholder to make certain records checks, including records of the department and the National Motor Vehicle Title Information System and any state disclosed by the check of that system; revising requirements for notification to the local law enforcement agency; revising requirements for notification of the sale of the vehicle; revising documents and proofs the lienholder is required to furnish with a certificate of compliance filed with the clerk of the circuit court; requiring the lienholder to provide the department proof of checking the National Motor Vehicle Title Information System for application for transfer of title; amending s. 713.78, F.S.; revising provisions for enforcement of liens for recovering, towing, or storing a vehicle or vessel; providing a definition; providing for a lien on a vehicle or vessel when a landlord or the landlord's designee authorized removal after tenancy is terminated and specified conditions are met; revising provisions requiring notice to the owner, insurance company, and lienholders; revising procedures and requirements when ownership is not established; revising provisions for establishing a good faith effort to locate the owner or lienholder; requiring certain records checks, including records of the department and the National Motor Vehicle Title Information System and any state disclosed by the check of that system; revising provisions for notice of sale; requiring that insurance company representatives shall be allowed to inspect the vehicle or vessel; providing that when the vehicle is to be sold for purposes of being dismantled, destroyed, or changed in such manner that it is not the motor vehicle or vessel described in the certificate of title, it must be reported to the National Motor Vehicle Title Information System and application made to the department for a certificate of destruction; authorizing the governing body of a county to create a yellow dot critical motorist medical information program for certain purposes; authorizing a county to solicit sponsorships for the medical information program and enter into an interlocal agreement with another county to solicit such sponsorships; authorizing the Department of Highway Safety and Motor Vehicles and the Department of Transportation to provide education and training and publicize the program; requiring the program to be free to participants; providing for applications to participate; providing for a yellow dot decal and a yellow dot folder to be issued to participants and a form containing specified information about the participant; providing procedures for use of the decal, folder, and form; providing for limited use of information on the forms by emergency medical responders; limiting liability of emergency medical responders; requiring the governing body of a participating county to adopt guidelines and procedures to ensure that confidential information is not made public; providing for contingent effect; amending ss. 212.08, 261.03, 316.2122, 316.2124, 316.21265, 316.3026, 316.550, 317.0003, 320.08, 320.0847, 322.271, 322.282, 324.023, 324.171, 324.191, 627.733, and 627.7415, F.S.; correcting cross-references and conforming provisions to changes made by the act; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 1458** and read the second time by title.

Senator Brandes moved the following amendment:

Amendment 1 (218538) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (m) of subsection (2) of section 110.205, Florida Statutes, is amended to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions that are not covered by this part include the following:

(m) All assistant division director, deputy division director, and bureau chief positions in any department, and those positions determined by the department to have managerial responsibilities comparable to such positions, which include, but are not limited to:

1. Positions in the Department of Health and the Department of Children and Family Services that are assigned primary duties of serving as the superintendent or assistant superintendent of an institution.

2. Positions in the Department of Corrections that are assigned primary duties of serving as the warden, assistant warden, colonel, or major of an institution or that are assigned primary duties of serving as the circuit administrator or deputy circuit administrator.

3. Positions in the Department of Transportation that are assigned primary duties of serving as regional toll managers and managers of offices, as defined in s. 20.23(4)(b) and (5)(c).

4. Positions in the Department of Environmental Protection that are assigned the duty of an Environmental Administrator or program administrator.

5. Positions in the Department of Health that are assigned the duties of Environmental Administrator, Assistant County Health Department Director, and County Health Department Financial Administrator.

6. Positions in the Department of Highway Safety and Motor Vehicles that are assigned primary duties of serving as captains in the Florida Highway Patrol.

Unless otherwise fixed by law, the department shall set the salary and benefits of the positions listed in this paragraph in accordance with the rules established for the Selected Exempt Service.

Section 2. Section 207.002, Florida Statutes, is reordered and amended to read:

207.002 Definitions.—As used in this chapter, the term:

~~(1) "Apportioned motor vehicle" means any motor vehicle which is required to be registered under the International Registration Plan.~~

(1)~~(2)~~ "Commercial motor vehicle" means any vehicle not owned or operated by a governmental entity which uses diesel fuel or motor fuel on the public highways; and which has a gross vehicle weight in excess of 26,000 pounds, or has three or more axles regardless of weight, or is used in combination when the weight of such combination exceeds 26,000 pounds gross vehicle weight. The term excludes any vehicle owned or operated by a community transportation coordinator as defined in s. 427.011 or by a private operator that provides public transit services under contract with such a provider.

(2)~~(3)~~ "Department" means the Department of Highway Safety and Motor Vehicles.

(7)~~(4)~~ "Motor carrier" means any person owning, controlling, operating, or managing any motor vehicle used to transport persons or property over any public highway.

(8)~~(5)~~ "Motor fuel" means what is commonly known and sold as gasoline and fuels containing a mixture of gasoline and other products.

(9)~~(6)~~ "Operate," "operated," "operation," or "operating" means and includes the utilization in any form of any commercial motor vehicle, whether loaded or empty, whether utilized for compensation or not for compensation, and whether owned by or leased to the motor carrier who uses it or causes it to be used.

(10)~~(7)~~ "Person" means and includes natural persons, corporations, copartnerships, firms, companies, agencies, or associations, singular or plural.

(11)~~(8)~~ "Public highway" means any public street, road, or highway in this state.

(3)~~(9)~~ "Diesel fuel" means any liquid product or gas product or combination thereof, including, but not limited to, all forms of fuel known or sold as diesel fuel, kerosene, butane gas, or propane gas and all other forms of liquefied petroleum gases, except those defined as "motor fuel," used to propel a motor vehicle.

(13)~~(10)~~ "Use," "uses," or "used" means the consumption of diesel fuel or motor fuel in a commercial motor vehicle for the propulsion thereof.

(4)~~(11)~~ "International Registration Plan" means a registration reciprocity agreement among states of the United States and provinces of Canada providing for payment of license fees or license taxes on the basis of fleet miles operated in various jurisdictions.

~~(12) "Apportionable vehicle" means any vehicle, except a recreational vehicle, a vehicle displaying restricted plates, a municipal pickup and delivery vehicle, a bus used in transportation of chartered parties, and a government-owned vehicle, which is used or intended for use in two or more states of the United States or provinces of Canada that allocate or proportionally register vehicles and which is used for the transportation of persons for hire or is designed, used, or maintained primarily for the transportation of property and:~~

~~(a) Is a power unit having a gross vehicle weight in excess of 26,000 pounds;~~

~~(b) Is a power unit having three or more axles, regardless of weight; or~~

~~(c) Is used in combination, when the weight of such combination exceeds 26,000 pounds gross vehicle weight.~~

(5)~~(13)~~ "Interstate" means vehicle movement between or through two or more states.

(6)~~(14)~~ "Intrastate" means vehicle movement from one point within a state to another point within the same state.

(12)~~(15)~~ "Registrant" means a person in whose name or names a vehicle is properly registered.

Section 3. *The intent of the Legislature is to reduce road rage and traffic congestion by reducing the incidence of crashes and drivers' interferences with the movement of traffic and by promoting the orderly, free flow of traffic on the roads and highways of the state.*

Section 4. Subsection (91) is added to section 316.003, Florida Statutes, 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:

(91) ROAD RAGE.—The act of a driver or passenger to intentionally or unintentionally, due to a loss of emotional control, injure or kill another driver, passenger, bicyclist, or pedestrian, or to attempt or threaten to injure or kill another driver, passenger, bicyclist, or pedestrian.

Section 5. Paragraph (b) of subsection (2) of section 316.066, Florida Statutes, is amended to read:

316.066 Written reports of crashes.—

(2)

(b) Crash 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, law enforcement agencies, *the Department of Transportation,* county traffic operations, 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 gen-

erally 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.

Section 6. Present subsection (3) of section 316.083, Florida Statutes, is redesignated as subsection (4), and a new subsection (3) is added to that section, to read:

316.083 Overtaking and passing a vehicle.—The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules hereinafter stated:

(3)(a) On a road, street, or highway having two or more lanes that allow movement in the same direction, a driver may not continue to operate a motor vehicle in the furthermost left-hand lane if the driver knows, or reasonably should know, that he or she is being overtaken in that lane from the rear by a motor vehicle traveling at a higher rate of speed.

(b) Paragraph (a) does not apply to a driver operating a motor vehicle in the furthermost left-hand lane if:

1. The driver is in the process of overtaking a slower motor vehicle in the adjacent right-hand lane for the purpose of passing the slower vehicle before moving to the adjacent right-hand lane;

2. Conditions preclude the driver from moving to the adjacent right-hand lane;

3. The driver's movement to the adjacent right-hand lane could endanger the driver or other drivers;

4. The driver is directed by a law enforcement officer, road sign, or road crew to remain in the furthermost left-hand lane;

5. The driver is preparing to make a left turn; or

6. The driver is traveling at a speed not less than 10 miles per hour under the posted speed limit.

Section 7. For the purpose of incorporating the amendment made by this act to section 316.083, Florida Statutes, in a reference thereto, section 316.1923, Florida Statutes, is reenacted to read:

316.1923 Aggressive careless driving.—"Aggressive careless driving" means committing two or more of the following acts simultaneously or in succession:

(1) Exceeding the posted speed as defined in s. 322.27(3)(d)5.b.

(2) Unsafely or improperly changing lanes as defined in s. 316.085.

(3) Following another vehicle too closely as defined in s. 316.0895(1).

(4) Failing to yield the right-of-way as defined in s. 316.079, s. 316.0815, or s. 316.123.

(5) Improperly passing as defined in s. 316.083, s. 316.084, or s. 316.085.

(6) Violating traffic control and signal devices as defined in ss. 316.074 and 316.075.

Section 8. *The Department of Highway Safety and Motor Vehicles shall provide information about the Florida Highway Safety Act in all driver license educational materials printed on or after October 1, 2013.*

Section 9. Subsection (1) of section 316.1937, Florida Statutes, is amended to read:

316.1937 Ignition interlock devices, requiring; unlawful acts.—

(1) In addition to any other authorized penalties, the court may require that any person who is convicted of driving under the influence in violation of s. 316.193 shall not operate a motor vehicle unless that vehicle is equipped with a functioning ignition interlock device certified by the department as provided in s. 316.1938, and installed in such a manner that the vehicle will not start if the operator's blood alcohol level is in excess of *0.025* ~~0.05~~ percent or as otherwise specified by the court. The court may require the use of an approved ignition interlock device for a period of *at least* ~~not less than~~ 6 continuous months, if the person is permitted to operate a motor vehicle, whether or not the privilege to operate a motor vehicle is restricted, as determined by the court. The court, however, shall order placement of an ignition interlock device in those circumstances required by s. 316.193.

Section 10. Section 316.2015, Florida Statutes, is amended to read:

316.2015 Unlawful for person to ride on exterior of vehicle.—

(1) It is unlawful for any operator of a passenger vehicle to permit any person to ride on the bumper, radiator, fender, hood, top, trunk, or running board of such vehicle when operated upon any street or highway which is maintained by the state, county, or municipality. Any person who violates this subsection shall be cited for a moving violation, punishable as provided in chapter 318.

(2)(a) No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This paragraph does not apply to an employee of a fire department, an employee of a governmentally operated solid waste disposal department or a waste disposal service operating pursuant to a contract with a governmental entity, or to a volunteer firefighter when the employee or firefighter is engaged in the necessary discharge of a duty, and does not apply to a person who is being transported in response to an emergency by a public agency or pursuant to the direction or authority of a public agency. This paragraph does not apply to an employee engaged in the necessary discharge of a duty or to a person or persons riding within truck bodies in space intended for merchandise.

(b) It is unlawful for any operator of a pickup truck or flatbed truck to permit a minor child who has not attained 18 years of age to ride upon limited access facilities of the state within the open body of a pickup truck or flatbed truck unless the minor is restrained within the open body in the back of a truck that has been modified to include secure seating and safety restraints to prevent the passenger from being thrown, falling, or jumping from the truck. This paragraph does not apply in a medical emergency if the child is accompanied within the truck by an adult. A county is exempt from this paragraph if the governing body of the county, by majority vote, following a noticed public hearing, votes to exempt the county from this paragraph.

(c) It is unlawful for the operator of a pickup truck or flatbed truck to permit a minor child who has not attained 6 years of age to ride within the open body of a pickup truck or flatbed truck unless the minor is restrained within the open body in the back of a truck that has been modified to include secure seating and safety restraints to prevent the minor from being thrown, falling, or jumping from the truck. This paragraph does not apply in a medical emergency if the child is accompanied within the truck by an adult, upon an unpaved road, or upon a street or highway with a posted speed limit of less than 55 miles per hour which is maintained by the state, county, or municipality. A county is exempt from this paragraph if the governing body of the county, by majority vote, following a noticed public hearing, votes to exempt the county from this paragraph. An operator of a pickup truck is exempt from this paragraph if the pickup truck is the only vehicle owned by the operator of his or her immediate family.

(d)~~(c)~~ Any person who violates this subsection shall be cited for a nonmoving violation, punishable as provided in chapter 318.

(3) This section *does* ~~shall~~ not apply to a performer engaged in a professional exhibition or person participating in an exhibition or parade, or any such person preparing to participate in such exhibitions or parades.

Section 11. Paragraph (b) of subsection (1), paragraph (a) of subsection (4), and subsection (9) of section 316.302, Florida Statutes, are amended to read:

316.302 Commercial motor vehicles; safety regulations; transporters and shippers of hazardous materials; enforcement.—

(1)

(b) Except as otherwise provided in this section, all owners or drivers of commercial motor vehicles that are engaged in intrastate commerce are subject to the rules and regulations contained in 49 C.F.R. parts 382, *383,* 385, and 390-397, with the exception of 49 C.F.R. s. 390.5 as it relates to the definition of bus, as such rules and regulations existed on *December 31, 2012* ~~October 1, 2011~~.

(4)(a) Except as provided in this subsection, all commercial motor vehicles transporting any hazardous material on any road, street, or highway open to the public, whether engaged in interstate or intrastate commerce, and any person who offers hazardous materials for such transportation, are subject to the regulations contained in 49 C.F.R. part 107, *subparts F and* ~~subpart~~ G, and 49 C.F.R. parts 171, 172, 173, 177, 178, and 180. Effective July 1, 1997, the exceptions for intrastate motor carriers provided in 49 C.F.R. 173.5 and 173.8 are hereby adopted.

~~(9)(a) This section is not applicable to the transporting of liquefied petroleum gas. The rules and regulations applicable to the transporting of liquefied petroleum gas on the highways, roads, or streets of this state shall be only those adopted by the Department of Agriculture and Consumer Services under chapter 527. However, transporters of liquefied petroleum gas must comply with the requirements of 49 C.F.R. parts 393 and 396.9.~~

~~(b)~~ This section does not apply to any nonpublic sector bus.

Section 12. Paragraph (b) of subsection (3) and subsection (5) of section 316.3025, Florida Statutes, are amended to read:

316.3025 Penalties.—

(3)

(b) A civil penalty of $100 may be assessed for:

1. Each violation of the North American Uniform Driver Out-of-Service Criteria;

2. A violation of s. 316.302(2)(b) or (c);

3. A violation of 49 C.F.R. s. 392.60; ~~or~~

4. A violation of the North American Standard Vehicle Out-of-Service Criteria resulting from an inspection of a commercial motor vehicle involved in a crash*; or*

5. A violation of 49 C.F.R. s. 391.41.

(5) Whenever any person or motor carrier as defined in chapter 320 violates the provisions of this section and becomes indebted to the state because of such violation and refuses to pay the appropriate penalty, in addition to the provisions of s. 316.3026, such penalty becomes a lien upon the property including the motor vehicles of such person or motor carrier and may be *seized and* foreclosed by the state in a civil action in any court of this state. It shall be presumed that the owner of the motor vehicle is liable for the sum, and the vehicle may be detained or impounded until the penalty is paid.

Section 13. Paragraph (a) of subsection (3) of section 316.515, Florida Statutes, is amended to read:

316.515 Maximum width, height, length.—

(3) LENGTH LIMITATION.—Except as otherwise provided in this section, length limitations apply solely to a semitrailer or trailer, and not to a truck tractor or to the overall length of a combination of vehicles. No combination of commercial motor vehicles coupled together and operating on the public roads may consist of more than one truck tractor and two trailing units. Unless otherwise specifically provided for in this section, a combination of vehicles not qualifying as commercial motor vehicles may consist of no more than two units coupled together; such nonqualifying combination of vehicles may not exceed a total length of 65 feet, inclusive of the load carried thereon, but exclusive of safety and energy conservation devices approved by the department for use on vehicles using public roads. Notwithstanding any other provision of this section, a truck tractor-semitrailer combination engaged in the transportation of automobiles or boats may transport motor vehicles or boats on part of the power unit; and, except as may otherwise be mandated under federal law, an automobile or boat transporter semitrailer may not exceed 50 feet in length, exclusive of the load; however, the load may extend up to an additional 6 feet beyond the rear of the trailer. The 50-feet length limitation does not apply to non-stinger-steered automobile or boat transporters that are 65 feet or less in overall length, exclusive of the load carried thereon, or to stinger-steered automobile or boat transporters that are 75 feet or less in overall length, exclusive of the load carried thereon. For purposes of this subsection, a "stinger-steered automobile or boat transporter" is an automobile or boat transporter configured as a semitrailer combination wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit. Notwithstanding paragraphs (a) and (b), any straight truck or truck tractor-semitrailer combination engaged in the transportation of horticultural trees may allow the load to extend up to an additional 10 feet beyond the rear of the vehicle, provided said trees are resting against a retaining bar mounted above the truck bed so that the root balls of the trees rest on the floor and to the front of the truck bed and the tops of the trees extend up over and to the rear of the truck bed, and provided the overhanging portion of the load is covered with protective fabric.

(a) *Straight trucks.*—A straight truck may not exceed a length of 40 feet in extreme overall dimension, exclusive of safety and energy conservation devices approved by the department for use on vehicles using public roads. *A straight truck may attach a forklift to the rear of the cargo bed, provided the overall combined length of the vehicle and the forklift does not exceed 50 feet.* A straight truck may tow no more than one trailer, and the overall length of the truck-trailer combination may not exceed 68 feet, including the load thereon. Notwithstanding any other provisions of this section, a truck-trailer combination engaged in the transportation of boats, or boat trailers whose design dictates a front-to-rear stacking method may not exceed the length limitations of this paragraph exclusive of the load; however, the load may extend up to an additional 6 feet beyond the rear of the trailer.

Section 14. Subsection (3) of section 316.545, Florida Statutes, is amended to read:

316.545 Weight and load unlawful; special fuel and motor fuel tax enforcement; inspection; penalty; review.—

(3) Any person who violates the overloading provisions of this chapter shall be conclusively presumed to have damaged the highways of this state by reason of such overloading, which damage is hereby fixed as follows:

(a) When the excess weight is 200 pounds or less than the maximum herein provided, the penalty shall be $10;

(b) Five cents per pound for each pound of weight in excess of the maximum herein provided when the excess weight exceeds 200 pounds. However, whenever the gross weight of the vehicle or combination of vehicles does not exceed the maximum allowable gross weight, the maximum fine for the first 600 pounds of unlawful axle weight shall be $10;

(c) For a vehicle equipped with fully functional idle-reduction technology, any penalty shall be calculated by reducing the actual gross vehicle weight or the internal bridge weight by the certified weight of the idle-reduction technology or by 400 pounds, whichever is less. The vehicle operator must present written certification of the weight of the idle-reduction technology and must demonstrate or certify that the idle-reduction technology is fully functional at all times. This calculation is not allowed for vehicles described in s. 316.535(6);

(d) An *apportionable* ~~apportioned motor~~ vehicle, as defined in s. 320.01, operating on the highways of this state without being properly licensed and registered shall be subject to the penalties as ~~herein~~ provided *in this section*; and

(e) Vehicles operating on the highways of this state from nonmember International Registration Plan jurisdictions which are not in compliance with the provisions of s. 316.605 shall be subject to the penalties as herein provided.

Section 15. Subsection (1) of section 316.646, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

316.646 Security required; proof of security and display thereof; dismissal of cases.—

(1) Any person required by s. 324.022 to maintain property damage liability security, required by s. 324.023 to maintain liability security for bodily injury or death, or required by s. 627.733 to maintain personal injury protection security on a motor vehicle shall have in his or her immediate possession at all times while operating such motor vehicle proper proof of maintenance of the required security.

(a) Such proof shall be *in* a uniform *paper or electronic format, as* ~~proof of insurance card in a form~~ prescribed by the department, a valid insurance policy, an insurance policy binder, a certificate of insurance, or such other proof as may be prescribed by the department.

(b)1. The act of presenting to a law enforcement officer an electronic device displaying proof of insurance in an electronic format does not constitute consent for the officer to access any information on the device other than the displayed proof of insurance.

2. The person who presents the device to the officer assumes the liability for any resulting damage to the device.

(5) The department shall adopt rules to administer this section.

Section 16. Section 317.0016, Florida Statutes, is amended to read:

317.0016 Expedited service; applications; fees.—The department shall provide, through its agents and for use by the public, expedited service on title transfers, title issuances, duplicate titles, *and* recordation of liens~~, and certificates of repossession~~. A fee of $7 shall be charged for this service, which is in addition to the fees imposed by ss. 317.0007 and 317.0008, and $3.50 of this fee shall be retained by the processing agency. All remaining fees shall be deposited in the Incidental Trust Fund of the Florida Forest Service of the Department of Agriculture and Consumer Services. Application for expedited service may be made by mail or in person. The department shall issue each title applied for pursuant to this section within 5 working days after receipt of the application except for an application for a duplicate title certificate covered by s. 317.0008(3), in which case the title must be issued within 5 working days after compliance with the department's verification requirements.

Section 17. Subsections (9) and (10) of section 318.14, Florida Statutes, are amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.—

(9) Any person who does not hold a commercial driver license *or commercial learner's permit* and who is cited while driving a noncommercial motor vehicle for an infraction under this section other than a violation of s. 316.183(2), s. 316.187, or s. 316.189 when the driver exceeds the posted limit by 30 miles per hour or more, s. 320.0605, s. 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu of a court appearance, elect to attend in the location of his or her choice within this state a basic driver improvement course approved by the Department of Highway Safety and Motor Vehicles. In such a case, adjudication must be withheld and points, as provided by s. 322.27, may not be assessed. However, a person may not make an election under this subsection if the person has made an election under this subsection in the preceding 12 months. A person may not make more than five elections within his or her lifetime under this subsection. The requirement for community service under s. 318.18(8) is not waived by a plea of nolo contendere or by the withholding of adjudication of guilt by a court. If a person makes an election to attend a basic driver improvement course under this subsection, 18 percent of the civil penalty imposed under s. 318.18(3) shall be deposited in the State Courts Revenue Trust Fund; however, that portion is not revenue for purposes of s. 28.36 and may not be used in establishing the budget of the clerk of the court under that section or s. 28.35.

(10)(a) Any person who does not hold a commercial driver license *or commercial learner's permit* and who is cited while driving a noncommercial motor vehicle for an offense listed under this subsection may, in lieu of payment of fine or court appearance, elect to enter a plea of nolo contendere and provide proof of compliance to the clerk of the court, designated official, or authorized operator of a traffic violations bureau. In such case, adjudication shall be withheld; however, a person may not make an election under this subsection if the person has made an election under this subsection in the preceding 12 months. A person may not make more than three elections under this subsection. This subsection applies to the following offenses:

1. Operating a motor vehicle without a valid driver license in violation of s. 322.03, s. 322.065, or s. 322.15(1), or operating a motor vehicle with a license that has been suspended for failure to appear, failure to pay civil penalty, or failure to attend a driver improvement course pursuant to s. 322.291.

2. Operating a motor vehicle without a valid registration in violation of s. 320.0605, s. 320.07, or s. 320.131.

3. Operating a motor vehicle in violation of s. 316.646.

4. Operating a motor vehicle with a license that has been suspended under s. 61.13016 or s. 322.245 for failure to pay child support or for failure to pay any other financial obligation as provided in s. 322.245; however, this subparagraph does not apply if the license has been suspended pursuant to s. 322.245(1).

5. Operating a motor vehicle with a license that has been suspended under s. 322.091 for failure to meet school attendance requirements.

(b) Any person cited for an offense listed in this subsection shall present proof of compliance before the scheduled court appearance date. For the purposes of this subsection, proof of compliance shall consist of a valid, renewed, or reinstated driver license or registration certificate and proper proof of maintenance of security as required by s. 316.646. Notwithstanding waiver of fine, any person establishing proof of compliance shall be assessed court costs of $25, except that a person charged with violation of s. 316.646(1)-(3) may be assessed court costs of $8. One dollar of such costs shall be remitted to the Department of Revenue for deposit into the Child Welfare Training Trust Fund of the Department of Children and Family Services. One dollar of such costs shall be distributed to the Department of Juvenile Justice for deposit into the Juvenile Justice Training Trust Fund. Fourteen dollars of such costs shall be distributed to the municipality and $9 shall be deposited by the clerk of the court into the fine and forfeiture fund established pursuant to s. 142.01, if the offense was committed within the municipality. If the offense was committed in an unincorporated area of a county or if the citation was for a violation of s. 316.646(1)-(3), the entire amount shall be deposited by the clerk of the court into the fine and forfeiture fund established pursuant to s. 142.01, except for the moneys to be deposited into the Child Welfare Training Trust Fund and the Juvenile Justice Training Trust Fund. This subsection does not authorize the operation of a vehicle without a valid driver license, without a valid vehicle tag and registration, or without the maintenance of required security.

Section 18. Section 318.1451, Florida Statutes, is amended to read:

318.1451 Driver improvement schools.—

(1)~~(a)~~ The department ~~of Highway Safety and Motor Vehicles~~ shall approve *and regulate* the courses of all driver improvement schools, as the courses relate to ss. 318.14(9), 322.0261, and 322.291*, including courses that use technology as a delivery method*. ~~The chief judge of the applicable judicial circuit may establish requirements regarding the location of schools within the judicial circuit. A person may engage in the business of operating a driver improvement school that offers department approved courses related to ss. 318.14(9), 322.0261, and 322.291.~~

~~(b) The Department of Highway Safety and Motor Vehicles shall approve and regulate courses that use technology as the delivery method of all driver improvement schools as the courses relate to ss. 318.14(9) and 322.0261.~~

(2)(a) In determining whether to approve the courses referenced in this section, the department shall consider course content designed to promote safety, driver awareness, crash avoidance techniques, and other factors or criteria to improve driver performance from a safety viewpoint*, including promoting motorcyclist, bicyclist, and pedestrian safety and risk factors resulting from driver attitude and irresponsible driver behaviors, such as speeding, running red lights and stop signs, and using electronic devices while driving. Initial approval of the courses shall also be based on the department's review of all course materials, course presentation to the department by the provider, and the provider's plan for effective oversight of the course by those who deliver the course in the state.*

New courses shall be provisionally approved and limited to the judicial circuit originally approved for pilot testing until the course is fully approved by the department for statewide delivery.

(b) In determining whether to approve courses of driver improvement schools that use technology as the delivery method as the courses relate to ss. 318.14(9) and 322.0261, the department shall consider only those courses submitted by a person, business, or entity which have approval for statewide delivery.

(3) The department ~~of Highway Safety and Motor Vehicles~~ shall *not accept* ~~suspend accepting~~ proof of attendance of courses from persons who attend those schools that do not teach an approved course. ~~In those circumstances, a person who has elected to take courses from such a school shall receive a refund from the school, and the person shall have the opportunity to take the course at another school.~~

(4) In addition to a regular course fee, an assessment fee in the amount of $2.50 shall be collected by the school from each person who elects to attend a course, as it relates to ss. 318.14(9), 322.0261, 322.291, and 627.06501. *The course provider must remit the $2.50 assessment fee to the department for deposit into*~~, which shall be remitted to the Department of Highway Safety and Motor Vehicles and deposited in~~ the Highway Safety Operating Trust Fund *in order to receive unique course completion certificate numbers for course participants. The assessment fee will be used* to administer this program and to fund the general operations of the department.

(5)(a) The department is authorized to maintain the information and records necessary to administer its duties and responsibilities for driver improvement courses. *Course providers are required to maintain all records related to the conduct of their approved courses for 5 years and allow the department to inspect course records as necessary. Records may be maintained in an electronic format. If* ~~Where~~ such information is a public record as defined in chapter 119, it shall be made available to the public upon request pursuant to s. 119.07(1).

(b) The department or court may prepare a traffic school reference guide which lists the benefits of attending a driver improvement school and contains the names of the fully approved course providers with a single telephone number for each provider as furnished by the provider.

(6) The department shall adopt rules establishing and maintaining policies and procedures to implement the requirements of this section. These policies and procedures may include, but shall not be limited to, the following:

(a) Effectiveness studies.—The department shall conduct effectiveness studies on each type of driver improvement course pertaining to ss. 318.14(9), 322.0261, and 322.291 on a recurring 5-year basis, including in the study process the consequence of failed studies.

(b) Required updates.—The department may require that courses approved under this section be updated at the department's request. Failure of a course provider to update the course under this section shall result in the suspension of the course approval until the course is updated and approved by the department.

(c) Course conduct.—The department shall require that the approved course providers ensure their driver improvement schools are conducting the approved course fully and to the required time limit and content requirements.

(d) Course content.—The department shall set and modify course content requirements to keep current with laws and safety information. Course content includes all items used in the conduct of the course.

(e) Course duration.—The department shall set the duration of all course types.

(f) Submission of records.—The department shall require that all course providers submit course completion information to the department through the department's Driver Improvement Certificate Issuance System within 5 days.

(g) Sanctions.—The department shall develop the criteria to sanction the course approval of a course provider for any violation of this section or any other law that pertains to the approval and use of driver improvement courses.

(h) Miscellaneous requirements.—The department shall require that all course providers:

1. Disclose all fees associated with courses offered by the provider and associated driver improvement schools and not charge any fees that are not disclosed during registration.

2. Provide proof of ownership, copyright, or written permission from the course owner to use the course in this state.

3. Ensure that any course that is offered in a classroom setting, by the provider or a school authorized by the provider to teach the course, is offered the course at locations that are free from distractions and reasonably accessible to most applicants.

4. Issue a certificate to persons who successfully complete the course.

Section 19. Section 319.141, Florida Statutes, is created to read:

319.141 Pilot rebuilt motor vehicle inspection program.—

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

(a) "Facility" means a rebuilt motor vehicle inspection facility authorized and operating under this section.

(b) "Rebuilt inspection" means an examination of a rebuilt vehicle and a properly endorsed certificate of title, salvage certificate of title, or manufacturer's statement of origin and an application for a rebuilt certificate of title, a rebuilder's affidavit, a photograph of the junk or salvage vehicle taken before repairs began, receipts or invoices for all major component parts, as defined in s. 319.30, which were changed, and proof that notice of rebuilding of the vehicle has been reported to the National Motor Vehicle Title Information System.

(2) By October 1, 2013, the department shall implement a pilot program in Miami-Dade and Hillsborough Counties to evaluate alternatives for rebuilt inspection services to be offered by the private sector, including the feasibility of using private facilities, the cost impact to consumers, and the potential savings to the department.

(3) The department shall establish a memorandum of understanding that allows private parties participating in the pilot program to conduct rebuilt motor vehicle inspections and specifies requirements for oversight, bonding and insurance, procedures, and forms and requires the electronic transmission of documents.

(4) Before an applicant is approved, the department shall ensure that the applicant meets basic criteria designed to protect the public. At a minimum, the applicant shall:

(a) Have and maintain a surety bond or irrevocable letter of credit in the amount of $50,000 executed by the applicant.

(b) Have and maintain garage liability and other insurance required by the department.

(c) Have completed criminal background checks of the owners, partners, and corporate officers and the inspectors employed by the facility.

(d) Meet any additional criteria the department determines necessary to conduct proper inspections.

(5) A participant in the program shall access vehicle and title information and enter inspection results through an electronic filing system authorized by the department.

(6) The department shall submit a report to the President of the Senate and the Speaker of the House of Representatives providing the results of the pilot program by February 1, 2015.

(7) This section shall stand repealed on July 1, 2015, unless saved from repeal through reenactment by the Legislature.

Section 20. Section 319.225, Florida Statutes, is amended to read:

319.225 Transfer and reassignment forms; odometer disclosure statements.—

(1) Every certificate of title issued by the department must contain the following statement on its reverse side: "Federal and state law require the completion of the odometer statement set out below. Failure to complete or providing false information may result in fines, imprisonment, or both."

(2) Each certificate of title issued by the department must contain on its *front* ~~reverse~~ side a form for transfer of title by the titleholder of record, which form must contain an odometer disclosure statement in the form required by 49 C.F.R. s. 580.5.

(3) Each certificate of title issued by the department must contain on its reverse side as many forms as space allows for reassignment of title by a licensed dealer as permitted by s. 319.21(3), which form or forms shall contain an odometer disclosure statement in the form required by 49 C.F.R. s. 580.5. When all dealer reassignment forms provided on the back of the title certificate have been filled in, a dealer may reassign the title certificate by using a separate dealer reassignment form issued by the department in compliance with 49 C.F.R. ss. 580.4 and 580.5, which form shall contain *an original that* ~~two carbon copies one of which~~ shall be submitted ~~directly~~ to the department by the dealer ~~within 5 business days after the transfer~~ and *a copy that* ~~one of which~~ shall be retained by the dealer in his or her records for 5 years. The provisions of this subsection shall also apply to vehicles not previously titled in this state and vehicles whose title certificates do not contain the forms required by this section.

(4) Upon transfer or reassignment of a certificate of title to a used motor vehicle, the transferor shall complete the odometer disclosure statement provided for by this section and the transferee shall acknowledge the disclosure by signing and printing his or her name in the spaces provided. This subsection does not apply to a vehicle that has a gross vehicle rating of more than 16,000 pounds, a vehicle that is not self-propelled, or a vehicle that is 10 years old or older. A lessor who transfers title to his or her vehicle without obtaining possession of the vehicle shall make odometer disclosure as provided by 49 C.F.R. s. 580.7. Any person who fails to complete or acknowledge a disclosure statement as required by this subsection is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. The department may not issue a certificate of title unless this subsection has been complied with.

(5) The same person may not sign a disclosure statement as both the transferor and the transferee in the same transaction except as provided in subsection (6).

(6)(a) If the certificate of title is physically held by a lienholder, the transferor may give a power of attorney to his or her transferee for the purpose of odometer disclosure. The power of attorney must be on a form issued or authorized by the department, which form must be in compliance with 49 C.F.R. ss. 580.4 and 580.13. The department shall not require the signature of the transferor to be notarized on the form; however, in lieu of notarization, the form shall include an affidavit with the following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT ARE TRUE. The transferee shall sign the power of attorney form, print his or her name, and return a copy of the power of attorney form to the transferor. Upon receipt of a title certificate, the transferee shall complete the space for mileage disclosure on the title certificate exactly as the mileage was disclosed by the transferor on the power of attorney form. If the transferee is a licensed motor vehicle dealer who is transferring the vehicle to a retail purchaser, the dealer shall make application on behalf of the retail purchaser as provided in s. 319.23(6) and shall submit the original power of attorney form to the department with the application for title and the transferor's title certificate; otherwise, a dealer may reassign the title certificate by using the dealer reassignment form in the manner prescribed in subsection (3), and, at the time of physical transfer of the vehicle, the original power of attorney shall be delivered to the person designated as the transferee of the dealer on the dealer reassignment form. ~~A copy of the executed power of attorney shall be submitted to the department with a copy of the executed dealer reassignment form within 5 business days after the certificate of title and dealer reassignment form are delivered by the dealer to its transferee.~~

(b) If the certificate of title is lost or otherwise unavailable, the transferor may give a power of attorney to his or her transferee for the purpose of odometer disclosure. The power of attorney must be on a form issued or authorized by the department, which form must be in compliance with 49 C.F.R. ss. 580.4 and 580.13. The department shall not require the signature of the transferor to be notarized on the form; however, in lieu of notarization, the form shall include an affidavit with the following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT ARE TRUE. The transferee shall sign the power of attorney form, print his or her name, and return a copy of the power of attorney form to the transferor. Upon receipt of the title certificate or a duplicate title certificate, the transferee shall complete the space for mileage disclosure on the title certificate exactly as the mileage was disclosed by the transferor on the power of attorney form. If the transferee is a licensed motor vehicle dealer who is transferring the vehicle to a retail purchaser, the dealer shall make application on behalf of the retail purchaser as provided in s. 319.23(6) and shall submit the original power of attorney form to the department with the application for title and the transferor's title certificate or duplicate title certificate; otherwise, a dealer may reassign the title certificate by using the dealer reassignment form in the manner prescribed in subsection (3), and, at the time of physical transfer of the vehicle, the original power of attorney shall be delivered to the person designated as the transferee of the dealer on the dealer reassignment form. *If the dealer sells the vehicle to an out-of-state resident or an out-of-state dealer and the power of attorney form is applicable to the transaction, the dealer must photocopy the completed original of the form and mail it directly to the department within 5 business days after the certificate of title and dealer reassignment form are delivered by the dealer to its purchaser.* ~~A copy of the executed power of attorney shall be submitted to the department with a copy of the executed dealer reassignment form within 5 business days after the duplicate certificate of title and dealer reassignment form are delivered by the dealer to its transferee.~~

(c) If the mechanics of the transfer of title to a motor vehicle in accordance with the provisions of paragraph (a) or paragraph (b) are determined to be incompatible with and unlawful under the provisions of 49 C.F.R. part 580, the transfer of title to a motor vehicle by operation of this subsection can be effected in any manner not inconsistent with 49 C.F.R. part 580 and Florida law; provided, any power of attorney form issued or authorized by the department under this subsection shall contain *an original that* ~~two carbon copies, one of which~~ shall be submitted ~~directly~~ to the department by the dealer ~~within 5 business days of use by the dealer~~ to effect transfer of a title certificate as provided in paragraphs (a) and (b) and *a copy that* ~~one of which~~ shall be retained by the dealer in its records for 5 years.

(d) Any person who fails to complete the information required by this subsection or to file with the department the forms required by this subsection is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. The department shall not issue a certificate of title unless this subsection has been complied with.

(7) *If a title is held electronically and the transferee agrees to maintain the title electronically, the transferor and transferee shall complete a secure reassignment document that discloses the odometer reading and is signed by both the transferor and transferee at the tax collector office or license plate agency.* Each certificate of title issued by the department must contain on its reverse side a minimum of *three* ~~four~~ spaces for notation of the name and license number of any auction through which the vehicle is sold and the date the vehicle was auctioned. Each separate dealer reassignment form issued by the department must also have the space referred to in this section. When a transfer of title is made at a motor vehicle auction, the reassignment must note the name and address of the auction, but the auction shall not thereby be deemed to be the owner, seller, transferor, or assignor of title. A motor vehicle auction is required to execute a dealer reassignment only when it is the owner of a vehicle being sold.

(8) Upon transfer or reassignment of a used motor vehicle through the services of an auction, the auction shall complete the information in the space provided for by subsection (7). Any person who fails to complete the information as required by this subsection is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. The department shall not issue a certificate of title unless this subsection has been complied with.

(9) This section shall be construed to conform to 49 C.F.R. part 580.

Section 21. Subsection (9) of section 319.23, Florida Statutes, is amended to read:

319.23 Application for, and issuance of, certificate of title.—

(9) The title certificate or application for title must contain the applicant's full first name, middle initial, last name, date of birth, sex, *and the license plate number. An individual applicant must provide* ~~personal or business identification, which may include, but need not be limited to,~~ a *valid driver* ~~driver's~~ license *or identification card issued by* ~~number,~~ Florida *or another state, or a valid passport. A business applicant must provide a* ~~identification card number, or~~ federal employer identification number, *if applicable, verification that the business is authorized to conduct business in the state, or a Florida city or county business license or number. In lieu of* ~~and~~ the license plate number *the individual or business applicant must provide* ~~or, in lieu thereof,~~ an affidavit certifying that the motor vehicle to be titled will not be operated upon the public highways of this state.

Section 22. Paragraph (b) of subsection (2) of section 319.28, Florida Statutes, is amended to read:

319.28 Transfer of ownership by operation of law.—

(2)

(b) In case of repossession of a motor vehicle or mobile home pursuant to the terms of a security agreement or similar instrument, an affidavit by the party to whom possession has passed stating that the vehicle or mobile home was repossessed upon default in the terms of the security agreement or other instrument shall be considered satisfactory proof of ownership and right of possession. At least 5 days prior to selling the repossessed vehicle, any subsequent lienholder named in the last issued certificate of title shall be sent notice of the repossession by certified mail, on a form prescribed by the department. If such notice is given and no written protest to the department is presented by a subsequent lienholder within 15 days *after* ~~from~~ the date on which the notice was mailed, the certificate of title ~~or the certificate of repossession~~ shall be issued showing no liens. If the former owner or any subsequent lienholder files a written protest under oath within such 15-day period, the department shall not issue the certificate of title ~~or certificate of repossession~~ for 10 days thereafter. If within the 10-day period no injunction or other order of a court of competent jurisdiction has been served on the department commanding it not to deliver the certificate of title ~~or certificate of repossession~~, the department shall deliver the certificate of title ~~or repossession~~ to the applicant or as may otherwise be directed in the application showing no other liens than those shown in the application. Any lienholder who has repossessed a vehicle in this state in compliance with the provisions of this section must apply to a tax collector's office in this state or to the department for a ~~certificate of repossession or to the department for a~~ certificate of title pursuant to s. 319.323. Proof of the required notice to subsequent lienholders shall be submitted together with regular title fees. ~~A lienholder to whom a certificate of repossession has been issued may assign the certificate of title to the subsequent owner.~~ Any person found guilty of violating any requirements of this paragraph shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 23. Section 319.323, Florida Statutes, is amended to read:

319.323 Expedited service; applications; fees.—The department shall establish a separate title office which may be used by private citizens and licensed motor vehicle dealers to receive expedited service on title transfers, title issuances, duplicate titles, and recordation of liens~~, and certificates of repossession~~. A fee of $10 shall be charged for this service, which fee is in addition to the fees imposed by s. 319.32. The fee, after deducting the amount referenced by s. 319.324 and $3.50 to be retained by the processing agency, shall be deposited into the General Revenue Fund. Application for expedited service may be made by mail or in person. The department shall issue each title applied for under this section within 5 working days after receipt of the application except for an application for a duplicate title certificate covered by s. 319.23(4), in which case the title must be issued within 5 working days after compliance with the department's verification requirements.

Section 24. Subsections (24) through (46) of section 320.01, Florida Statutes, are renumbered as subsections (23) through (45), respectively, and present subsections (23) and (25) of that section are amended, to read:

320.01 Definitions, general.—As used in the Florida Statutes, except as otherwise provided, the term:

~~(23) "Apportioned motor vehicle" means any motor vehicle which is required to be registered, or with respect to which an election has been made to register it, under the International Registration Plan.~~

(24)~~(25)~~ "Apportionable vehicle" means any vehicle, except recreational vehicles, vehicles displaying restricted plates, city pickup and delivery vehicles, buses used in transportation of chartered parties, and government-owned vehicles, which is used or intended for use in two or more member jurisdictions that allocate or proportionally register vehicles and which is used for the transportation of persons for hire or is designed, used, or maintained primarily for the transportation of property and:

(a) Is a power unit having a gross vehicle weight in excess of *26,000* ~~26,001~~ pounds;

(b) Is a power unit having three or more axles, regardless of weight; or

(c) Is used in combination, when the weight of such combination exceeds *26,000* ~~26,001~~ pounds gross vehicle weight.

Vehicles, or combinations thereof, having a gross vehicle weight of *26,000* ~~26,001~~ pounds or less and two-axle vehicles may be proportionally registered.

Section 25. Paragraph (a) of subsection (2) of section 320.02, Florida Statutes, is amended to read:

320.02 Registration required; application for registration; forms.—

(2)(a) The application for registration shall include the street address of the owner's permanent residence or the address of his or her permanent place of business and shall be accompanied by personal or business identification information*. An individual applicant must provide* ~~which may include, but need not be limited to,~~ a *valid* driver license *or* ~~number, Florida~~ identification card *issued by this state or another state or a valid passport. A business applicant must provide a* ~~number, or~~ federal employer identification number*, if applicable, or verification that the business is authorized to conduct business in the state, or a Florida city or county business license or number*.

1. If the owner does not have a permanent residence or permanent place of business or if the owner's permanent residence or permanent place of business cannot be identified by a street address, the application shall include:

a.~~1.~~ If the vehicle is registered to a business, the name and street address of the permanent residence of an owner of the business, an officer of the corporation, or an employee who is in a supervisory position.

b.~~2.~~ If the vehicle is registered to an individual, the name and street address of the permanent residence of a close relative or friend who is a resident of this state.

2. If the vehicle is registered to an active duty member of the Armed Forces of the United States who is a Florida resident, the active duty member is exempt from the requirement to provide the street address of a permanent residence.

Section 26. Subsection (7) of section 320.03, Florida Statutes, is amended to read:

320.03 Registration; duties of tax collectors; International Registration Plan.—

(7) The Department of Highway Safety and Motor Vehicles shall register *apportionable* ~~apportioned motor~~ vehicles under the ~~provisions of the~~ International Registration Plan. The department may adopt rules to implement and enforce the provisions of the plan.

Section 27. Paragraph (b) of subsection (1) of section 320.071, Florida Statutes, is amended to read:

320.071 Advance registration renewal; procedures.—

(1)

(b) The owner of any *apportionable* ~~apportioned motor~~ vehicle currently registered in this state *under the International Registration Plan* may file an application for renewal of registration with the department any time during the 3 months preceding the date of expiration of the registration period.

Section 28. Subsections (1) and (3) of section 320.0715, Florida Statutes, are amended to read:

320.0715 International Registration Plan; motor carrier services; permits; retention of records.—

(1) All *apportionable* ~~commercial motor~~ vehicles domiciled in this state ~~and engaged in interstate commerce~~ shall be registered in accordance with ~~the provisions of~~ the International Registration Plan and shall display ~~apportioned~~ license plates.

(3)(a) If the department is unable to immediately issue the apportioned license plate to an applicant currently registered in this state under the International Registration Plan or to a vehicle currently titled in this state, the department or its designated agent *may* ~~is authorized to~~ issue a 60-day temporary operational permit. The department or agent of the department shall charge a $3 fee and the service charge authorized by s. 320.04 for each temporary operational permit it issues.

(b) The department *may not* ~~shall in no event~~ issue a temporary operational permit for any *apportionable* ~~commercial motor~~ vehicle to any applicant until the applicant has shown that:

1. All sales or use taxes due on the registration of the vehicle are paid; and

2. Insurance requirements have been met in accordance with ss. 320.02(5) and 627.7415.

(c) Issuance of a temporary operational permit provides ~~commercial motor vehicle~~ registration privileges in each International Registration Plan member jurisdiction designated on said permit and therefore requires payment of all applicable registration fees and taxes due for that period of registration.

(d) Application for permanent registration must be made to the department within 10 days from issuance of a temporary operational permit. Failure to file an application within this 10-day period may result in cancellation of the temporary operational permit.

Section 29. Subsection (1) of section 320.18, Florida Statutes, is amended to read:

320.18 Withholding registration.—

(1) The department may withhold the registration of any motor vehicle or mobile home the owner *or coowner* of which has failed to register it under the provisions of law for any previous period or periods for which it appears registration should have been made in this state~~,~~ until the tax for such period or periods is paid. The department may cancel any vehicle or vessel registration, *driver* ~~driver's~~ license, identification card, or fuel-use tax decal if the owner *or coowner* pays for *any* ~~the~~ vehicle or vessel registration, *driver* ~~driver's~~ license, identification card, or fuel-use tax decal; pays any administrative, delinquency, or reinstatement fee; or pays any tax liability, penalty, or interest specified in chapter 207 by a dishonored check, or if the vehicle owner or motor carrier has failed to pay a penalty for a weight or safety violation issued by the Department of Transportation or the Department of Highway Safety and Motor Vehicles. The Department of Transportation and the Department of Highway Safety and Motor Vehicles may impound any commercial motor vehicle that has a canceled license plate or fuel-use tax decal until the tax liability, penalty, and interest specified in chapter 207, the license tax, or the fuel-use decal fee, and applicable administrative fees have been paid for by certified funds.

Section 30. Subsection (3), paragraph (a) of subsection (4), and subsection (5) of section 320.27, Florida Statutes, are amended to read:

320.27 Motor vehicle dealers.—

(3) APPLICATION AND FEE.—The application for the license shall be in such form as may be prescribed by the department and shall be subject to such rules with respect thereto as may be so prescribed by it. Such application shall be verified by oath or affirmation and shall contain a full statement of the name and birth date of the person or persons applying therefor; the name of the firm or copartnership, with the names and places of residence of all members thereof, if such applicant is a firm or copartnership; the names and places of residence of the principal officers, if the applicant is a body corporate or other artificial body; the name of the state under whose laws the corporation is organized; the present and former place or places of residence of the applicant; and prior business in which the applicant has been engaged and the location thereof. Such application shall describe the exact location of the place of business and shall state whether the place of business is owned by the applicant and when acquired, or, if leased, a true copy of the lease shall be attached to the application. The applicant shall certify that the location provides an adequately equipped office and is not a residence; that the location affords sufficient unoccupied space upon and within which adequately to store all motor vehicles offered and displayed for sale; and that the location is a suitable place where the applicant can in good faith carry on such business and keep and maintain books, records, and files necessary to conduct such business, which shall be available at all reasonable hours to inspection by the department or any of its inspectors or other employees. The applicant shall certify that the business of a motor vehicle dealer is the principal business which shall be conducted at that location. The application shall contain a statement that the applicant is either franchised by a manufacturer of motor vehicles, in which case the name of each motor vehicle that the applicant is franchised to sell shall be included, or an independent (nonfranchised) motor vehicle dealer. The application shall contain other relevant information as may be required by the department, including evidence that the applicant is insured under a garage liability insurance policy or a general liability insurance policy coupled with a business automobile policy, which shall include, at a minimum, $25,000 combined single-limit liability coverage including bodily injury and property damage protection and $10,000 personal injury protection. However, a salvage motor vehicle dealer as defined in subparagraph (1)(c)5. is exempt from the requirements for garage liability insurance and personal injury protection insurance on those vehicles that cannot be legally operated on roads, highways, or streets in this state. Franchise dealers must submit a garage liability insurance policy, and all other dealers must submit a garage liability insurance policy or a general liability insurance policy coupled with a business automobile policy. Such policy shall be for the license period, and evidence of a new or continued policy shall be delivered to the department at the beginning of each license period. Upon making initial application, the applicant shall pay to the department a fee of $300 in addition to any other fees ~~now~~ required by law. *Applicants may choose to extend the licensure period for 1 additional year for a total of 2 years. An initial applicant shall pay to the department a fee of $300 for the first year and $75 for the second year, in addition to any other fees required by law. An applicant for renewal shall pay to the department $75 for a 1-year renewal or $150 for a 2-year renewal, in addition to any other fees required by law* ~~Upon making a subsequent renewal application, the applicant shall pay to the department a fee of $75 in addition to any other fees now required by law~~. Upon making an application for a change of location, the person shall pay a fee of $50 in addition to any other fees now required by law. The department shall, in the case of every application for initial licensure, verify whether certain facts set forth in the application are true. Each applicant, general partner in the case of a partnership, or corporate officer and director in the case of a corporate applicant, must file a set of fingerprints with the department for the purpose of determining any prior criminal record or any outstanding warrants. The department shall submit the fingerprints to the Department of Law Enforcement for state processing and forwarding to the Federal Bureau of Investigation for federal processing. The actual cost of state and federal processing shall be borne by the applicant and is in addition to the fee for licensure. The department may issue a license to an applicant pending the results of the fingerprint investigation, which license is fully revocable if the department subsequently determines that any facts set forth in the application are not true or correctly represented.

(4) LICENSE CERTIFICATE.—

(a) A license certificate shall be issued by the department in accordance with such application when the application is regular in form and in compliance with the provisions of this section. The license certificate may be in the form of a document or a computerized card as determined by the department. The actual cost of each original, additional, or replacement computerized card shall be borne by the licensee and is in addition to the fee for licensure. Such license, when so issued, entitles the licensee to carry on and conduct the business of a motor vehicle dealer. Each license issued to a franchise motor vehicle dealer expires ~~annually~~ on December 31 *of the year of its expiration* unless revoked or suspended prior to that date. Each license issued to an independent or wholesale dealer or auction expires ~~annually~~ on April 30 *of the year of its expiration* unless revoked or suspended prior to that date. *At least* ~~Not less than~~ 60 days *before* ~~prior to~~ the license expiration date, the department shall deliver or mail to each licensee the necessary renewal forms. Each independent dealer shall certify that the dealer (owner, partner, officer, or director of the licensee, or a full-time employee of the licensee that holds a responsible management-level position) has completed 8 hours of continuing education prior to filing the renewal forms with the department. Such certification shall be filed once every 2 years. The continuing education shall include at least 2 hours of legal or legislative issues, 1 hour of department issues, and 5 hours of relevant motor vehicle industry topics. Continuing education shall be provided by dealer schools licensed under paragraph (b) either in a classroom setting or by correspondence. Such schools shall provide certificates of completion to the department and the customer which shall be filed with the license renewal form, and such schools may charge a fee for providing continuing education. Any licensee who does not file his or her application and fees and any other requisite documents, as required by law, with the department at least 30 days prior to the license expiration date shall cease to engage in business as a motor vehicle dealer on the license expiration date. A renewal filed with the department within 45 days after the expiration date shall be accompanied by a delinquent fee of $100. Thereafter, a new application is required, accompanied by the initial license fee. A license certificate duly issued by the department may be modified by endorsement to show a change in the name of the licensee, provided, as shown by affidavit of the licensee, the majority ownership interest of the licensee has not changed or the name of the person appearing as franchisee on the sales and service agreement has not changed. Modification of a license certificate to show any name change as herein provided shall not require initial licensure or reissuance of dealer tags; however, any dealer obtaining a name change shall transact all business in and be properly identified by that name. All documents relative to licensure shall reflect the new name. In the case of a franchise dealer, the name change shall be approved by the manufacturer, distributor, or importer. A licensee applying for a name change endorsement shall pay a fee of $25 which fee shall apply to the change in the name of a main location and all additional locations licensed under the provisions of subsection (5). Each initial license application received by the department shall be accompanied by verification that, within the preceding 6 months, the applicant, or one or more of his or her designated employees, has attended a training and information seminar conducted by a licensed motor vehicle dealer training school. Any applicant for a new franchised motor vehicle dealer license who has held a valid franchised motor vehicle dealer license continuously for the past 2 years and who remains in good standing with the department is exempt from the prelicensing training requirement. Such seminar shall include, but is not limited to, statutory dealer requirements, which requirements include required bookkeeping and recordkeeping procedures, requirements for the collection of sales and use taxes, and such other information that in the opinion of the department will promote good business practices. No seminar may exceed 8 hours in length.

(5) SUPPLEMENTAL LICENSE.—Any person licensed *under this section* ~~hereunder~~ shall obtain a supplemental license for each permanent additional place or places of business not contiguous to the premises for which the original license is issued, on a form to be furnished by the department, and upon payment of a fee of $50 for each such additional location. *Applicants may choose to extend the licensure period for 1 additional year for a total of 2 years. The applicant shall pay to the department a fee of $50 for the first year and $50 for the second year for each such additional location. Thereafter, the applicant shall pay $50 for a 1-year renewal or $100 for a 2-year renewal for each such additional location* ~~Upon making renewal applications for such supplemental licenses, such applicant shall pay $50 for each additional location~~. A supplemental license authorizing off-premises sales shall be issued, at no charge to the dealer, for a period not to exceed 10 consecutive calendar days. To obtain such a temporary supplemental license for off-premises sales, the applicant must be a licensed dealer; must notify the applicable local department office of the specific dates and location for which such license is requested, display a sign at the licensed location clearly identifying the dealer, and provide staff to work at the temporary location for the duration of the off-premises sale; must meet any local government permitting requirements; and must have permission of the property owner to sell at that location. In the case of an off-premises sale by a motor vehicle dealer licensed under subparagraph (1)(c)1. for the sale of new motor vehicles, the applicant must also include documentation notifying the applicable licensee licensed under s. 320.61 of the intent to engage in an off-premises sale 5 working days prior to the date of the off-premises sale. The licensee shall either approve or disapprove of the off-premises sale within 2 working days after receiving notice; otherwise, it will be deemed approved. This section does not apply to a nonselling motor vehicle show or public display of new motor vehicles.

Section 31. Section 320.62, Florida Statutes, is amended to read:

320.62 Licenses; amount; disposition of proceeds.—The initial license for each manufacturer, distributor, or importer shall be $300 and shall be in addition to all other licenses or taxes ~~now or hereafter~~ levied, assessed, or required of the applicant or licensee. *Applicants may choose to extend the licensure period for 1 additional year for a total of 2 years. An initial applicant shall pay to the department a fee of $300 for the first year and $100 for the second year. An applicant for a renewal license shall pay $100 to the department for a 1-year renewal or $200 for a 2-year renewal* ~~The annual renewal license fee shall be $100~~. The proceeds from all licenses under ss. 320.60-320.70 shall be paid into the State Treasury to the credit of the General Revenue Fund. All licenses shall be payable on or before October 1 of *the* ~~each~~ year and shall expire, unless sooner revoked or suspended, on ~~the following~~ September 30 *of the year of its expiration*.

Section 32. Subsections (4) and (6) of section 320.77, Florida Statutes, are amended to read:

320.77 License required of mobile home dealers.—

(4) FEES.—Upon making initial application, the applicant shall pay to the department a fee of $300 in addition to any other fees ~~now~~ required by law. *Applicants may choose to extend the licensure period for 1 additional year for a total of 2 years. An initial applicant shall pay to the department a fee of $300 for the first year and $100 for the second year in addition to any other fees required by law. An applicant for a renewal license shall pay to the department $100 for a 1-year renewal or $200 for a 2-year renewal* ~~The fee for renewal application shall be $100~~. The fee for application for change of location shall be $25. Any applicant for renewal who has failed to submit his or her renewal application by October 1 *of the year of its current license expiration* shall pay a renewal application fee equal to the original application fee. No fee is refundable. All fees shall be deposited into the General Revenue Fund.

(6) LICENSE CERTIFICATE.—A license certificate shall be issued by the department in accordance with the application when the same is regular in form and in compliance with the provisions of this section. The license certificate may be in the form of a document or a computerized card as determined by the department. The cost of each original, additional, or replacement computerized card shall be borne by the licensee and is in addition to the fee for licensure. The fees charged applicants for both the required background investigation and the computerized card as provided in this section shall be deposited into the Highway Safety Operating Trust Fund. The license, when so issued, shall entitle the licensee to carry on and conduct the business of a mobile home dealer at the location set forth in the license for a period of 1 *or 2 years beginning* ~~year from~~ October 1 preceding the date of issuance. Each initial application received by the department shall be accompanied by verification that, within the preceding 6 months, the applicant or one or more of his or her designated employees has attended a training and information seminar conducted by the department or by a public or private provider approved by the department. Such seminar shall include, but not be limited to, statutory dealer requirements, which requirements include required bookkeeping and recording procedures, requirements for the collection of sales and use taxes, and such other information that in the opinion of the department will promote good business practices.

Section 33. Subsections (4) and (6) of section 320.771, Florida Statutes, are amended to read:

320.771 License required of recreational vehicle dealers.—

(4) FEES.—Upon making initial application, the applicant shall pay to the department a fee of $300 in addition to any other fees ~~now~~ required by law. *Applicants may choose to extend the licensure period for 1 additional year for a total of 2 years. An initial applicant shall pay to the department a fee of $300 for the first year and $100 for the second year in addition to any other fees required by law. An applicant for a renewal license shall pay to the department $100 for a 1-year renewal or $200 for a 2-year renewal* ~~The fee for renewal application shall be $100~~. The fee for application for change of location shall be $25. Any applicant for renewal who has failed to submit his or her renewal application by October 1 *of the year of its current license expiration* shall pay a renewal application fee equal to the original application fee. No fee is refundable. All fees shall be deposited into the General Revenue Fund.

(6) LICENSE CERTIFICATE.—A license certificate shall be issued by the department in accordance with the application when the same is regular in form and in compliance with the provisions of this section. The license certificate may be in the form of a document or a computerized card as determined by the department. The cost of each original, additional, or replacement computerized card shall be borne by the licensee and is in addition to the fee for licensure. The fees charged applicants for both the required background investigation and the computerized card as provided in this section shall be deposited into the Highway Safety Operating Trust Fund. The license, when so issued, shall entitle the licensee to carry on and conduct the business of a recreational vehicle dealer at the location set forth in the license for a period of 1 *or 2 years* ~~year~~ from October 1 preceding the date of issuance. Each initial application received by the department shall be accompanied by verification that, within the preceding 6 months, the applicant or one or more of his or her designated employees has attended a training and information seminar conducted by the department or by a public or private provider approved by the department. Such seminar shall include, but not be limited to, statutory dealer requirements, which requirements include required bookkeeping and recording procedures, requirements for the collection of sales and use taxes, and such other information that in the opinion of the department will promote good business practices.

Section 34. Subsections (3) and (6) of section 320.8225, Florida Statutes, are amended to read:

320.8225 Mobile home and recreational vehicle manufacturer, distributor, and importer license.—

(3) FEES.—Upon submitting an initial application, the applicant shall pay to the department a fee of $300. *Applicants may choose to extend the licensure period for 1 additional year for a total of 2 years. An initial applicant shall pay to the department a fee of $300 for the first year and $100 for the second year. An applicant for a renewal license shall pay to the department $100 for a 1-year renewal or $200 for a 2-year renewal* ~~Upon submitting a renewal application, the applicant shall pay to the department a fee of $100~~. Any applicant for renewal who fails to submit his or her renewal application by October 1 *of the year of its current license expiration* shall pay a renewal application fee equal to the original application fee. No fee is refundable. All fees must be deposited into the General Revenue Fund.

(6) LICENSE *PERIOD* ~~YEAR~~.—A license issued to a mobile home manufacturer or a recreational vehicle manufacturer, distributor, or importer entitles the licensee to conduct business for a period of 1 *or 2 years beginning* ~~year from~~ October 1 preceding the date of issuance.

Section 35. Section 322.095, Florida Statutes, is amended to read:

322.095 Traffic law and substance abuse education program for *driver* ~~driver's~~ license applicants.—

(1) Each applicant for a driver license must complete a traffic law and substance abuse education course, unless the applicant has been licensed in another jurisdiction or has satisfactorily completed a Department of Education driver education course offered pursuant to s. 1003.48.

(2)~~(1)~~ The Department of Highway Safety and Motor Vehicles must approve traffic law and substance abuse education courses*, including courses that use communications technology as the delivery method.*

(a) In addition to the course approval criteria provided in this section, initial approval of traffic law and substance abuse education courses shall be based on the department's review of all course materials which must be designed to promote safety, education, and driver awareness; course presentation to the department by the provider; and the provider's plan for effective oversight of the course by those who deliver the course in the state.

(b) Each course provider seeking approval of a traffic law and substance abuse education course must submit:

1. Proof of ownership, copyright, or written permission from the course owner to use the course in the state ~~that must be completed by applicants for a Florida driver's license~~.

2. The *curriculum* ~~curricula~~ for the courses *which* must *promote motorcyclist, bicyclist, and pedestrian safety and* provide instruction on the physiological and psychological consequences of the abuse of alcohol and other drugs*;*~~,~~ the societal and economic costs of alcohol and drug abuse*;*~~,~~ the effects of alcohol and drug abuse on the driver of a motor vehicle*;*~~, and~~ the laws of this state relating to the operation of a motor vehicle*; the risk factors involved in driver attitude and irresponsible driver behaviors, such as speeding, reckless driving, and running red lights and stop signs; and the results of the use of electronic devices while driving*. ~~All instructors teaching the courses shall be certified by the department.~~

(3)~~(2) The department shall contract for an independent evaluation of the courses. Local DUI programs authorized under s. 316.193(5) and certified by the department or a driver improvement school may offer a traffic law and substance abuse education course. However,~~ Prior to offering the course, the course provider must obtain certification from the department that the course complies with the requirements of this section. *If the course is offered in a classroom setting,* the course provider *and any schools authorized by the provider to teach the course* must offer the approved course at locations *that are free from distractions and* reasonably accessible to most applicants and must issue a certificate to those persons successfully completing the course.

~~(3) The completion of a course does not qualify a person for the reinstatement of a driver's license which has been suspended or revoked.~~

~~(4) The fee charged by the course provider must bear a reasonable relationship to the cost of the course. The department must conduct financial audits of course providers conducting the education courses required under this section or require that financial audits of providers be performed, at the expense of the provider, by a certified public accountant.~~

~~(5) The provisions of this section do not apply to any person who has been licensed in any other jurisdiction or who has satisfactorily completed a Department of Education driver's education course offered pursuant to s. 1003.48.~~

(4)~~(6)~~ *In addition to a regular course fee, an assessment fee in the amount of $3 shall be collected by the school from each person who attends a course. The course provider must remit the $3 assessment fee to the department for deposit into the Highway Safety Operating Trust Fund in order to receive a unique course completion certificate number for the student.* ~~Each course provider must collect a $3 assessment fee in addition to the enrollment fee charged to participants of the traffic law and substance abuse course required under this section. The $3 assessment fee collected by the course provider must be forwarded to the department within 30 days after receipt of the assessment.~~

(5)~~(7)~~ The department *may* ~~is authorized to~~ maintain the information and records necessary to administer its duties and responsibilities for the program. *Course providers are required to maintain all records pertinent to the conduct of their approved courses for 5 years and allow the department to inspect such records as necessary. Records may be maintained in an electronic format. If* ~~Where~~ such information is a public record as defined in chapter 119, it shall be made available to the public upon request pursuant to s. 119.07(1). ~~The department shall approve and regulate courses that use technology as the delivery method of all~~

~~traffic law and substance abuse education courses as the courses relate to this section.~~

(6) The department shall design, develop, implement, and conduct effectiveness studies on each delivery method of all courses approved pursuant to this section on a recurring 3-year basis. At a minimum, studies shall be conducted on the effectiveness of each course in reducing DUI citations and decreasing moving traffic violations or collision recidivism. Upon notification that a course has failed an effectiveness study, the course provider shall immediately cease offering the course in the state.

(7) Courses approved under this section must be updated at the department's request. Failure of a course provider to update the course within 90 days after the department's request shall result in the suspension of the course approval until such time that the updates are submitted and approved by the department.

(8) Each course provider shall ensure that its driver improvement schools are conducting the approved courses fully, to the required time limits, and with the content requirements specified by the department. The course provider shall ensure that only department-approved instructional materials are used in the presentation of the course, and that all driver improvement schools conducting the course do so in a manner that maximizes its impact and effectiveness. The course provider shall ensure that any student who is unable to attend or complete a course due to action, error, or omission on the part of the course provider or driver improvement school conducting the course shall be accommodated to permit completion of the course at no additional cost.

(9) Traffic law and substance abuse education courses shall be conducted with a minimum of 4 hours devoted to course content minus a maximum of 30 minutes allotted for breaks.

(10) A course provider may not require any student to purchase a course completion certificate. Course providers offering paper or electronic certificates for purchase must clearly convey to the student that this purchase is optional, that the only valid course completion certificate is the electronic one that is entered into the department's Driver Improvement Certificate Issuance System, and that paper certificates are not acceptable for any licensing purpose.

(11) Course providers and all associated driver improvement schools that offer approved courses shall disclose all fees associated with the course and shall not charge any fees that are not clearly listed during the registration process.

(12) Course providers shall submit course completion information to the department through the department's Driver Improvement Certificate Issuance System within 5 days. The submission shall be free of charge to the student.

(13) The department may deny, suspend, or revoke course approval upon proof that the course provider:

(a) Violated this section.

(b) Has been convicted of a crime involving any drug-related or DUI-related offense, a felony, fraud, or a crime directly related to the personal safety of a student.

(c) Failed to satisfy the effectiveness criteria as outlined in subsection (6).

(d) Obtained course approval by fraud or misrepresentation.

(e) Obtained or assisted a person in obtaining any driver license by fraud or misrepresentation.

(f) Conducted a traffic law and substance abuse education course in the state while approval of such course was under suspension or revocation.

(g) Failed to provide effective oversight of those who deliver the course in the state.

(14) The department shall not accept certificates from students who take a course after the course has been suspended or revoked.

(15) A person who has been convicted of a crime involving any drug-related or DUI-related offense in the past 5 years, a felony, fraud, or a crime directly related to the personal safety of a student shall not be allowed to conduct traffic law and substance abuse education courses.

(16) The department shall summarily suspend approval of any course without preliminary hearing for the purpose of protecting the public safety and enforcing any provision of law governing traffic law and substance abuse education courses.

(17) Except as otherwise provided in this section, before final department action denying, suspending, or revoking approval of a course, the course provider shall have the opportunity to request either a formal or informal administrative hearing to show cause why the action should not be taken.

(18) The department may levy and collect a civil fine of at least $1,000 but not more than $5,000 for each violation of this section. Proceeds from fines collected shall be deposited into the Highway Safety Operating Trust Fund and used to cover the cost of administering this section or promoting highway safety initiatives.

Section 36. Subsection (1) of section 322.125, Florida Statutes, is amended to read:

322.125 Medical Advisory Board.—

(1) There shall be a Medical Advisory Board composed of not fewer than 12 or more than 25 members, at least one of whom must be 60 years of age or older and all but one of whose medical and other specialties must relate to driving abilities, which number must include a doctor of medicine who is employed by the Department of Highway Safety and Motor Vehicles in Tallahassee, who shall serve as administrative officer for the board. The executive director of the Department of Highway Safety and Motor Vehicles shall recommend persons to serve as board members. Every member but two must be a doctor of medicine licensed to practice medicine in this or any other state ~~and must be a member in good standing of the Florida Medical Association or the Florida Osteopathic Association~~. One member must be an optometrist licensed to practice optometry in this state ~~and must be a member in good standing of the Florida Optometric Association~~. One member must be a chiropractic physician licensed to practice chiropractic medicine in this state. Members shall be approved by the Cabinet and shall serve 4-year staggered terms. The board membership must, to the maximum extent possible, consist of equal representation of the disciplines of the medical community treating the mental or physical disabilities that could affect the safe operation of motor vehicles.

Section 37. Subsection (4) of section 322.135, Florida Statutes, is amended to read:

322.135 *Driver* ~~Driver's~~ license agents.—

(4) A tax collector may not issue or renew a *driver* ~~driver's~~ license if he or she has any reason to believe that the licensee or prospective licensee is physically or mentally unqualified to operate a motor vehicle. ~~The tax collector may direct any such licensee to the department for examination or reexamination under s. 322.221.~~

Section 38. Section 322.143, Florida Statutes, is created to read:

322.143 Use of a driver license or identification card.—

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

(a) "Personal information" means an individual's name, address, date of birth, driver license number, or identification card number.

(b) "Private entity" means any nongovernmental entity, such as a corporation, partnership, company or nonprofit organization, any other legal entity, or any natural person.

(c) "Swipe" means the act of passing a driver license or identification card through a device that is capable of deciphering, in an electronically readable format, the information electronically encoded in a magnetic strip or bar code on the driver license or identification card.

(2) Except as provided in subsection (6), a private entity may not swipe an individual's driver license or identification card, except for the following purposes:

(a) To verify the authenticity of a driver license or identification card or to verify the identity of the individual if the individual pays for a good or service with a method other than cash, returns an item, or requests a refund.

(b) To verify the individual's age when providing an age-restricted good or service to a person about whom there is any reasonable doubt of the person's having reached 21 years of age.

(c) To prevent fraud or other criminal activity if an individual returns an item or requests a refund and the private entity uses a fraud prevention service company or system.

(d) To transmit information to a check services company for the purpose of approving negotiable instruments, electronic funds transfers, or similar methods of payment.

(3) A private entity that swipes an individual's driver license or identification card under paragraph (2)(a) or paragraph (2)(b) may not store, sell, or share personal information collected from swiping the driver license or identification card.

(4) A private entity that swipes an individual's driver license or identification card under paragraph (2)(c) or paragraph (2)(d) may store or share personal information collected from swiping an individual's driver license or identification card for the purpose of preventing fraud or other criminal activity against the private entity.

(5)(a) A person other than an entity regulated by the federal Fair Credit Reporting Act, 15 U.S.C. 1681 et seq., who receives personal information from a private entity under subsection (4) may use the personal information received only to prevent fraud or other criminal activity against the private entity that provided the personal information.

(b) A person who is regulated by the federal Fair Credit Reporting Act and who receives personal information from a private entity under subsection (4) may use or provide the personal information received only to effect, administer, or enforce a transaction or prevent fraud or other criminal activity, if the person provides or receives personal information under contract from the private entity.

(6)(a) An individual may consent to allow the private entity to swipe the individual's driver license or identification card to collect and store personal information. However, the individual must be informed what information is collected and the purpose or purposes for which it will be used.

(b) If the individual does not want the private entity to swipe the individual's driver license or identification card, the private entity may manually collect personal information from the individual.

(7) The private entity may not withhold the provision of goods or services solely as a result of the individual requesting the collection of the data in subsection (6) from the individual through manual means.

(8) In addition to any other remedy provided by law, an individual may bring an action to recover actual damages and to obtain equitable relief, if equitable relief is available, against an entity that swipes, stores, shares, sells, or otherwise uses the individuals personal information in violation of this section. If a court finds that a violation of this section was willful or knowing, the court may increase the amount of the award to no more than three times the amount otherwise available.

Section 39. Paragraph (a) of subsection (5) of section 322.18, Florida Statutes, is amended to read:

322.18 Original applications, licenses, and renewals; expiration of licenses; delinquent licenses.—

(5) All renewal *driver* ~~driver's~~ licenses may be issued after the applicant licensee has been determined to be eligible by the department.

(a) A licensee who is otherwise eligible for renewal and who is at least 80 years of age:

1. Must submit to and pass a vision test administered at any *driver* ~~driver's~~ license office; or

2. If the licensee applies for a renewal using a convenience service as provided in subsection (8), he or she must submit to a vision test administered by a *doctor of medicine or a doctor of osteopathy licensed to practice medicine in any state or an optometrist licensed to practice optometry in any state* ~~physician licensed under chapter 458 or chapter 459, an optometrist licensed under chapter 463, or a licensed physician at a federally established veterans' hospital~~; must send the results of that test to the department on a form obtained from the department and signed by such health care practitioner; and must meet vision standards that are equivalent to the standards for passing the departmental vision test. The physician or optometrist may submit the results of a vision test by a department-approved electronic means.

Section 40. Subsection (1) of section 322.21, Florida Statutes, is amended to read:

322.21 License fees; procedure for handling and collecting fees.—

(1) Except as otherwise provided herein, the fee for:

(a) An original or renewal commercial *driver* ~~driver's~~ license is $75, which shall include the fee for driver education provided by s. 1003.48. However, if an applicant has completed training and is applying for employment or is currently employed in a public or nonpublic school system that requires the commercial license, the fee is the same as for a Class E *driver* ~~driver's~~ license. A delinquent fee of $15 shall be added for a renewal within 12 months after the license expiration date.

(b) An original Class E *driver* ~~driver's~~ license is $48, which includes the fee for *driver* ~~driver's~~ education provided by s. 1003.48. However, if an applicant has completed training and is applying for employment or is currently employed in a public or nonpublic school system that requires a commercial driver license, the fee is the same as for a Class E license.

(c) The renewal or extension of a Class E *driver* ~~driver's~~ license or of a license restricted to motorcycle use only is $48, except that a delinquent fee of $15 shall be added for a renewal or extension made within 12 months after the license expiration date. The fee provided in this paragraph includes the fee for *driver* ~~driver's~~ education provided by s. 1003.48.

(d) An original *driver* ~~driver's~~ license restricted to motorcycle use only is $48, which includes the fee for *driver* ~~driver's~~ education provided by s. 1003.48.

(e) A replacement *driver* ~~driver's~~ license issued pursuant to s. 322.17 is $25. Of this amount $7 shall be deposited into the Highway Safety Operating Trust Fund and $18 shall be deposited into the General Revenue Fund. Beginning July 1, 2015, or upon completion of the transition of *driver* ~~driver's~~ license issuance services, if the replacement *driver* ~~driver's~~ license is issued by the tax collector, the tax collector shall retain the $7 that would otherwise be deposited into the Highway Safety Operating Trust Fund and the remaining revenues shall be deposited into the General Revenue Fund.

(f) An original, renewal, or replacement identification card issued pursuant to s. 322.051 is $25. Funds collected from these fees shall be distributed as follows:

1. For an original identification card issued pursuant to s. 322.051 the fee is $25. This amount shall be deposited into the General Revenue Fund.

2. For a renewal identification card issued pursuant to s. 322.051 the fee is $25. Of this amount, $6 shall be deposited into the Highway Safety Operating Trust Fund and $19 shall be deposited into the General Revenue Fund.

3. For a replacement identification card issued pursuant to s. 322.051 the fee is $25. Of this amount, $9 shall be deposited into the Highway Safety Operating Trust Fund and $16 shall be deposited into the General Revenue Fund. Beginning July 1, 2015, or upon completion of the transition of the *driver* ~~driver's~~ license issuance services, if the replacement identification card is issued by the tax collector, the tax collector shall retain the $9 that would otherwise be deposited into the

Highway Safety Operating Trust Fund and the remaining revenues shall be deposited into the General Revenue Fund.

(g) Each endorsement required by s. 322.57 is $7.

(h) A hazardous-materials endorsement, as required by s. 322.57(1)(d), shall be set by the department by rule and must reflect the cost of the required criminal history check, including the cost of the state and federal fingerprint check, and the cost to the department of providing and issuing the license. The fee shall not exceed $100. This fee shall be deposited in the Highway Safety Operating Trust Fund. The department may adopt rules to administer this section.

(i) The specialty driver license or identification card issued pursuant to s. 322.1415 is $25, which is in addition to other fees required in this section. The fee shall be distributed as follows:

1. Fifty percent shall be distributed as provided in s. 320.08058 to the appropriate state or independent university, professional sports team, or branch of the United States Armed Forces.

2. Fifty percent shall be distributed to the department for costs directly related to the specialty driver license and identification card program and to defray the costs associated with production enhancements and distribution.

Section 41. Subsection (7) of section 322.212, Florida Statutes, is amended to read:

322.212 Unauthorized possession of, and other unlawful acts in relation to, *driver* ~~driver's~~ license or identification card.—

(7) In addition to any other penalties provided by this section, any person who provides false information when applying for a commercial *driver* ~~driver's~~ license *or commercial learner's permit or is convicted of fraud in connection with testing for a commercial driver license or commercial learner's permit* shall be disqualified from operating a commercial motor vehicle for a period of *1 year* ~~60 days~~.

Section 42. Subsection (1) of section 322.22, Florida Statutes, is amended to read:

322.22 Authority of department to cancel *or refuse to issue or renew* license.—

(1) The department *may* ~~is authorized to~~ cancel *or withhold issuance or renewal of* any *driver* ~~driver's~~ license, upon determining that the licensee was not entitled to the issuance thereof, or that the licensee failed to give the required or correct information in his or her application or committed any fraud in making such application, or that the licensee has two or more licenses on file with the department, each in a different name but bearing the photograph of the licensee, unless the licensee has complied with the requirements of this chapter in obtaining the licenses. The department may cancel *or withhold issuance or renewal of* any *driver* ~~driver's~~ license, identification card, vehicle or vessel registration, or fuel-use decal if the licensee fails to pay the correct fee or pays for *any driver* ~~the driver's~~ license, identification card, vehicle or vessel registration, or fuel-use decal; pays any tax liability, penalty, or interest specified in chapter 207; or pays any administrative, delinquency, or reinstatement fee by a dishonored check.

Section 43. Subsection (3) of section 322.245, Florida Statutes, is amended to read:

322.245 Suspension of license upon failure of person charged with specified offense under chapter 316, chapter 320, or this chapter to comply with directives ordered by traffic court or upon failure to pay child support in non-IV-D cases as provided in chapter 61 or failure to pay any financial obligation in any other criminal case.—

(3) If the person fails to comply with the directives of the court within the 30-day period, or, in non-IV-D cases, fails to comply with the requirements of s. 61.13016 within the period specified in that statute, the depository or the clerk of the court shall *electronically* notify the department of such failure within 10 days. Upon *electronic* receipt of the notice, the department shall immediately issue an order suspending the person's *driver* ~~driver's~~ license and privilege to drive effective 20 days after the date the order of suspension is mailed in accordance with s. 322.251(1), (2), and (6).

Section 44. Subsection (7) of section 322.25, Florida Statutes, is amended to read:

322.25 When court to forward license to department and report convictions; temporary reinstatement of driving privileges.—

~~(7) Any licensed driver convicted of driving, or being in the actual physical control of, a vehicle within this state while under the influence of alcoholic beverages, any chemical substance set forth in s. 877.111, or any substance controlled under chapter 893, when affected to the extent that his or her normal faculties are impaired, and whose license and driving privilege have been revoked as provided in subsection (1) may be issued a court order for reinstatement of a driving privilege on a temporary basis; provided that, as a part of the penalty, upon conviction, the defendant is required to enroll in and complete a driver improvement course for the rehabilitation of drinking drivers and the driver is otherwise eligible for reinstatement of the driving privilege as provided by s. 322.282. The court order for reinstatement shall be on a form provided by the department and must be taken by the person convicted to a Florida driver's license examining office, where a temporary driving permit may be issued. The period of time for which a temporary permit issued in accordance with this subsection is valid shall be deemed to be part of the period of revocation imposed by the court.~~

Section 45. Section 322.2615, Florida Statutes, is amended to read:

322.2615 Suspension of license; right to review.—

(1)(a) A law enforcement officer or correctional officer shall, on behalf of the department, suspend the driving privilege of a person who is driving or in actual physical control of a motor vehicle and who has an unlawful blood-alcohol level or breath-alcohol level of 0.08 or higher, or of a person who has refused to submit to a urine test or a test of his or her breath-alcohol or blood-alcohol level. The officer shall take the person's *driver* ~~driver's~~ license and issue the person a 10-day temporary permit if the person is otherwise eligible for the driving privilege and shall issue the person a notice of suspension. If a blood test has been administered, the officer or the agency employing the officer shall transmit such results to the department within 5 days after receipt of the results. If the department then determines that the person had a blood-alcohol level or breath-alcohol level of 0.08 or higher, the department shall suspend the person's *driver* ~~driver's~~ license pursuant to subsection (3).

(b) The suspension under paragraph (a) shall be pursuant to, and the notice of suspension shall inform the driver of, the following:

1.a. The driver refused to submit to a lawful breath, blood, or urine test and his or her driving privilege is suspended for a period of 1 year for a first refusal or for a period of 18 months if his or her driving privilege has been previously suspended as a result of a refusal to submit to such a test; or

b. The driver was driving or in actual physical control of a motor vehicle and had an unlawful blood-alcohol level or breath-alcohol level of 0.08 or higher and his or her driving privilege is suspended for a period of 6 months for a first offense or for a period of 1 year if his or her driving privilege has been previously suspended under this section.

2. The suspension period shall commence on the date of issuance of the notice of suspension.

3. The driver may request a formal or informal review of the suspension by the department within 10 days after the date of issuance of the notice of suspension *or may request a restricted license pursuant to s. 322.271(7), if eligible*.

4. The temporary permit issued at the time of suspension expires at midnight of the 10th day following the date of issuance of the notice of suspension.

5. The driver may submit to the department any materials relevant to the suspension.

(2)*(a)* Except as provided in paragraph (1)(a), the law enforcement officer shall forward to the department, within 5 days after issuing the notice of suspension, the *driver* ~~driver's~~ license; an affidavit stating the officer's grounds for belief that the person was driving or in actual physical control of a motor vehicle while under the influence of alcoholic beverages or chemical or controlled substances; the results of any breath

or blood test or an affidavit stating that a breath, blood, or urine test was requested by a law enforcement officer or correctional officer and that the person refused to submit; the officer's description of the person's field sobriety test, if any; and the notice of suspension. The failure of the officer to submit materials within the 5-day period specified in this subsection and in subsection (1) does not affect the department's ability to consider any evidence submitted at or prior to the hearing.

(b) The officer may also submit a copy of the crash report and a copy of a *video recording* ~~videotape~~ of the field sobriety test or the attempt to administer such test. Materials submitted to the department by a law enforcement agency or correctional agency shall be considered self-authenticating and shall be in the record for consideration by the hearing officer. Notwithstanding s. 316.066(5), the crash report shall be considered by the hearing officer.

(3) If the department determines that the license should be suspended pursuant to this section and if the notice of suspension has not already been served upon the person by a law enforcement officer or correctional officer as provided in subsection (1), the department shall issue a notice of suspension and, unless the notice is mailed pursuant to s. 322.251, a temporary permit that expires 10 days after the date of issuance if the driver is otherwise eligible.

(4) If the person whose license was suspended requests an informal review pursuant to subparagraph (1)(b)3., the department shall conduct the informal review by a hearing officer *designated* ~~employed~~ by the department. Such informal review hearing shall consist solely of an examination by the department of the materials submitted by a law enforcement officer or correctional officer and by the person whose license was suspended, and the presence of an officer or witness is not required.

(5) After completion of the informal review, notice of the department's decision sustaining, amending, or invalidating the suspension of the *driver* ~~driver's~~ license of the person whose license was suspended must be provided to such person. Such notice must be mailed to the person at the last known address shown on the department's records, or to the address provided in the law enforcement officer's report if such address differs from the address of record, within 21 days after the expiration of the temporary permit issued pursuant to subsection (1) or subsection (3).

(6)(a) If the person whose license was suspended requests a formal review, the department must schedule a hearing ~~to be held~~ within 30 days after such request is received by the department and must notify the person of the date, time, and place of the hearing.

(b) Such formal review hearing shall be held before a hearing officer *designated* ~~employed~~ by the department, and the hearing officer shall be authorized to administer oaths, examine witnesses and take testimony, receive relevant evidence, issue subpoenas for the officers and witnesses identified in documents *provided under paragraph (2)(a)* ~~in subsection (2)~~, regulate the course and conduct of the hearing, question witnesses, and make a ruling on the suspension. *The hearing officer may conduct hearings using communications technology.* The party requesting the presence of a witness shall be responsible for the payment of any witness fees and for notifying in writing the state attorney's office in the appropriate circuit of the issuance of the subpoena. If the person who requests a formal review hearing fails to appear and the hearing officer finds such failure to be without just cause, the right to a formal hearing is waived and the suspension shall be sustained.

(c) *The failure of a subpoenaed witness to appear at the formal review hearing is not grounds to invalidate the suspension. If a witness fails to appear,* a party may seek enforcement of a subpoena under paragraph (b) by filing a petition for enforcement in the circuit court of the judicial circuit in which the person failing to comply with the subpoena resides *or by filing a motion for enforcement in any criminal court case resulting from the driving or actual physical control of a motor vehicle that gave rise to the suspension under this section*. A failure to comply with an order of the court shall result in a finding of contempt of court. However, a person is not in contempt while a subpoena is being challenged.

(d) The department must, within 7 working days after a formal review hearing, send notice to the person of the hearing officer's decision as to whether sufficient cause exists to sustain, amend, or invalidate the suspension.

(7) In a formal review hearing under subsection (6) or an informal review hearing under subsection (4), the hearing officer shall determine by a preponderance of the evidence whether sufficient cause exists to sustain, amend, or invalidate the suspension. The scope of the review shall be limited to the following issues:

(a) If the license was suspended for driving with an unlawful blood-alcohol level or breath-alcohol level of 0.08 or higher:

1. Whether the law enforcement officer had probable cause to believe that the person whose license was suspended was driving or in actual physical control of a motor vehicle in this state while under the influence of alcoholic beverages or chemical or controlled substances.

2. Whether the person whose license was suspended had an unlawful blood-alcohol level or breath-alcohol level of 0.08 or higher as provided in s. 316.193.

(b) If the license was suspended for refusal to submit to a breath, blood, or urine test:

1. Whether the law enforcement officer had probable cause to believe that the person whose license was suspended was driving or in actual physical control of a motor vehicle in this state while under the influence of alcoholic beverages or chemical or controlled substances.

2. Whether the person whose license was suspended refused to submit to any such test after being requested to do so by a law enforcement officer or correctional officer.

3. Whether the person whose license was suspended was told that if he or she refused to submit to such test his or her privilege to operate a motor vehicle would be suspended for a period of 1 year or, in the case of a second or subsequent refusal, for a period of 18 months.

(8) Based on the determination of the hearing officer pursuant to subsection (7) for both informal hearings under subsection (4) and formal hearings under subsection (6), the department shall:

(a) Sustain the suspension of the person's driving privilege for a period of 1 year for a first refusal, or for a period of 18 months if the driving privilege of such person has been previously suspended as a result of a refusal to submit to such tests, if the person refused to submit to a lawful breath, blood, or urine test. The suspension period commences on the date of issuance of the notice of suspension.

(b) Sustain the suspension of the person's driving privilege for a period of 6 months for a blood-alcohol level or breath-alcohol level of 0.08 or higher, or for a period of 1 year if the driving privilege of such person has been previously suspended under this section as a result of driving with an unlawful alcohol level. The suspension period commences on the date of issuance of the notice of suspension.

(9) A request for a formal review hearing or an informal review hearing shall not stay the suspension of the person's *driver* ~~driver's~~ license. If the department fails to schedule the formal review hearing ~~to be held~~ within 30 days after receipt of the request therefor, the department shall invalidate the suspension. If the scheduled hearing is continued at the department's initiative *or the driver enforces the subpoena as provided in subsection (6)*, the department shall issue a temporary driving permit that shall be valid until the hearing is conducted if the person is otherwise eligible for the driving privilege. Such permit may not be issued to a person who sought and obtained a continuance of the hearing. The permit issued under this subsection shall authorize driving for business or employment use only.

(10) A person whose *driver* ~~driver's~~ license is suspended under subsection (1) or subsection (3) may apply for issuance of a license for business or employment purposes only if the person is otherwise eligible for the driving privilege pursuant to s. 322.271.

(a) If the suspension of the *driver* ~~driver's~~ license of the person for failure to submit to a breath, urine, or blood test is sustained, the person is not eligible to receive a license for business or employment purposes only, pursuant to s. 322.271, until 90 days have elapsed after the expiration of the last temporary permit issued. If the driver is not issued a 10-day permit pursuant to this section or s. 322.64 because he or she is ineligible for the permit and the suspension for failure to submit to a breath, urine, or blood test is not invalidated by the department, the

driver is not eligible to receive a business or employment license pursuant to s. 322.271 until 90 days have elapsed from the date of the suspension.

(b) If the suspension of the *driver* ~~driver's~~ license of the person relating to unlawful blood-alcohol level or breath-alcohol level of 0.08 or higher is sustained, the person is not eligible to receive a license for business or employment purposes only pursuant to s. 322.271 until 30 days have elapsed after the expiration of the last temporary permit issued. If the driver is not issued a 10-day permit pursuant to this section or s. 322.64 because he or she is ineligible for the permit and the suspension relating to unlawful blood-alcohol level or breath-alcohol level of 0.08 or higher is not invalidated by the department, the driver is not eligible to receive a business or employment license pursuant to s. 322.271 until 30 days have elapsed from the date of the suspension.

(11) The formal review hearing may be conducted upon a review of the reports of a law enforcement officer or a correctional officer, including documents relating to the administration of a breath test or blood test or the refusal to take either test or the refusal to take a urine test. However, as provided in subsection (6), the driver may subpoena the officer or any person who administered or analyzed a breath or blood test. *If the arresting officer or the breath technician fails to appear pursuant to a subpoena as provided in subsection (6), the department shall invalidate the suspension.*

(12) The formal review hearing and the informal review hearing are exempt from the provisions of chapter 120. The department may adopt rules for the conduct of reviews under this section.

(13) A person may appeal any decision of the department sustaining a suspension of his or her *driver* ~~driver's~~ license by a petition for writ of certiorari to the circuit court in the county wherein such person resides or wherein a formal or informal review was conducted pursuant to s. 322.31. However, an appeal shall not stay the suspension. A law enforcement agency may appeal any decision of the department invalidating a suspension by a petition for writ of certiorari to the circuit court in the county wherein a formal or informal review was conducted. This subsection shall not be construed to provide for a de novo *review* ~~appeal~~.

(14)(a) The decision of the department under this section or any circuit court review thereof may not be considered in any trial for a violation of s. 316.193, and a written statement submitted by a person in his or her request for departmental review under this section may not be admitted into evidence against him or her in any such trial.

(b) The disposition of any related criminal proceedings does not affect a suspension for refusal to submit to a blood, breath, or urine test imposed under this section.

(15) If the department suspends a person's license under s. 322.2616, it may not also suspend the person's license under this section for the same episode that was the basis for the suspension under s. 322.2616.

(16) The department shall invalidate a suspension for driving with an unlawful blood-alcohol level or breath-alcohol level imposed under this section if the suspended person is found not guilty at trial of an underlying violation of s. 316.193.

Section 46. Section 322.2616, Florida Statutes, is amended to read:

322.2616 Suspension of license; persons under 21 years of age; right to review.—

(1)(a) Notwithstanding s. 316.193, it is unlawful for a person under the age of 21 who has a blood-alcohol or breath-alcohol level of 0.02 or higher to drive or be in actual physical control of a motor vehicle.

(b) A law enforcement officer who has probable cause to believe that a motor vehicle is being driven by or is in the actual physical control of a person who is under the age of 21 while under the influence of alcoholic beverages or who has any blood-alcohol or breath-alcohol level may lawfully detain such a person and may request that person to submit to a test to determine his or her blood-alcohol or breath-alcohol level.

(2)(a) A law enforcement officer or correctional officer shall, on behalf of the department, suspend the driving privilege of such person if the person has a blood-alcohol or breath-alcohol level of 0.02 or higher. The officer shall also suspend, on behalf of the department, the driving privilege of a person who has refused to submit to a test as provided by paragraph (b). The officer shall take the person's *driver* ~~driver's~~ license and issue the person a 10-day temporary driving permit if the person is otherwise eligible for the driving privilege and shall issue the person a notice of suspension.

(b) The suspension under paragraph (a) must be pursuant to, and the notice of suspension must inform the driver of, the following:

1.a. The driver refused to submit to a lawful breath test and his or her driving privilege is suspended for a period of 1 year for a first refusal or for a period of 18 months if his or her driving privilege has been previously suspended as provided in this section as a result of a refusal to submit to a test; or

b. The driver was under the age of 21 and was driving or in actual physical control of a motor vehicle while having a blood-alcohol or breath-alcohol level of 0.02 or higher; and the person's driving privilege is suspended for a period of 6 months for a first violation, or for a period of 1 year if his or her driving privilege has been previously suspended as provided in this section for driving or being in actual physical control of a motor vehicle with a blood-alcohol or breath-alcohol level of 0.02 or higher.

2. The suspension period commences on the date of issuance of the notice of suspension.

3. The driver may request a formal or informal review of the suspension by the department within 10 days after the issuance of the notice of suspension.

4. A temporary permit issued at the time of the issuance of the notice of suspension shall not become effective until after 12 hours have elapsed and will expire at midnight of the 10th day following the date of issuance.

5. The driver may submit to the department any materials relevant to the suspension of his or her license.

(c) When a driver subject to this section has a blood-alcohol or breath-alcohol level of 0.05 or higher, the suspension shall remain in effect until such time as the driver has completed a substance abuse course offered by a DUI program licensed by the department. The driver shall assume the reasonable costs for the substance abuse course. As part of the substance abuse course, the program shall conduct a substance abuse evaluation of the driver, and notify the parents or legal guardians of drivers under the age of 19 years of the results of the evaluation. The term "substance abuse" means the abuse of alcohol or any substance named or described in Schedules I through V of s. 893.03. If a driver fails to complete the substance abuse education course and evaluation, the *driver* ~~driver's~~ license shall not be reinstated by the department.

(d) A minor under the age of 18 years proven to be driving with a blood-alcohol or breath-alcohol level of 0.02 or higher may be taken by a law enforcement officer to the addictions receiving facility in the county in which the minor is found to be so driving, if the county makes the addictions receiving facility available for such purpose.

(3) The law enforcement officer shall forward to the department, within 5 days after the date of the issuance of the notice of suspension, a copy of the notice of suspension, the *driver* ~~driver's~~ license of the person receiving the notice of suspension, and an affidavit stating the officer's grounds for belief that the person was under the age of 21 and was driving or in actual physical control of a motor vehicle with any blood-alcohol or breath-alcohol level, and the results of any blood or breath test or an affidavit stating that a breath test was requested by a law enforcement officer or correctional officer and that the person refused to submit to such test. The failure of the officer to submit materials within the 5-day period specified in this subsection does not bar the department from considering any materials submitted at or before the hearing.

(4) If the department finds that the license of the person should be suspended under this section and if the notice of suspension has not already been served upon the person by a law enforcement officer or correctional officer as provided in subsection (2), the department shall issue a notice of suspension and, unless the notice is mailed under s.

322.251, a temporary driving permit that expires 10 days after the date of issuance if the driver is otherwise eligible.

(5) If the person whose license is suspended requests an informal review under subparagraph (2)(b)3., the department shall conduct the informal review by a hearing officer *designated* ~~employed~~ by the department within 30 days after the request is received by the department and shall issue such person a temporary driving permit for business purposes only to expire on the date that such review is scheduled to be conducted if the person is otherwise eligible. The informal review hearing must consist solely of an examination by the department of the materials submitted by a law enforcement officer or correctional officer and by the person whose license is suspended, and the presence of an officer or witness is not required.

(6) After completion of the informal review, notice of the department's decision sustaining, amending, or invalidating the suspension of the *driver* ~~driver's~~ license must be provided to the person. The notice must be mailed to the person at the last known address shown on the department's records, or to the address provided in the law enforcement officer's report if such address differs from the address of record, within 7 days after completing the review.

(7)(a) If the person whose license is suspended requests a formal review, the department must schedule a hearing to be held within 30 days after the request is received by the department and must notify the person of the date, time, and place of the hearing and shall issue such person a temporary driving permit for business purposes only to expire on the date that such review is scheduled to be conducted if the person is otherwise eligible.

(b) The formal review hearing must be held before a hearing officer *designated* ~~employed~~ by the department, and the hearing officer may administer oaths, examine witnesses and take testimony, receive relevant evidence, issue subpoenas, regulate the course and conduct of the hearing, and make a ruling on the suspension. *The hearing officer may conduct hearings using communications technology.* The department and the person whose license was suspended may subpoena witnesses, and the party requesting the presence of a witness is responsible for paying any witness fees and for notifying in writing the state attorney's office in the appropriate circuit of the issuance of the subpoena. If the person who requests a formal review hearing fails to appear and the hearing officer finds the failure to be without just cause, the right to a formal hearing is waived and the suspension is sustained.

(c) *The failure of a subpoenaed witness to appear at the formal review hearing shall not be grounds to invalidate the suspension. If a witness fails to appear,* a party may seek enforcement of a subpoena under paragraph (b) by filing a petition for enforcement in the circuit court of the judicial circuit in which the person failing to comply with the subpoena resides. A failure to comply with an order of the court constitutes contempt of court. However, a person may not be held in contempt while a subpoena is being challenged.

(d) The department must, within 7 *working* days after a formal review hearing, send notice to the person of the hearing officer's decision as to whether sufficient cause exists to sustain, amend, or invalidate the suspension.

(8) In a formal review hearing under subsection (7) or an informal review hearing under subsection (5), the hearing officer shall determine by a preponderance of the evidence whether sufficient cause exists to sustain, amend, or invalidate the suspension. The scope of the review is limited to the following issues:

(a) If the license was suspended because the individual, then under the age of 21, drove with a blood-alcohol or breath-alcohol level of 0.02 or higher:

1. Whether the law enforcement officer had probable cause to believe that the person was under the age of 21 and was driving or in actual physical control of a motor vehicle in this state with any blood-alcohol or breath-alcohol level or while under the influence of alcoholic beverages.

2. Whether the person was under the age of 21.

3. Whether the person had a blood-alcohol or breath-alcohol level of 0.02 or higher.

(b) If the license was suspended because of the individual's refusal to submit to a breath test:

1. Whether the law enforcement officer had probable cause to believe that the person was under the age of 21 and was driving or in actual physical control of a motor vehicle in this state with any blood-alcohol or breath-alcohol level or while under the influence of alcoholic beverages.

2. Whether the person was under the age of 21.

3. Whether the person refused to submit to a breath test after being requested to do so by a law enforcement officer or correctional officer.

4. Whether the person was told that if he or she refused to submit to a breath test his or her privilege to operate a motor vehicle would be suspended for a period of 1 year or, in the case of a second or subsequent refusal, for a period of 18 months.

(9) Based on the determination of the hearing officer under subsection (8) for both informal hearings under subsection (5) and formal hearings under subsection (7), the department shall:

(a) Sustain the suspension of the person's driving privilege for a period of 1 year for a first refusal, or for a period of 18 months if the driving privilege of the person has been previously suspended, as provided in this section, as a result of a refusal to submit to a test. The suspension period commences on the date of the issuance of the notice of suspension.

(b) Sustain the suspension of the person's driving privilege for a period of 6 months for driving or being in actual physical control of a motor vehicle while under the age of 21 with a blood-alcohol or breath-alcohol level of 0.02 or higher, or for a period of 1 year if the driving privilege of such person has been previously suspended under this section. The suspension period commences on the date of the issuance of the notice of suspension.

(10) A request for a formal review hearing or an informal review hearing shall not stay the suspension of the person's *driver* ~~driver's~~ license. If the department fails to schedule the formal review hearing ~~to be held~~ within 30 days after receipt of the request therefor, the department shall invalidate the suspension. If the scheduled hearing is continued at the department's initiative *or the driver enforces the subpoena as provided in subsection (7)*, the department shall issue a temporary driving permit that is valid until the hearing is conducted if the person is otherwise eligible for the driving privilege. The permit shall not be issued to a person who requested a continuance of the hearing. The permit issued under this subsection authorizes driving for business or employment use only.

(11) A person whose *driver* ~~driver's~~ license is suspended under subsection (2) or subsection (4) may apply for issuance of a license for business or employment purposes only, pursuant to s. 322.271, if the person is otherwise eligible for the driving privilege. However, such a license may not be issued until 30 days have elapsed after the expiration of the last temporary driving permit issued under this section.

(12) The formal review hearing may be conducted upon a review of the reports of a law enforcement officer or correctional officer, including documents relating to the administration of a breath test or the refusal to take a test. However, as provided in subsection (7), the driver may subpoena the officer or any person who administered a breath or blood test. *If the officer who suspended the driving privilege fails to appear pursuant to a subpoena as provided in subsection (7), the department shall invalidate the suspension.*

(13) The formal review hearing and the informal review hearing are exempt from chapter 120. The department may adopt rules for conducting reviews under this section.

(14) A person may appeal any decision of the department sustaining a suspension of his or her *driver* ~~driver's~~ license by a petition for writ of certiorari to the circuit court in the county wherein such person resides or wherein a formal or informal review was conducted under s. 322.31. However, an appeal does not stay the suspension. This subsection does not provide for a de novo *review* ~~appeal~~.

(15) The decision of the department under this section shall not be considered in any trial for a violation of s. 316.193, nor shall any written

statement submitted by a person in his or her request for departmental review under this section be admissible into evidence against him or her in any such trial. The disposition of any related criminal proceedings shall not affect a suspension imposed under this section.

(16) By applying for and accepting and using a *driver* ~~driver's~~ license, a person under the age of 21 years who holds the *driver* ~~driver's~~ license is deemed to have expressed his or her consent to the provisions of this section.

(17) A breath test to determine breath-alcohol level pursuant to this section may be conducted as authorized by s. 316.1932 or by a breath-alcohol test device listed in the United States Department of Transportation's conforming-product list of evidential breath-measurement devices. The reading from such a device is presumed accurate and is admissible in evidence in any administrative hearing conducted under this section.

(18) The result of a blood test obtained during an investigation conducted under s. 316.1932 or s. 316.1933 may be used to suspend the driving privilege of a person under this section.

(19) A violation of this section is neither a traffic infraction nor a criminal offense, nor does being detained pursuant to this section constitute an arrest. A violation of this section is subject to the administrative action provisions of this section, which are administered by the department through its administrative processes. Administrative actions taken pursuant to this section shall be recorded in the motor vehicle records maintained by the department. This section does not bar prosecution under s. 316.193. However, if the department suspends a person's license under s. 322.2615 for a violation of s. 316.193, it may not also suspend the person's license under this section for the same episode that was the basis for the suspension under s. 322.2615.

Section 47. Subsections (4) and (5) of section 322.271, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

322.271 Authority to modify revocation, cancellation, or suspension order.—

(4) Notwithstanding the provisions of s. *322.28(2)(d)* ~~322.28(2)(c)~~, a person whose driving privilege has been permanently revoked because he or she has been convicted of DUI manslaughter in violation of s. 316.193 and has no prior convictions for DUI-related offenses may, upon the expiration of 5 years after the date of such revocation or the expiration of 5 years after the termination of any term of incarceration under s. 316.193 or former s. 316.1931, whichever date is later, petition the department for reinstatement of his or her driving privilege.

(a) Within 30 days after the receipt of such a petition, the department shall afford the petitioner an opportunity for a hearing. At the hearing, the petitioner must demonstrate to the department that he or she:

1. Has not been arrested for a drug-related offense during the 5 years preceding the filing of the petition;

2. Has not driven a motor vehicle without a license for at least 5 years prior to the hearing;

3. Has been drug-free for at least 5 years prior to the hearing; and

4. Has completed a DUI program licensed by the department.

(b) At such hearing, the department shall determine the petitioner's qualification, fitness, and need to drive. Upon such determination, the department may, in its discretion, reinstate the *driver* ~~driver's~~ license of the petitioner. Such reinstatement must be made subject to the following qualifications:

1. The license must be restricted for employment purposes for *at least* ~~not less than~~ 1 year; and

2. Such person must be supervised by a DUI program licensed by the department and report to the program for such supervision and education at least four times a year or additionally as required by the program for the remainder of the revocation period. Such supervision shall include evaluation, education, referral into treatment, and other activities required by the department.

(c) Such person must assume the reasonable costs of supervision. If such person fails to comply with the required supervision, the program shall report the failure to the department, and the department shall cancel such person's driving privilege.

(d) If, after reinstatement, such person is convicted of an offense for which mandatory revocation of his or her license is required, the department shall revoke his or her driving privilege.

(e) The department shall adopt rules regulating the providing of services by DUI programs pursuant to this section.

(5) Notwithstanding the provisions of s. *322.28(2)(d)* ~~322.28(2)(c)~~, a person whose driving privilege has been permanently revoked because he or she has been convicted four or more times of violating s. 316.193 or former s. 316.1931 may, upon the expiration of 5 years after the date of the last conviction or the expiration of 5 years after the termination of any incarceration under s. 316.193 or former s. 316.1931, whichever is later, petition the department for reinstatement of his or her driving privilege.

(a) Within 30 days after receipt of a petition, the department shall provide for a hearing, at which the petitioner must demonstrate that he or she:

1. Has not been arrested for a drug-related offense for at least 5 years prior to filing the petition;

2. Has not driven a motor vehicle without a license for at least 5 years prior to the hearing;

3. Has been drug-free for at least 5 years prior to the hearing; and

4. Has completed a DUI program licensed by the department.

(b) At the hearing, the department shall determine the petitioner's qualification, fitness, and need to drive, and may, after such determination, reinstate the petitioner's *driver* ~~driver's~~ license. The reinstatement shall be subject to the following qualifications:

1. The petitioner's license must be restricted for employment purposes for *at least* ~~not less than~~ 1 year; and

2. The petitioner must be supervised by a DUI program licensed by the department and must report to the program for supervision and education at least four times a year or more, as required by the program, for the remainder of the revocation period. The supervision shall include evaluation, education, referral into treatment, and other activities required by the department.

(c) The petitioner must assume the reasonable costs of supervision. If the petitioner does not comply with the required supervision, the program shall report the failure to the department, and the department shall cancel such person's driving privilege.

(d) If, after reinstatement, the petitioner is convicted of an offense for which mandatory license revocation is required, the department shall revoke his or her driving privilege.

(e) The department shall adopt rules regulating the services provided by DUI programs pursuant to this section.

(7) A person who has never had a driver license suspended under s. 322.2615, has never been disqualified under s. 322.64, has never been convicted of a violation of s. 316.193, has never applied for a business purposes only license, as defined in this section, whose driving privilege has been suspended pursuant to this section may apply for a business purposes only driver license without a hearing if the person meets the requirements of this section and s. 322.291, and is otherwise eligible for a driver license.

(a) For purposes of this subsection, a previous conviction outside of this state for driving under the influence, driving while intoxicated, driving with an unlawful blood-alcohol level, or any other alcohol-related or drug-related traffic offense similar to the offense of driving under the influence as provided in s. 316.193 will be considered a previous conviction for a violation of s. 316.193, and a conviction for violation of former s. 316.028, former s. 316.1931, or former s. 860.01 is considered a conviction for a violation of s. 316.193.

(b) The reinstatement shall be restricted to business purposes only for the duration of the suspension imposed under s. 322.2615.

(c) Acceptance of the reinstated driving privilege as provided in this subsection is deemed a waiver of the right to formal and informal review under s. 322.2615. The waiver may not be used as evidence in any other proceeding.

Section 48. Section 322.2715, Florida Statutes, is amended to read:

322.2715 Ignition interlock device.—

(1) Before issuing a permanent or restricted *driver* ~~driver's~~ license under this chapter, the department shall require the placement of a department-approved ignition interlock device for any person convicted of committing an offense of driving under the influence as specified in subsection (3), except that consideration may be given to those individuals having a documented medical condition that would prohibit the device from functioning normally. *If a medical waiver has been granted for a convicted person seeking a restricted license, the convicted person shall not be entitled to a restricted license until the required ignition interlock device installation period under subsection (3) expires, in addition to the time requirements under s. 322.271. If a medical waiver has been approved for a convicted person seeking permanent reinstatement of the driver license, the convicted person must be restricted to an employment-purposes-only license and be supervised by a licensed DUI program until the required ignition interlock device installation period under subsection (3) expires.* An interlock device shall be placed on all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person.

(2) For purposes of this section, any conviction for a violation of s. 316.193, a previous conviction for a violation of former s. 316.1931, or a conviction outside this state for driving under the influence, driving while intoxicated, driving with an unlawful blood-alcohol level, or any other similar alcohol-related or drug-related traffic offense is a conviction of driving under the influence.

(3) If the person is convicted of:

(a) A first offense of driving under the influence under s. 316.193 and has an unlawful blood-alcohol level or breath-alcohol level as specified in s. 316.193(4), or if a person is convicted of a violation of s. 316.193 and was at the time of the offense accompanied in the vehicle by a person younger than 18 years of age, the person shall have the ignition interlock device installed for *at least* ~~not less than~~ 6 continuous months for the first offense and for *at least* ~~not less than~~ 2 continuous years for a second offense.

(b) A second offense of driving under the influence, the ignition interlock device shall be installed for a period of *at least* ~~not less than~~ 1 continuous year.

(c) A third offense of driving under the influence which occurs within 10 years after a prior conviction for a violation of s. 316.193, the ignition interlock device shall be installed for a period of *at least* ~~not less than~~ 2 continuous years.

(d) A third offense of driving under the influence which occurs more than 10 years after the date of a prior conviction, the ignition interlock device shall be installed for a period of *at least* ~~not less than~~ 2 continuous years.

(e) A fourth or subsequent offense of driving under the influence, the ignition interlock device shall be installed for a period of *at least* ~~not less than~~ 5 years.

(4) If the court fails to order the mandatory placement of the ignition interlock device or fails to order for the applicable period the mandatory placement of an ignition interlock device under s. 316.193 or s. 316.1937 at the time of imposing sentence or within 30 days thereafter, the department shall immediately require that the ignition interlock device be installed as provided in this section, except that consideration may be given to those individuals having a documented medical condition that would prohibit the device from functioning normally. This subsection applies to the reinstatement of the driving privilege following a revocation, suspension, or cancellation that is based upon a conviction for the offense of driving under the influence which occurs on or after July 1, 2005.

(5) In addition to any fees authorized by rule for the installation and maintenance of the ignition interlock device, the authorized installer of the device shall collect and remit $12 for each installation to the department, which shall be deposited into the Highway Safety Operating Trust Fund to be used for the operation of the Ignition Interlock Device Program.

Section 49. Section 322.28, Florida Statutes, is amended to read:

322.28 Period of suspension or revocation.—

(1) Unless otherwise provided by this section, the department shall not suspend a license for a period of more than 1 year and, upon revoking a license, in any case except in a prosecution for the offense of driving a motor vehicle while under the influence of alcoholic beverages, chemical substances as set forth in s. 877.111, or controlled substances, shall not in any event grant a new license until the expiration of 1 year after such revocation.

(2) In a prosecution for a violation of s. 316.193 or former s. 316.1931, the following provisions apply:

(a) Upon conviction of the driver, the court, along with imposing sentence, shall revoke the *driver* ~~driver's~~ license or driving privilege of the person so convicted, effective on the date of conviction, and shall prescribe the period of such revocation in accordance with the following provisions:

1. Upon a first conviction for a violation of the provisions of s. 316.193, except a violation resulting in death, the *driver* ~~driver's~~ license or driving privilege shall be revoked for *at least* ~~not less than~~ 180 days *but not* ~~or~~ more than 1 year.

2. Upon a second conviction for an offense that occurs within a period of 5 years after the date of a prior conviction for a violation of the provisions of s. 316.193 or former s. 316.1931 or a combination of such sections, the *driver* ~~driver's~~ license or driving privilege shall be revoked for *at least* ~~not less than~~ 5 years.

3. Upon a third conviction for an offense that occurs within a period of 10 years after the date of a prior conviction for the violation of the provisions of s. 316.193 or former s. 316.1931 or a combination of such sections, the *driver* ~~driver's~~ license or driving privilege shall be revoked for *at least* ~~not less than~~ 10 years.

For the purposes of this paragraph, a previous conviction outside this state for driving under the influence, driving while intoxicated, driving with an unlawful blood-alcohol level, or any other alcohol-related or drug-related traffic offense similar to the offense of driving under the influence as proscribed by s. 316.193 will be considered a previous conviction for violation of s. 316.193, and a conviction for violation of former s. 316.028, former s. 316.1931, or former s. 860.01 is considered a conviction for violation of s. 316.193.

(b) If the period of revocation was not specified by the court at the time of imposing sentence or within 30 days thereafter, and is not otherwise specified by law, the department shall forthwith revoke the *driver* ~~driver's~~ license or driving privilege for the maximum period applicable under paragraph (a) for a first conviction and for the minimum period applicable under paragraph (a) for any subsequent convictions. The driver may, within 30 days after such revocation by the department, petition the court for further hearing on the period of revocation, and the court may reopen the case and determine the period of revocation within the limits specified in paragraph (a).

(c) The forfeiture of bail bond, not vacated within 20 days, in any prosecution for the offense of driving while under the influence of alcoholic beverages, chemical substances, or controlled substances to the extent of depriving the defendant of his or her normal faculties shall be deemed equivalent to a conviction for the purposes of this paragraph, and the department shall forthwith revoke the defendant's *driver* ~~driver's~~ license or driving privilege for the maximum period applicable under paragraph (a) for a first conviction and for the minimum period applicable under paragraph (a) for a second or subsequent conviction; however, if the defendant is later convicted of the charge, the period of revocation imposed by the department for such conviction shall not exceed the difference between the applicable maximum for a first conviction or minimum for a second or subsequent conviction and the revoca-

tion period under this subsection that has actually elapsed; upon conviction of such charge, the court may impose revocation for a period of time as specified in paragraph (a). This paragraph does not apply if an appropriate motion contesting the forfeiture is filed within the 20-day period.

~~(d) When any driver's license or driving privilege has been revoked pursuant to the provisions of this section, the department shall not grant a new license, except upon reexamination of the licensee after the expiration of the period of revocation so prescribed. However, the court may, in its sound discretion, issue an order of reinstatement on a form furnished by the department which the person may take to any driver's license examining office for reinstatement by the department pursuant to s. 322.282.~~

(d)~~(c)~~ The court shall permanently revoke the *driver* ~~driver's~~ license or driving privilege of a person who has been convicted four times for violation of s. 316.193 or former s. 316.1931 or a combination of such sections. The court shall permanently revoke the *driver* ~~driver's~~ license or driving privilege of any person who has been convicted of DUI manslaughter in violation of s. 316.193. If the court has not permanently revoked such *driver* ~~driver's~~ license or driving privilege within 30 days after imposing sentence, the department shall permanently revoke the *driver* ~~driver's~~ license or driving privilege pursuant to this paragraph. No *driver* ~~driver's~~ license or driving privilege may be issued or granted to any such person. This paragraph applies only if at least one of the convictions for violation of s. 316.193 or former s. 316.1931 was for a violation that occurred after July 1, 1982. For the purposes of this paragraph, a conviction for violation of former s. 316.028, former s. 316.1931, or former s. 860.01 is also considered a conviction for violation of s. 316.193. Also, a conviction of driving under the influence, driving while intoxicated, driving with an unlawful blood-alcohol level, or any other similar alcohol-related or drug-related traffic offense outside this state is considered a conviction for the purposes of this paragraph.

(e) Convictions that occur on the same date resulting from separate offense dates shall be treated as separate convictions, and the offense that occurred earlier will be deemed a prior conviction for the purposes of this section.

(3) The court shall permanently revoke the *driver* ~~driver's~~ license or driving privilege of a person who has been convicted of murder resulting from the operation of a motor vehicle. No *driver* ~~driver's~~ license or driving privilege may be issued or granted to any such person.

(4)(a) Upon a conviction for a violation of s. 316.193(3)(c)2., involving serious bodily injury, a conviction of manslaughter resulting from the operation of a motor vehicle, or a conviction of vehicular homicide, the court shall revoke the *driver* ~~driver's~~ license of the person convicted for a minimum period of 3 years. If a conviction under s. 316.193(3)(c)2., involving serious bodily injury, is also a subsequent conviction as described under paragraph (2)(a), the court shall revoke the *driver* ~~driver's~~ license or driving privilege of the person convicted for the period applicable as provided in paragraph (2)(a) or paragraph *(2)(d)* ~~(2)(c)~~.

(b) If the period of revocation was not specified by the court at the time of imposing sentence or within 30 days thereafter, the department shall revoke the *driver* ~~driver's~~ license for the minimum period applicable under paragraph (a) or, for a subsequent conviction, for the minimum period applicable under paragraph (2)(a) or paragraph *(2)(d)* ~~(2)(c)~~.

(5) A court may not stay the administrative suspension of a driving privilege under s. 322.2615 or s. 322.2616 during judicial review of the departmental order that resulted in such suspension, and a suspension or revocation of a driving privilege may not be stayed upon an appeal of the conviction or order that resulted in the suspension or revocation.

(6) In a prosecution for a violation of s. 316.172(1), and upon a showing of the department's records that the licensee has received a second conviction within 5 years following the date of a prior conviction of s. 316.172(1), the department shall, upon direction of the court, suspend the *driver* ~~driver's~~ license of the person convicted for a period of *at least* ~~not less than~~ 90 days *but not* ~~or~~ more than 6 months.

(7) Following a second or subsequent violation of s. 796.07(2)(f) which involves a motor vehicle and which results in any judicial disposition other than acquittal or dismissal, in addition to any other sentence imposed, the court shall revoke the person's *driver* ~~driver's~~ license or driving privilege, effective upon the date of the disposition, for a period of *at least* ~~not less than~~ 1 year. A person sentenced under this subsection may request a hearing under s. 322.271.

Section 50. *Section 322.331, Florida Statutes, is repealed.*

Section 51. Section 322.61, Florida Statutes, is amended to read:

322.61 Disqualification from operating a commercial motor vehicle.—

(1) A person who, for offenses occurring within a 3-year period, is convicted of two of the following serious traffic violations or any combination thereof, arising in separate incidents committed in a commercial motor vehicle shall, in addition to any other applicable penalties, be disqualified from operating a commercial motor vehicle for a period of 60 days. A holder of a commercial *driver* ~~driver's~~ license *or commercial learner's permit* who, for offenses occurring within a 3-year period, is convicted of two of the following serious traffic violations, or any combination thereof, arising in separate incidents committed in a noncommercial motor vehicle shall, in addition to any other applicable penalties, be disqualified from operating a commercial motor vehicle for a period of 60 days if such convictions result in the suspension, revocation, or cancellation of the licenseholder's driving privilege:

(a) A violation of any state or local law relating to motor vehicle traffic control, other than a parking violation, ~~a weight violation, or a vehicle equipment violation,~~ arising in connection with a crash resulting in death ~~or personal injury to any person~~;

(b) Reckless driving, as defined in s. 316.192;

~~(c) Careless driving, as defined in s. 316.1925;~~

~~(d) Fleeing or attempting to elude a law enforcement officer, as defined in s. 316.1935;~~

(c)~~(e)~~ Unlawful speed of 15 miles per hour or more above the posted speed limit;

~~(f) Driving a commercial motor vehicle, owned by such person, which is not properly insured;~~

(d)~~(g)~~ Improper lane change, as defined in s. 316.085;

(e)~~(h)~~ Following too closely, as defined in s. 316.0895;

(f)~~(i)~~ Driving a commercial vehicle without obtaining a commercial *driver* ~~driver's~~ license;

(g)~~(j)~~ Driving a commercial vehicle without the proper class of commercial *driver* ~~driver's~~ license *or commercial learner's permit* or without the proper endorsement; or

(h)~~(k)~~ Driving a commercial vehicle without a commercial *driver* ~~driver's~~ license *or commercial learner's permit* in possession, as required by s. 322.03. ~~Any individual who provides proof to the clerk of the court or designated official in the jurisdiction where the citation was issued, by the date the individual must appear in court or pay any fine for such a violation, that the individual held a valid commercial driver's license on the date the citation was issued is not guilty of this offense.~~

(2)(a) Any person who, for offenses occurring within a 3-year period, is convicted of three serious traffic violations specified in subsection (1) or any combination thereof, arising in separate incidents committed in a commercial motor vehicle shall, in addition to any other applicable penalties, including but not limited to the penalty provided in subsection (1), be disqualified from operating a commercial motor vehicle for a period of 120 days.

(b) A holder of a commercial *driver* ~~driver's~~ license *or commercial learner's permit* who, for offenses occurring within a 3-year period, is convicted of three serious traffic violations specified in subsection (1) or any combination thereof arising in separate incidents committed in a noncommercial motor vehicle shall, in addition to any other applicable penalties, including, but not limited to, the penalty provided in subsection (1), be disqualified from operating a commercial motor vehicle for a period of 120 days if such convictions result in the suspension, revocation, or cancellation of the licenseholder's driving privilege.

(3)(a) Except as provided in subsection (4), any person who is convicted of one of the offenses listed in paragraph (b) while operating a commercial motor vehicle shall, in addition to any other applicable penalties, be disqualified from operating a commercial motor vehicle for a period of 1 year.

(b) Except as provided in subsection (4), any holder of a commercial driver license *or commercial learner's permit* who is convicted of one of the offenses listed in this paragraph while operating a noncommercial motor vehicle shall, in addition to any other applicable penalties, be disqualified from operating a commercial motor vehicle for a period of 1 year:

1. Driving a motor vehicle while he or she is under the influence of alcohol or a controlled substance;

2. Driving a commercial motor vehicle while the alcohol concentration of his or her blood, breath, or urine is .04 percent or higher;

3. Leaving the scene of a crash involving a motor vehicle driven by such person;

4. Using a motor vehicle in the commission of a felony;

~~5. Driving a commercial motor vehicle while in possession of a controlled substance;~~

5.~~6.~~ Refusing to submit to a test to determine his or her alcohol concentration while driving a motor vehicle;

6. Driving a commercial motor vehicle when, as a result of prior violations committed operating a commercial motor vehicle, his or her commercial driver license or commercial learner's permit is revoked, suspended, or canceled, or he or she is disqualified from operating a commercial motor vehicle; or

~~7. Driving a commercial vehicle while the licenseholder's commercial driver license is suspended, revoked, or canceled or while the licenseholder is disqualified from driving a commercial vehicle; or~~

7.~~8.~~ Causing a fatality through the negligent operation of a commercial motor vehicle.

(4) Any person who is transporting hazardous materials as defined in s. 322.01(24) shall, upon conviction of an offense specified in subsection (3), be disqualified from operating a commercial motor vehicle for a period of 3 years. The penalty provided in this subsection shall be in addition to any other applicable penalty.

(5) A person who is convicted of two violations specified in subsection (3) which were committed while operating a commercial motor vehicle, or any combination thereof, arising in separate incidents shall be permanently disqualified from operating a commercial motor vehicle. A holder of a commercial driver license *or commercial learner's permit* who is convicted of two violations specified in subsection (3) which were committed while operating any motor vehicle arising in separate incidents shall be permanently disqualified from operating a commercial motor vehicle. The penalty provided in this subsection is in addition to any other applicable penalty.

(6) Notwithstanding subsections (3), (4), and (5), any person who uses a commercial motor vehicle in the commission of any felony involving the manufacture, distribution, or dispensing of a controlled substance, including possession with intent to manufacture, distribute, or dispense a controlled substance, shall, upon conviction of such felony, be permanently disqualified from operating a commercial motor vehicle. Notwithstanding subsections (3), (4), and (5), any holder of a commercial *driver* ~~driver's~~ license *or commercial learner's permit* who uses a noncommercial motor vehicle in the commission of any felony involving the manufacture, distribution, or dispensing of a controlled substance, including possession with intent to manufacture, distribute, or dispense a controlled substance, shall, upon conviction of such felony, be permanently disqualified from operating a commercial motor vehicle. The penalty provided in this subsection is in addition to any other applicable penalty.

(7) A person whose privilege to operate a commercial motor vehicle is disqualified under this section may, if otherwise qualified, be issued a Class E *driver* ~~driver's~~ license, pursuant to s. 322.251.

(8) A driver who is convicted of or otherwise found to have committed a violation of an out-of-service order while driving a commercial motor vehicle is disqualified as follows:

(a) *At least* ~~Not less than~~ 180 days *but not* ~~nor~~ more than 1 year if the driver is convicted of or otherwise found to have committed a first violation of an out-of-service order.

(b) *At least* ~~Not less than~~ 2 years *but not* ~~nor~~ more than 5 years if, for offenses occurring during any 10-year period, the driver is convicted of or otherwise found to have committed two violations of out-of-service orders in separate incidents.

(c) *At least* ~~Not less than~~ 3 years *but not* ~~nor~~ more than 5 years if, for offenses occurring during any 10-year period, the driver is convicted of or otherwise found to have committed three or more violations of out-of-service orders in separate incidents.

(d) *At least* ~~Not less than~~ 180 days *but not* ~~nor~~ more than 2 years if the driver is convicted of or otherwise found to have committed a first violation of an out-of-service order while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, 49 U.S.C. ss. 5101 et seq., or while operating motor vehicles designed to transport more than 15 passengers, including the driver. A driver is disqualified for a period of *at least* ~~not less than~~ 3 years *but not* ~~nor~~ more than 5 years if, for offenses occurring during any 10-year period, the driver is convicted of or otherwise found to have committed any subsequent violations of out-of-service orders, in separate incidents, while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, 49 U.S.C. ss. 5101 et seq., or while operating motor vehicles designed to transport more than 15 passengers, including the driver.

(9) A driver who is convicted of or otherwise found to have committed an offense of operating a commercial motor vehicle in violation of federal, state, or local law or regulation pertaining to one of the following six offenses at a railroad-highway grade crossing must be disqualified for the period of time specified in subsection (10):

(a) For drivers who are not always required to stop, failing to slow down and check that the tracks are clear of approaching trains.

(b) For drivers who are not always required to stop, failing to stop before reaching the crossing if the tracks are not clear.

(c) For drivers who are always required to stop, failing to stop before driving onto the crossing.

(d) For all drivers, failing to have sufficient space to drive completely through the crossing without stopping.

(e) For all drivers, failing to obey a traffic control device or all directions of an enforcement official at the crossing.

(f) For all drivers, failing to negotiate a crossing because of insufficient undercarriage clearance.

(10)(a) A driver must be disqualified for *at least* ~~not less than~~ 60 days if the driver is convicted of or otherwise found to have committed a first violation of a railroad-highway grade crossing violation.

(b) A driver must be disqualified for *at least* ~~not less than~~ 120 days if, for offenses occurring during any 3-year period, the driver is convicted of or otherwise found to have committed a second railroad-highway grade crossing violation in separate incidents.

(c) A driver must be disqualified for *at least* ~~not less than~~ 1 year if, for offenses occurring during any 3-year period, the driver is convicted of or otherwise found to have committed a third or subsequent railroad-highway grade crossing violation in separate incidents.

Section 52. Section 322.64, Florida Statutes, is amended to read:

322.64 Holder of commercial *driver* ~~driver's~~ license; persons operating a commercial motor vehicle; driving with unlawful blood-alcohol level; refusal to submit to breath, urine, or blood test.—

(1)(a) A law enforcement officer or correctional officer shall, on behalf of the department, disqualify from operating any commercial motor ve-

hicle a person who while operating or in actual physical control of a commercial motor vehicle is arrested for a violation of s. 316.193, relating to unlawful blood-alcohol level or breath-alcohol level, or a person who has refused to submit to a breath, urine, or blood test authorized by s. 322.63 or s. 316.1932 arising out of the operation or actual physical control of a commercial motor vehicle. A law enforcement officer or correctional officer shall, on behalf of the department, disqualify the holder of a commercial *driver* ~~driver's~~ license from operating any commercial motor vehicle if the licenseholder, while operating or in actual physical control of a motor vehicle, is arrested for a violation of s. 316.193, relating to unlawful blood-alcohol level or breath-alcohol level, or refused to submit to a breath, urine, or blood test authorized by s. 322.63 or s. 316.1932. Upon disqualification of the person, the officer shall take the person's *driver* ~~driver's~~ license and issue the person a 10-day temporary permit for the operation of noncommercial vehicles only if the person is otherwise eligible for the driving privilege and shall issue the person a notice of disqualification. If the person has been given a blood, breath, or urine test, the results of which are not available to the officer at the time of the arrest, the agency employing the officer shall transmit such results to the department within 5 days after receipt of the results. If the department then determines that the person had a blood-alcohol level or breath-alcohol level of 0.08 or higher, the department shall disqualify the person from operating a commercial motor vehicle pursuant to subsection (3).

(b) For purposes of determining the period of disqualification described in 49 C.F.R. s. 383.51, a disqualification under paragraph (a) shall be considered a conviction.

(c)~~(b)~~ The disqualification under paragraph (a) shall be pursuant to, and the notice of disqualification shall inform the driver of, the following:

1.a. The driver refused to submit to a lawful breath, blood, or urine test and he or she is disqualified from operating a commercial motor vehicle *for the time period specified in 49 C.F.R. s. 383.51* ~~for a period of 1 year, for a first refusal, or permanently, if he or she has previously been disqualified under this section~~; or

b. The driver *had an unlawful blood-alcohol level of 0.08 or higher while* ~~was~~ driving or in actual physical control of a commercial motor vehicle, or any motor vehicle if the driver holds a commercial *driver* ~~driver's~~ license, ~~had an unlawful blood-alcohol level or breath-alcohol level of 0.08 or higher,~~ and his or her driving privilege *is* ~~shall be~~ disqualified for *the time period specified in 49 C.F.R. s. 383.51* ~~a period of 1 year for a first offense or permanently disqualified if his or her driving privilege has been previously disqualified under this section~~.

2. The disqualification period for operating commercial vehicles shall commence on the date of issuance of the notice of disqualification.

3. The driver may request a formal or informal review of the disqualification by the department within 10 days after the date of issuance of the notice of disqualification.

4. The temporary permit issued at the time of disqualification expires at midnight of the 10th day following the date of disqualification.

5. The driver may submit to the department any materials relevant to the disqualification.

(2)*(a)* Except as provided in paragraph (1)(a), the law enforcement officer shall forward to the department, within 5 days after the date of the issuance of the notice of disqualification, a copy of the notice of disqualification, the *driver* ~~driver's~~ license of the person disqualified, and an affidavit stating the officer's grounds for belief that the person disqualified was operating or in actual physical control of a commercial motor vehicle, or holds a commercial *driver* ~~driver's~~ license, and had an unlawful blood-alcohol or breath-alcohol level; the results of any breath or blood or urine test or an affidavit stating that a breath, blood, or urine test was requested by a law enforcement officer or correctional officer and that the person arrested refused to submit; a copy of the notice of disqualification issued to the person; and the officer's description of the person's field sobriety test, if any. The failure of the officer to submit materials within the 5-day period specified in this subsection or subsection (1) does not affect the department's ability to consider any evidence submitted at or prior to the hearing.

(b) The officer may also submit a copy of a *video recording* ~~videotape~~ of the field sobriety test or the attempt to administer such test and a copy of the crash report~~, if any~~. *Notwithstanding s. 316.066, the crash report shall be considered by the hearing officer.*

(3) If the department determines that the person arrested should be disqualified from operating a commercial motor vehicle pursuant to this section and if the notice of disqualification has not already been served upon the person by a law enforcement officer or correctional officer as provided in subsection (1), the department shall issue a notice of disqualification and, unless the notice is mailed pursuant to s. 322.251, a temporary permit which expires 10 days after the date of issuance if the driver is otherwise eligible.

(4) If the person disqualified requests an informal review pursuant to subparagraph *(1)(c)3.* ~~(1)(b)3.~~, the department shall conduct the informal review by a hearing officer *designated* ~~employed~~ by the department. Such informal review hearing shall consist solely of an examination by the department of the materials submitted by a law enforcement officer or correctional officer and by the person disqualified, and the presence of an officer or witness is not required.

(5) After completion of the informal review, notice of the department's decision sustaining, amending, or invalidating the disqualification must be provided to the person. Such notice must be mailed to the person at the last known address shown on the department's records, and to the address provided in the law enforcement officer's report if such address differs from the address of record, within 21 days after the expiration of the temporary permit issued pursuant to subsection (1) or subsection (3).

(6)(a) If the person disqualified requests a formal review, the department must schedule a hearing to be held within 30 days after such request is received by the department and must notify the person of the date, time, and place of the hearing.

(b) Such formal review hearing shall be held before a hearing officer *designated* ~~employed~~ by the department, and the hearing officer shall be authorized to administer oaths, examine witnesses and take testimony, receive relevant evidence, issue subpoenas for the officers and witnesses identified in documents *provided under paragraph (2)(a)* ~~as provided in subsection (2)~~, regulate the course and conduct of the hearing, and make a ruling on the disqualification. *The hearing officer may conduct hearings using communications technology.* The department and the person disqualified may subpoena witnesses, and the party requesting the presence of a witness shall be responsible for the payment of any witness fees. If the person who requests a formal review hearing fails to appear and the hearing officer finds such failure to be without just cause, the right to a formal hearing is waived.

(c) *The failure of a subpoenaed witness to appear at the formal review hearing shall not be grounds to invalidate the disqualification. If a witness fails to appear,* a party may seek enforcement of a subpoena under paragraph (b) by filing a petition for enforcement in the circuit court of the judicial circuit in which the person failing to comply with the subpoena resides *or by filing a motion for enforcement in any criminal court case resulting from the driving or actual physical control of a motor vehicle or commercial motor vehicle that gave rise to the disqualification under this section*. A failure to comply with an order of the court shall result in a finding of contempt of court. However, a person shall not be in contempt while a subpoena is being challenged.

(d) The department must, within 7 *working* days after a formal review hearing, send notice to the person of the hearing officer's decision as to whether sufficient cause exists to sustain, amend, or invalidate the disqualification.

(7) In a formal review hearing under subsection (6) or an informal review hearing under subsection (4), the hearing officer shall determine by a preponderance of the evidence whether sufficient cause exists to sustain, amend, or invalidate the disqualification. The scope of the review shall be limited to the following issues:

(a) If the person was disqualified from operating a commercial motor vehicle for driving with an unlawful blood-alcohol level:

1. Whether the ~~arresting~~ law enforcement officer had probable cause to believe that the person was driving or in actual physical control of a

commercial motor vehicle, or any motor vehicle if the driver holds a commercial *driver* ~~driver's~~ license, in this state while he or she had any alcohol, chemical substances, or controlled substances in his or her body.

2. Whether the person had an unlawful blood-alcohol level or breath-alcohol level of 0.08 or higher.

(b) If the person was disqualified from operating a commercial motor vehicle for refusal to submit to a breath, blood, or urine test:

1. Whether the law enforcement officer had probable cause to believe that the person was driving or in actual physical control of a commercial motor vehicle, or any motor vehicle if the driver holds a commercial *driver* ~~driver's~~ license, in this state while he or she had any alcohol, chemical substances, or controlled substances in his or her body.

2. Whether the person refused to submit to the test after being requested to do so by a law enforcement officer or correctional officer.

3. Whether the person was told that if he or she refused to submit to such test he or she would be disqualified from operating a commercial motor vehicle for a period of 1 year or, if previously disqualified under this section, permanently.

(8) Based on the determination of the hearing officer pursuant to subsection (7) for both informal hearings under subsection (4) and formal hearings under subsection (6), the department shall~~:~~

~~(a)~~ sustain the disqualification for *the time period described in 49 C.F.R. s. 383.51* ~~a period of 1 year for a first refusal, or permanently if such person has been previously disqualified from operating a commercial motor vehicle under this section~~. The disqualification period commences on the date of the issuance of the notice of disqualification.

~~(b) Sustain the disqualification:~~

~~1. For a period of 1 year if the person was driving or in actual physical control of a commercial motor vehicle, or any motor vehicle if the driver holds a commercial driver's license, and had an unlawful blood-alcohol level or breath-alcohol level of 0.08 or higher; or~~

~~2. Permanently if the person has been previously disqualified from operating a commercial motor vehicle under this section or his or her driving privilege has been previously suspended for driving or being in actual physical control of a commercial motor vehicle, or any motor vehicle if the driver holds a commercial driver's license, and had an unlawful blood-alcohol level or breath-alcohol level of 0.08 or higher.~~

~~The disqualification period commences on the date of the issuance of the notice of disqualification.~~

(9) A request for a formal review hearing or an informal review hearing shall not stay the disqualification. If the department fails to schedule the formal review hearing ~~to be held~~ within 30 days after receipt of the request therefor, the department shall invalidate the disqualification. If the scheduled hearing is continued at the department's initiative *or the driver enforces the subpoena as provided in subsection (6)*, the department shall issue a temporary driving permit limited to noncommercial vehicles which is valid until the hearing is conducted if the person is otherwise eligible for the driving privilege. Such permit shall not be issued to a person who sought and obtained a continuance of the hearing. The permit issued under this subsection shall authorize driving for business purposes only.

(10) A person who is disqualified from operating a commercial motor vehicle under subsection (1) or subsection (3) is eligible for issuance of a license for business or employment purposes only under s. 322.271 if the person is otherwise eligible for the driving privilege. However, such business or employment purposes license shall not authorize the driver to operate a commercial motor vehicle.

(11) The formal review hearing may be conducted upon a review of the reports of a law enforcement officer or a correctional officer, including documents relating to the administration of a breath test or blood test or the refusal to take either test. However, as provided in subsection (6), the driver may subpoena the officer or any person who administered or analyzed a breath or blood test. *If the arresting officer or the breath technician fails to appear pursuant to a subpoena as provided in subsection (6), the department shall invalidate the disqualification.*

(12) The formal review hearing and the informal review hearing are exempt from the provisions of chapter 120. The department *may* ~~is authorized to~~ adopt rules for the conduct of reviews under this section.

(13) A person may appeal any decision of the department sustaining the disqualification from operating a commercial motor vehicle by a petition for writ of certiorari to the circuit court in the county wherein such person resides or wherein a formal or informal review was conducted pursuant to s. 322.31. However, an appeal shall not stay the disqualification. This subsection shall not be construed to provide for a de novo *review* ~~appeal~~.

(14) The decision of the department under this section shall not be considered in any trial for a violation of s. 316.193, s. 322.61, or s. 322.62, nor shall any written statement submitted by a person in his or her request for departmental review under this section be admissible into evidence against him or her in any such trial. The disposition of any related criminal proceedings shall not affect a disqualification imposed pursuant to this section.

(15) This section does not preclude the suspension of the driving privilege pursuant to s. 322.2615. The driving privilege of a person who has been disqualified from operating a commercial motor vehicle also may be suspended for a violation of s. 316.193.

Section 53. Section 323.002, Florida Statutes, is amended to read:

323.002 County and municipal wrecker operator systems; penalties for operation outside of system.—

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

(a) "Authorized wrecker operator" means any wrecker operator who has been designated as part of the wrecker operator system established by the governmental unit having jurisdiction over the scene of a wrecked or disabled vehicle.

(b) "Unauthorized wrecker operator" means any wrecker operator who has not been designated as part of the wrecker operator system established by the governmental unit having jurisdiction over the scene of a wrecked or disabled vehicle.

(c) "Wrecker operator system" means a system for the towing or removal of wrecked, disabled, or abandoned vehicles, similar to the Florida Highway Patrol wrecker operator system described in s. 321.051(2), under which a county or municipality contracts with one or more wrecker operators for the towing or removal of wrecked, disabled, or abandoned vehicles from accident scenes, streets, or highways. *A wrecker operator system must include a requirement that authorized wrecker operators must maintain liability insurance of at least $300,000, and on-hook cargo insurance of at least $50,000.* A wrecker operator system *must* ~~shall~~ include using a method for apportioning the towing assignments among the eligible wrecker operators through the creation of geographic zones, a rotation schedule, or a combination of these methods.

(2) In any county or municipality that operates a wrecker operator system:

(a) It is unlawful for an unauthorized wrecker operator or its employees or agents to monitor police radio for communications between patrol field units and the dispatcher in order to determine the location of a wrecked or disabled vehicle for the purpose of driving by the scene of such vehicle in a manner described in paragraph (b) or paragraph (c). Any person who violates this paragraph *commits* ~~is guilty of~~ a noncriminal violation, punishable as provided in s. 775.083*, and a wrecker, tow truck, or other motor vehicle used during the violation may be immediately removed and impounded pursuant to subsection (3)*.

(b) It is unlawful for an unauthorized wrecker operator to drive by the scene of a wrecked or disabled vehicle before the arrival of an authorized wrecker operator, initiate contact with the owner or operator of such vehicle by soliciting or offering towing services, and tow such vehicle. Any person who violates this paragraph *commits* ~~is guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083*, and a wrecker, tow truck, or other motor vehicle used during the violation may be immediately removed and impounded pursuant to subsection (3)*.

(c) *If* ~~when~~ an unauthorized wrecker operator drives by the scene of a wrecked or disabled vehicle and the owner or operator initiates contact by signaling the wrecker operator to stop and provide towing services, the unauthorized wrecker operator must disclose *in writing* to the owner or operator of the *disabled* vehicle *his or her full name, driver license number,* that he or she is not the authorized wrecker operator who has been designated as part of the wrecker operator system*, that the motor vehicle is not being towed for the owner's or operator's insurance company or lienholder,* and *the maximum* ~~must disclose, in writing, a fee schedule that includes what~~ charges for towing and storage *which* will apply before the vehicle is connected to ~~or disconnected from~~ the towing apparatus*. If a law enforcement officer is present at the scene of a motor vehicle accident, the unauthorized wrecker operator must provide such disclosures to the owner or operator of the disabled vehicle in the presence of the law enforcement officer* ~~The fee charged per mile to and from the storage facility, the fee charged per 24 hours of storage, and, prominently displayed, the consumer hotline for the Department of Agriculture and Consumer Services~~. Any person who violates this paragraph *commits* ~~is guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083*, and a wrecker, tow truck, or other motor vehicle used during the violation may be immediately removed and impounded pursuant to subsection (3).*

(d) At the scene of a wrecked or disabled vehicle, it is unlawful for a wrecker operator to falsely identify himself or herself as being part of the wrecker operator system. Any person who violates this paragraph *commits* ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083*, and a wrecker, tow truck, or other motor vehicle used during the violation may be immediately removed and impounded pursuant to subsection (3).*

(3)(a) A law enforcement officer from a local governmental agency or a state law enforcement agency may cause a wrecker, tow truck, or other motor vehicle that is used in violation of subsection (2) to be immediately removed and impounded from the scene of a wreck or disabled vehicle at the unauthorized wrecker operator's expense. The unauthorized wrecker operator shall be assessed a cost-recovery fine as provided in paragraph (b) by the authority that ordered the immediate removal and impoundment of the wrecker, tow truck, or other motor vehicle. A wrecker, tow truck, or other motor vehicle that is removed and impounded pursuant to this section may not be released from an impound or towing and storage facility until a release form has been completed by the authority that ordered the immediate removal and impoundment of the wrecker, tow truck, or other motor vehicle under this section. The release form must verify that the cost-recovery fine as provided in paragraph (b) has been paid to such authority. The vehicle must remain impounded until the cost-recovery fine has been paid or until the vehicle is sold at public sale pursuant to s. 713.78.

(b) Notwithstanding any other provision of law to the contrary, an unauthorized wrecker operator, upon retrieval of a wrecker, tow truck, or other motor vehicle removed or impounded pursuant to this section, in addition to any other penalties that may be imposed for noncriminal violations, shall pay a cost-recovery fine of $500 for a first-time violation of subsection (2), or a fine of $1,000 for each subsequent violation, to the authority that ordered the immediate removal and impoundment of the wrecker, tow truck, or other motor vehicle under this section. Cost-recovery funds collected pursuant to this subsection shall be retained by the authority that ordered the removal and impoundment of the wrecker, tow truck, or other motor vehicle and may be used only for enforcement, investigation, prosecution, and training related to towing violations and crimes involving motor vehicles.

(c) Notwithstanding any other provision of law to the contrary and in addition to the cost-recovery fine required by this subsection, a person who violates any provision of subsection (2) shall pay the fees associated with the removal and storage of an unauthorized wrecker, tow truck, or other motor vehicle.

(4)~~(3)~~ This section does not prohibit, or in any way prevent, the owner or operator of a vehicle involved in an accident or otherwise disabled from contacting any wrecker operator for the provision of towing services, whether the wrecker operator is an authorized wrecker operator or not.

Section 54. Paragraph (a) of subsection (1) of section 324.0221, Florida Statutes, is amended to read:

324.0221 Reports by insurers to the department; suspension of *driver* ~~driver's~~ license and vehicle registrations; reinstatement.—

(1)(a) Each insurer that has issued a policy providing personal injury protection coverage or property damage liability coverage shall report the ~~renewal,~~ cancellation~~,~~ or nonrenewal thereof to the department within *10* ~~45~~ days after the *processing* ~~effective~~ date of each ~~renewal,~~ cancellation~~,~~ or nonrenewal. Upon the issuance of a policy providing personal injury protection coverage or property damage liability coverage to a named insured not previously insured by the insurer during that calendar year, the insurer shall report the issuance of the new policy to the department within *10* ~~30~~ days. The report shall be in the form and format and contain any information required by the department and must be provided in a format that is compatible with the data processing capabilities of the department. The department may adopt rules regarding the form and documentation required. Failure by an insurer to file proper reports with the department as required by this subsection or rules adopted with respect to the requirements of this subsection constitutes a violation of the Florida Insurance Code. These records shall be used by the department only for enforcement and regulatory purposes, including the generation by the department of data regarding compliance by owners of motor vehicles with the requirements for financial responsibility coverage.

Section 55. Section 324.031, Florida Statutes, is amended to read:

324.031 Manner of proving financial responsibility.—The owner or operator of a taxicab, limousine, jitney, or any other for-hire passenger transportation vehicle may prove financial responsibility by providing satisfactory evidence of holding a motor vehicle liability policy as defined in s. 324.021(8) or s. 324.151, which policy is issued by an insurance carrier which is a member of the Florida Insurance Guaranty Association. The operator or owner of any other vehicle may prove his or her financial responsibility by:

(1) Furnishing satisfactory evidence of holding a motor vehicle liability policy as defined in ss. 324.021(8) and 324.151;

~~(2) Posting with the department a satisfactory bond of a surety company authorized to do business in this state, conditioned for payment of the amount specified in s. 324.021(7);~~

(2)~~(3)~~ Furnishing a certificate of *self-insurance* ~~the department~~ showing a deposit of cash ~~or securities~~ in accordance with s. 324.161; or

(3)~~(4)~~ Furnishing a certificate of self-insurance issued by the department in accordance with s. 324.171.

Any person, including any firm, partnership, association, corporation, or other person, other than a natural person, electing to use the method of proof specified in subsection (2) ~~or subsection (3)~~ shall *furnish a certificate of* ~~post a bond or~~ deposit equal to the number of vehicles owned times $30,000, to a maximum of $120,000; in addition, any such person, other than a natural person, shall maintain insurance providing coverage in excess of limits of $10,000/20,000/10,000 or $30,000 combined single limits, and such excess insurance shall provide minimum limits of $125,000/250,000/50,000 or $300,000 combined single limits. These increased limits shall not affect the requirements for proving financial responsibility under s. 324.032(1).

Section 56. Subsection (1) of section 324.091, Florida Statutes, is amended to read:

324.091 Notice to department; notice to insurer.—

(1) Each owner and operator involved in a crash or conviction case within the purview of this chapter shall furnish evidence of automobile liability insurance *or*~~,~~ motor vehicle liability insurance~~, or a surety bond~~ within 14 days after the date of the mailing of notice of crash by the department in the form and manner as it may designate. Upon receipt of evidence that an automobile liability policy *or*~~,~~ motor vehicle liability policy~~, or surety bond~~ was in effect at the time of the crash or conviction case, the department shall forward ~~by United States mail, postage prepaid,~~ to the insurer ~~or surety insurer a copy of~~ such information *for verification in a method as determined by the department.* ~~and shall assume that the policy or bond was in effect, unless~~ The insurer *shall respond to* ~~or surety insurer notifies~~ the department ~~otherwise~~ within 20 days after ~~the mailing of~~ the notice *whether or not such information is*

valid ~~to the insurer or surety insurer~~. ~~However,~~ If the department ~~later~~ determines that an automobile liability policy *or*~~,~~ motor vehicle liability policy~~, or surety bond~~ was not in effect and did not provide coverage for both the owner and the operator, it shall take action as it is ~~otherwise~~ authorized to do under this chapter. ~~Proof of mailing to the insurer or surety insurer may be made by the department by naming the insurer or surety insurer to whom the mailing was made and by specifying the time, place, and manner of mailing.~~

Section 57. Section 324.161, Florida Statutes, is amended to read:

324.161 Proof of financial responsibility; ~~surety bond or~~ deposit.—*Annually, before any certificate of insurance may be issued to a person, including any firm, partnership, association, corporation, or other person, other than a natural person, proof of a certificate of deposit of $30,000 issued and held by a financial institution must be submitted to the department. A power of attorney will be issued to and held by the department and may be executed upon* ~~The certificate of the department of a deposit may be obtained by depositing with it $30,000 cash or securities such as may be legally purchased by savings banks or for trust funds, of a market value of $30,000 and which deposit shall be held by the department to satisfy, in accordance with the provisions of this chapter, any execution on~~ a judgment issued against such person making the deposit, for damages because of bodily injury to or death of any person or for damages because of injury to or destruction of property resulting from the use or operation of any motor vehicle occurring after such deposit was made. Money ~~or securities~~ so deposited shall not be subject to attachment or execution unless such attachment or execution shall arise out of a suit for damages as aforesaid.

Section 58. Paragraph (a) of subsection (1) of section 328.01, Florida Statutes, is amended to read:

328.01 Application for certificate of title.—

(1)(a) The owner of a vessel which is required to be titled shall apply to the county tax collector for a certificate of title. The application shall include the true name of the owner, the residence or business address of the owner, and the complete description of the vessel, including the hull identification number, except that an application for a certificate of title for a homemade vessel shall state all the foregoing information except the hull identification number. The application shall be signed by the owner and shall be accompanied by personal or business identification *and the prescribed fee. An individual applicant must provide a valid driver license or identification card issued by this state or another state or a valid passport. A business applicant must provide a federal employer identification number, if applicable, verification that the business is authorized to conduct business in the state, or a Florida city or county business license or number*~~, which may include, but need not be limited to, a driver's license number, Florida identification card number, or federal employer identification number, and the prescribed fee~~.

Section 59. Paragraph (a) of subsection (1) of section 328.48, Florida Statutes, is amended to read:

328.48 Vessel registration, application, certificate, number, decal, duplicate certificate.—

(1)(a) The owner of each vessel required by this law to pay a registration fee and secure an identification number shall file an application with the county tax collector. The application shall provide the owner's name and address; residency status; personal or business identification~~, which may include, but need not be limited to, a driver's license number, Florida identification card number, or federal employer identification number~~; and a complete description of the vessel, and shall be accompanied by payment of the applicable fee required in s. 328.72. *An individual applicant must provide a valid driver license or identification card issued by this state or another state or a valid passport. A business applicant must provide a federal employer identification number, if applicable, verification that the business is authorized to conduct business in the state, or a Florida city or county business license or number.* Registration is not required for any vessel that is not used on the waters of this state.

Section 60. Subsection (1) of section 328.76, Florida Statutes, is amended to read:

328.76 Marine Resources Conservation Trust Fund; vessel registration funds; appropriation and distribution.—

(1) Except as otherwise specified in this subsection and less *the amount equal to* ~~$1.4 million for~~ any administrative costs which shall be deposited in the Highway Safety Operating Trust Fund, in each fiscal year beginning on or after July 1, 2001, all funds collected from the registration of vessels through the Department of Highway Safety and Motor Vehicles and the tax collectors of the state, except for those funds designated as the county portion pursuant to s. 328.72(1), shall be deposited in the Marine Resources Conservation Trust Fund for recreational channel marking; public launching facilities; law enforcement and quality control programs; aquatic weed control; manatee protection, recovery, rescue, rehabilitation, and release; and marine mammal protection and recovery. The funds collected pursuant to s. 328.72(1) shall be transferred as follows:

(a) In each fiscal year, an amount equal to $1.50 for each commercial and recreational vessel registered in this state shall be transferred by the Department of Highway Safety and Motor Vehicles to the Save the Manatee Trust Fund and shall be used only for the purposes specified in s. 379.2431(4).

(b) An amount equal to $2 from each recreational vessel registration fee, except that for class A-1 vessels, shall be transferred by the Department of Highway Safety and Motor Vehicles to the Invasive Plant Control Trust Fund in the Fish and Wildlife Conservation Commission for aquatic weed research and control.

(c) An amount equal to 40 percent of the registration fees from commercial vessels shall be transferred by the Department of Highway Safety and Motor Vehicles to the Invasive Plant Control Trust Fund in the Fish and Wildlife Conservation Commission for aquatic plant research and control.

(d) An amount equal to 40 percent of the registration fees from commercial vessels shall be transferred by the Department of Highway Safety and Motor Vehicles, on a monthly basis, to the General Inspection Trust Fund of the Department of Agriculture and Consumer Services. These funds shall be used for shellfish and aquaculture law enforcement and quality control programs.

Section 61. Subsections (1), (2), (3), (4), (9), and (13) of section 713.585, Florida Statutes, are amended to read:

713.585 Enforcement of lien by sale of motor vehicle.—A person claiming a lien under s. 713.58 for performing labor or services on a motor vehicle may enforce such lien by sale of the vehicle in accordance with the following procedures:

(1) The lienor must give notice, by certified mail, return receipt requested, within 15 business days, excluding Saturday and Sunday, from the beginning date of the assessment of storage charges on said motor vehicle, to the registered owner of the vehicle, to the customer as indicated on the order for repair, and to all other persons claiming an interest in or lien thereon, as disclosed by the records of the Department of Highway Safety and Motor Vehicles or *as disclosed by the records of any* ~~of a~~ corresponding agency of any other state in which the vehicle *is identified through a records check of the National Motor Vehicle Title Information System as being the current state where the vehicle is titled* ~~appears registered~~. Such notice must contain:

(a) A description of the vehicle (year, make, vehicle identification number) and its location.

(b) The name and address of the owner of the vehicle, the customer as indicated on the order for repair, and any person claiming an interest in or lien thereon.

(c) The name, address, and telephone number of the lienor.

(d) Notice that the lienor claims a lien on the vehicle for labor and services performed and storage charges, if any, and the cash sum which, if paid to the lienor, would be sufficient to redeem the vehicle from the lien claimed by the lienor.

(e) Notice that the lien claimed by the lienor is subject to enforcement pursuant to this section and that the vehicle may be sold to satisfy the lien.

(f) If known, the date, time, and location of any proposed or scheduled sale of the vehicle. No vehicle may be sold earlier than 60 days after completion of the repair work.

(g) Notice that the owner of the vehicle or any person claiming an interest in or lien thereon has a right to a hearing at any time prior to the scheduled date of sale by filing a demand for hearing with the clerk of the circuit court in the county in which the vehicle is held and mailing copies of the demand for hearing to all other owners and lienors as reflected on the notice.

(h) Notice that the owner of the vehicle has a right to recover possession of the vehicle without instituting judicial proceedings by posting bond in accordance with the provisions of s. 559.917.

(i) Notice that any proceeds from the sale of the vehicle remaining after payment of the amount claimed to be due and owing to the lienor will be deposited with the clerk of the circuit court for disposition upon court order pursuant to subsection (8).

(2) If attempts to locate the owner or lienholder are unsuccessful *after a check of the records of the Department of Highway Safety and Motor Vehicles and any state disclosed by the check of the National Motor Vehicle Title Information System*, the lienor must notify the local law enforcement agency in writing by certified mail or acknowledged hand delivery that the lienor has been unable to locate the owner or lienholder, that a physical search of the vehicle has disclosed no ownership information, and that a good faith effort*, including records checks of the Department of Highway Safety and Motor Vehicles database and the National Motor Vehicle Title Information System,* has been made. A description of the motor vehicle which includes the year, make, and identification number must be given on the notice. This notification must take place within 15 business days, excluding Saturday and Sunday, from the beginning date of the assessment of storage charges on said motor vehicle. For purposes of this paragraph, the term "good faith effort" means that the following checks have been performed by the company to establish the prior state of registration and title:

(a) A check of the Department of Highway Safety and Motor Vehicles database for the owner and any lienholder;

(b) A check of the federally mandated electronic National Motor Vehicle Title Information System to determine the state of registration when there is not a current title or registration record for the vehicle on file with the Department of Highway Safety and Motor Vehicles;

(c)~~(a)~~ A check of vehicle for any type of tag, tag record, temporary tag, or regular tag;

(d)~~(b)~~ A check of vehicle for inspection sticker or other stickers and decals that could indicate the state of possible registration; and

(e)~~(c)~~ A check of the interior of the vehicle for any papers that could be in the glove box, trunk, or other areas for the state of registration.

(3) If the date of the sale was not included in the notice required in subsection (1), notice of the sale must be sent by certified mail, return receipt requested, not less than 15 days before the date of sale, to the customer as indicated on the order for repair, and to all other persons claiming an interest in or lien on the motor vehicle, as disclosed by the records of the Department of Highway Safety and Motor Vehicles or of a corresponding agency of any other state in which the vehicle appears to have been registered *after completion of a check of the National Motor Vehicle Title Information System*. ~~After diligent search and inquiry, if the name and address of the registered owner or the owner of the recorded lien cannot be ascertained, the requirements for this notice may be disregarded~~.

(4) The lienor, at least 15 days before the proposed or scheduled date of sale of the vehicle, shall publish the notice required by this section once in a newspaper circulated in the county where the vehicle is held. A certificate of compliance with the notification provisions of this section, verified by the lienor, together with a copy of the notice and return receipt for mailing of the notice required by this section, ~~and~~ proof of publication, *and checks of the Department of Highway Safety and Motor Vehicles and the National Motor Vehicle Title Information System,* must be duly and expeditiously filed with the clerk of the circuit court in the county where the vehicle is held. The lienor, at the time of filing the certificate of compliance, must pay to the clerk of that court a service charge of $10 for indexing and recording the certificate.

(9) A copy of the certificate of compliance and the report of sale, certified by the clerk of the court, *and proof of the required check of the National Motor Vehicle Title Information System* shall constitute satisfactory proof for application to the Department of Highway Safety and Motor Vehicles for transfer of title, together with any other proof required by any rules and regulations of the department.

(13) A failure to make good faith efforts as defined in subsection (2) precludes the imposition of any storage charges against the vehicle. If a lienor fails to provide notice to any person claiming a lien on a vehicle under subsection (1) within 15 business days after the assessment of storage charges have begun, then the lienor is precluded from charging for more than 15 days of storage, but failure to provide timely notice does not affect charges made for repairs, adjustments, or modifications to the vehicle or the priority of liens on the vehicle.

Section 62. Section 713.78, Florida Statutes, is amended to read:

713.78 Liens for recovering, towing, or storing vehicles and vessels.—

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

(a) "Vehicle" means any mobile item, whether motorized or not, which is mounted on wheels.

(b) "Vessel" means every description of watercraft, barge, and airboat used or capable of being used as a means of transportation on water, other than a seaplane or a "documented vessel" as defined in s. 327.02(9).

(c) "Wrecker" means any truck or other vehicle which is used to tow, carry, or otherwise transport motor vehicles or vessels upon the streets and highways of this state and which is equipped for that purpose with a boom, winch, car carrier, or other similar equipment.

(d) "National Motor Vehicle Title Information System" means the federally authorized electronic National Motor Vehicle Title Information System.

(2) Whenever a person regularly engaged in the business of transporting vehicles or vessels by wrecker, tow truck, or car carrier recovers, removes, or stores a vehicle or vessel upon instructions from:

(a) The owner thereof;

(b) The owner or lessor, or a person authorized by the owner or lessor, of property on which such vehicle or vessel is wrongfully parked, and the removal is done in compliance with s. 715.07; ~~or~~

(c) The landlord or a person authorized by the landlord, when such motor vehicle or vessel remained on the premises after the tenancy terminated and the removal is done in compliance with s. 715.104; or

(d)~~(c)~~ Any law enforcement agency,

she or he shall have a lien on the vehicle or vessel for a reasonable towing fee and for a reasonable storage fee; except that no storage fee shall be charged if the vehicle is stored for less than 6 hours.

(3) This section does not authorize any person to claim a lien on a vehicle for fees or charges connected with the immobilization of such vehicle using a vehicle boot or other similar device pursuant to s. 715.07.

(4)(a) Any person regularly engaged in the business of recovering, towing, or storing vehicles or vessels who comes into possession of a vehicle or vessel pursuant to subsection (2), and who claims a lien for recovery, towing, or storage services, shall give notice to the registered owner, the insurance company insuring the vehicle notwithstanding the provisions of s. 627.736, and to all persons claiming a lien thereon, as disclosed by the records in the Department of Highway Safety and Motor Vehicles or *as disclosed by the records of any* ~~of a~~ corresponding agency in any other state *in which the vehicle is identified through a records check of the National Motor Vehicle Title Information System as being titled or registered*.

(b) Whenever any law enforcement agency authorizes the removal of a vehicle or vessel or whenever any towing service, garage, repair shop, or automotive service, storage, or parking place notifies the law enforcement agency of possession of a vehicle or vessel pursuant to s. 715.07(2)(a)2., the law enforcement agency of the jurisdiction where the vehicle or vessel is stored shall contact the Department of Highway Safety and Motor Vehicles, or the appropriate agency of the state of registration, if known, within 24 hours through the medium of electronic communications, giving the full description of the vehicle or vessel. Upon receipt of the full description of the vehicle or vessel, the department shall search its files to determine the owner's name, the insurance company insuring the vehicle or vessel, and whether any person has filed a lien upon the vehicle or vessel as provided in s. 319.27(2) and (3) and notify the applicable law enforcement agency within 72 hours. The person in charge of the towing service, garage, repair shop, or automotive service, storage, or parking place shall obtain such information from the applicable law enforcement agency within 5 days after the date of storage and shall give notice pursuant to paragraph (a). The department may release the insurance company information to the requestor notwithstanding the provisions of s. 627.736.

(c) Notice by certified mail shall be sent within 7 business days after the date of storage of the vehicle or vessel to the registered owner, the insurance company insuring the vehicle notwithstanding the provisions of s. 627.736, and all persons of record claiming a lien against the vehicle or vessel. It shall state the fact of possession of the vehicle or vessel, that a lien as provided in subsection (2) is claimed, that charges have accrued and the amount thereof, that the lien is subject to enforcement pursuant to law, and that the owner or lienholder, if any, has the right to a hearing as set forth in subsection (5), and that any vehicle or vessel which remains unclaimed, or for which the charges for recovery, towing, or storage services remain unpaid, may be sold free of all prior liens after 35 days if the vehicle or vessel is more than 3 years of age or after 50 days if the vehicle or vessel is 3 years of age or less.

(d) If attempts to locate the name and address of the owner or lienholder prove unsuccessful, the towing-storage operator shall, after 7 working days, excluding Saturday and Sunday, of the initial tow or storage, notify the public agency of jurisdiction where the vehicle or vessel is stored in writing by certified mail or acknowledged hand delivery that the towing-storage company has been unable to locate the name and address of the owner or lienholder and a physical search of the vehicle or vessel has disclosed no ownership information and a good faith effort has been made*, including records checks of the Department of Highway Safety and Motor Vehicles and the National Motor Vehicle Title Information System databases*. For purposes of this paragraph and subsection (9), "good faith effort" means that the following checks have been performed by the company to establish prior state of registration and for title:

1. Check of the Department of Highway Safety and Motor Vehicles database for the owner and any lienholder.

2. Check of the electronic National Motor Vehicle Title Information System to determine the state of registration when there is not a current registration record for the vehicle on file with the Department of Highway Safety and Motor Vehicles.

3.~~1.~~ Check of vehicle or vessel for any type of tag, tag record, temporary tag, or regular tag.

4.~~2.~~ Check of law enforcement report for tag number or other information identifying the vehicle or vessel, if the vehicle or vessel was towed at the request of a law enforcement officer.

5.~~3.~~ Check of trip sheet or tow ticket of tow truck operator to see if a tag was on vehicle or vessel at beginning of tow, if private tow.

6.~~4.~~ If there is no address of the owner on the impound report, check of law enforcement report to see if an out-of-state address is indicated from driver license information.

7.~~5.~~ Check of vehicle or vessel for inspection sticker or other stickers and decals that may indicate a state of possible registration.

8.~~6.~~ Check of the interior of the vehicle or vessel for any papers that may be in the glove box, trunk, or other areas for a state of registration.

9.~~7.~~ Check of vehicle for vehicle identification number.

10.~~8.~~ Check of vessel for vessel registration number.

11.~~9.~~ Check of vessel hull for a hull identification number which should be carved, burned, stamped, embossed, or otherwise permanently affixed to the outboard side of the transom or, if there is no transom, to the outmost seaboard side at the end of the hull that bears the rudder or other steering mechanism.

(5)(a) The owner of a vehicle or vessel removed pursuant to the provisions of subsection (2), or any person claiming a lien, other than the towing-storage operator, within 10 days after the time she or he has knowledge of the location of the vehicle or vessel, may file a complaint in the county court of the county in which the vehicle or vessel is stored to determine if her or his property was wrongfully taken or withheld from her or him.

(b) Upon filing of a complaint, an owner or lienholder may have her or his vehicle or vessel released upon posting with the court a cash or surety bond or other adequate security equal to the amount of the charges for towing or storage and lot rental amount to ensure the payment of such charges in the event she or he does not prevail. Upon the posting of the bond and the payment of the applicable fee set forth in s. 28.24, the clerk of the court shall issue a certificate notifying the lienor of the posting of the bond and directing the lienor to release the vehicle or vessel. At the time of such release, after reasonable inspection, she or he shall give a receipt to the towing-storage company reciting any claims she or he has for loss or damage to the vehicle or vessel or the contents thereof.

(c) Upon determining the respective rights of the parties, the court may award damages, attorney's fees, and costs in favor of the prevailing party. In any event, the final order shall provide for immediate payment in full of recovery, towing, and storage fees by the vehicle or vessel owner or lienholder; or the agency ordering the tow; or the owner, lessee, or agent thereof of the property from which the vehicle or vessel was removed.

(6) Any vehicle or vessel which is stored pursuant to subsection (2) and which remains unclaimed, or for which reasonable charges for recovery, towing, or storing remain unpaid, and any contents not released pursuant to subsection (10), may be sold by the owner or operator of the storage space for such towing or storage charge after 35 days from the time the vehicle or vessel is stored therein if the vehicle or vessel is more than 3 years of age or after 50 days following the time the vehicle or vessel is stored therein if the vehicle or vessel is 3 years of age or less. The sale shall be at public sale for cash. If the date of the sale was not included in the notice required in subsection (4), notice of the sale shall be given to the person in whose name the vehicle or vessel is registered and to all persons claiming a lien on the vehicle or vessel as shown on the records of the Department of Highway Safety and Motor Vehicles or of *any* ~~the~~ corresponding agency in any other state *in which the vehicle is identified through a records check of the National Motor Vehicle Title Information System as being titled*. Notice shall be sent by certified mail to the owner of the vehicle or vessel and the person having the recorded lien on the vehicle or vessel at the address shown on the records of the registering agency and shall be mailed not less than 15 days before the date of the sale. After diligent search and inquiry, if the name and address of the registered owner or the owner of the recorded lien cannot be ascertained, the requirements of notice by mail may be dispensed with. In addition to the notice by mail, public notice of the time and place of sale shall be made by publishing a notice thereof one time, at least 10 days prior to the date of the sale, in a newspaper of general circulation in the county in which the sale is to be held. The proceeds of the sale, after payment of reasonable towing and storage charges, and costs of the sale, in that order of priority, shall be deposited with the clerk of the circuit court for the county if the owner or lienholder is absent, and the clerk shall hold such proceeds subject to the claim of the owner or lienholder legally entitled thereto. The clerk shall be entitled to receive 5 percent of such proceeds for the care and disbursement thereof. The certificate of title issued under this law shall be discharged of all liens unless otherwise provided by court order. The owner or lienholder may file a complaint after the vehicle or vessel has been sold in the county court of the county in which it is stored. Upon determining the respective rights of the parties, the court may award damages, attorney's fees, and costs in favor of the prevailing party.

(7)(a) A wrecker operator recovering, towing, or storing vehicles or vessels is not liable for damages connected with such services, theft of such vehicles or vessels, or theft of personal property contained in such vehicles or vessels, provided that such services have been performed with reasonable care and provided, further, that, in the case of removal of a vehicle or vessel upon the request of a person purporting, and reasonably appearing, to be the owner or lessee, or a person authorized by the owner or lessee, of the property from which such vehicle or vessel is removed, such removal has been done in compliance with s. 715.07. Further, a wrecker operator is not liable for damage to a vehicle, vessel, or cargo that obstructs the normal movement of traffic or creates a hazard to traffic and is removed in compliance with the request of a law enforcement officer.

(b) For the purposes of this subsection, a wrecker operator is presumed to use reasonable care to prevent the theft of a vehicle or vessel or of any personal property contained in such vehicle stored in the wrecker operator's storage facility if all of the following apply:

1. The wrecker operator surrounds the storage facility with a chain-link or solid-wall type fence at least 6 feet in height;

2. The wrecker operator has illuminated the storage facility with lighting of sufficient intensity to reveal persons and vehicles at a distance of at least 150 feet during nighttime; and

3. The wrecker operator uses one or more of the following security methods to discourage theft of vehicles or vessels or of any personal property contained in such vehicles or vessels stored in the wrecker operator's storage facility:

a. A night dispatcher or watchman remains on duty at the storage facility from sunset to sunrise;

b. A security dog remains at the storage facility from sunset to sunrise;

c. Security cameras or other similar surveillance devices monitor the storage facility; or

d. A security guard service examines the storage facility at least once each hour from sunset to sunrise.

(c) Any law enforcement agency requesting that a motor vehicle be removed from an accident scene, street, or highway must conduct an inventory and prepare a written record of all personal property found in the vehicle before the vehicle is removed by a wrecker operator. However, if the owner or driver of the motor vehicle is present and accompanies the vehicle, no inventory by law enforcement is required. A wrecker operator is not liable for the loss of personal property alleged to be contained in such a vehicle when such personal property was not identified on the inventory record prepared by the law enforcement agency requesting the removal of the vehicle.

(8) A person regularly engaged in the business of recovering, towing, or storing vehicles or vessels, except a person licensed under chapter 493 while engaged in "repossession" activities as defined in s. 493.6101, may not operate a wrecker, tow truck, or car carrier unless the name, address, and telephone number of the company performing the service is clearly printed in contrasting colors on the driver and passenger sides of its vehicle. The name must be in at least 3-inch permanently affixed letters, and the address and telephone number must be in at least 1-inch permanently affixed letters.

(9) Failure to make good faith best efforts to comply with the notice requirements of this section shall preclude the imposition of any storage charges against such vehicle or vessel.

(10) Persons who provide services pursuant to this section shall permit vehicle or vessel owners, lienholders, *insurance company representatives,* or their agents, which agency is evidenced by an original writing acknowledged by the owner before a notary public or other person empowered by law to administer oaths, to inspect the towed vehicle or vessel and shall release to the owner, lienholder, or agent the vehicle, vessel, or all personal property not affixed to the vehicle or vessel which was in the vehicle or vessel at the time the vehicle or vessel came into the custody of the person providing such services.

(11)(a) Any person regularly engaged in the business of recovering, towing, or storing vehicles or vessels who comes into possession of a vehicle or vessel pursuant to subsection (2) and who has complied with the provisions of subsections (3) and (6), when such vehicle or vessel is to be sold for purposes of being dismantled, destroyed, or changed in such manner that it is not the motor vehicle or vessel described in the certificate of title, shall *report the vehicle to the National Motor Vehicle Title Information System and* apply to the *Department of Highway Safety and Motor Vehicles* ~~county tax collector~~ for a certificate of destruction. A certificate of destruction, which authorizes the dismantling or destruction of the vehicle or vessel described therein, shall be reassignable a maximum of two times before dismantling or destruction of the vehicle shall be required, and shall accompany the vehicle or vessel for which it is issued, when such vehicle or vessel is sold for such purposes, in lieu of a certificate of title. The application for a certificate of destruction must include *proof of reporting to the National Motor Vehicle Title Information System and* an affidavit from the applicant that it has complied with all applicable requirements of this section and, if the vehicle or vessel is not registered in this state *or any other state*, by a statement from a law enforcement officer that the vehicle or vessel is not reported stolen, and shall be accompanied by such documentation as may be required by the department.

(b) The Department of Highway Safety and Motor Vehicles shall charge a fee of $3 for each certificate of destruction. A service charge of $4.25 shall be collected and retained by the tax collector who processes the application.

(c) The Department of Highway Safety and Motor Vehicles may adopt such rules as it deems necessary or proper for the administration of this subsection.

(12)(a) Any person who violates any provision of subsection (1), subsection (2), subsection (4), subsection (5), subsection (6), or subsection (7) is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Any person who violates the provisions of subsections (8) through (11) is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Any person who uses a false or fictitious name, gives a false or fictitious address, or makes any false statement in any application or affidavit required under the provisions of 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.

(d) Employees of the Department of Highway Safety and Motor Vehicles and law enforcement officers are authorized to inspect the records of any person regularly engaged in the business of recovering, towing, or storing vehicles or vessels or transporting vehicles or vessels by wrecker, tow truck, or car carrier, to ensure compliance with the requirements of this section. Any person who fails to maintain records, or fails to produce records when required in a reasonable manner and at a reasonable time, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(13)(a) Upon receipt by the Department of Highway Safety and Motor Vehicles of written notice from a wrecker operator who claims a wrecker operator's lien under paragraph (2)(c) or paragraph (2)(d) for recovery, towing, or storage of an abandoned vehicle or vessel upon instructions from any law enforcement agency, for which a certificate of destruction has been issued under subsection (11) *and the vehicle has been reported to the National Motor Vehicle Title Information System*, the department shall place the name of the registered owner of that vehicle or vessel on the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8). If the vehicle or vessel is owned jointly by more than one person, the name of each registered owner shall be placed on the list. The notice of wrecker operator's lien shall be submitted on forms provided by the department, which must include:

1. The name, address, and telephone number of the wrecker operator.

2. The name of the registered owner of the vehicle or vessel and the address to which the wrecker operator provided notice of the lien to the registered owner under subsection (4).

3. A general description of the vehicle or vessel, including its color, make, model, body style, and year.

4. The vehicle identification number (VIN); registration license plate number, state, and year; validation decal number, state, and year; vessel registration number; hull identification number; or other identification number, as applicable.

5. The name of the person or the corresponding law enforcement agency that requested that the vehicle or vessel be recovered, towed, or stored.

6. The amount of the wrecker operator's lien, not to exceed the amount allowed by paragraph (b).

(b) For purposes of this subsection only, the amount of the wrecker operator's lien for which the department will prevent issuance of a license plate or revalidation sticker may not exceed the amount of the charges for recovery, towing, and storage of the vehicle or vessel for 7 days. These charges may not exceed the maximum rates imposed by the ordinances of the respective county or municipality under ss. 125.0103(1)(c) and 166.043(1)(c). This paragraph does not limit the amount of a wrecker operator's lien claimed under subsection (2) or prevent a wrecker operator from seeking civil remedies for enforcement of the entire amount of the lien, but limits only that portion of the lien for which the department will prevent issuance of a license plate or revalidation sticker.

(c)1. The registered owner of a vehicle or vessel may dispute a wrecker operator's lien, by notifying the department of the dispute in writing on forms provided by the department, if at least one of the following applies:

a. The registered owner presents a notarized bill of sale proving that the vehicle or vessel was sold in a private or casual sale before the vehicle or vessel was recovered, towed, or stored.

b. The registered owner presents proof that the Florida certificate of title of the vehicle or vessel was sold to a licensed dealer as defined in s. 319.001 before the vehicle or vessel was recovered, towed, or stored.

c. The records of the department were marked "sold" prior to the date of the tow.

If the registered owner's dispute of a wrecker operator's lien complies with one of these criteria, the department shall immediately remove the registered owner's name from the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker. If the vehicle or vessel is owned jointly by more than one person, each registered owner must dispute the wrecker operator's lien in order to be removed from the list. However, the department shall deny any dispute and maintain the registered owner's name on the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8) if the wrecker operator has provided the department with a certified copy of the judgment of a court which orders the registered owner to pay the wrecker operator's lien claimed under this section. In such a case, the amount of the wrecker operator's lien allowed by paragraph (b) may be increased to include no more than $500 of the reasonable costs and attorney's fees incurred in obtaining the judgment. The department's action under this subparagraph is ministerial in nature, shall not be considered final agency action, and is appealable only to the county court for the county in which the vehicle or vessel was ordered removed.

2. A person against whom a wrecker operator's lien has been imposed may alternatively obtain a discharge of the lien by filing a complaint, challenging the validity of the lien or the amount thereof, in the county court of the county in which the vehicle or vessel was ordered removed. Upon filing of the complaint, the person may have her or his name removed from the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker, upon posting with the court a cash or surety bond or other adequate security equal to the amount of the wrecker operator's lien to ensure the payment of such lien in the event she or he does not prevail. Upon the posting of the bond and the payment of the applicable fee set forth in s. 28.24, the clerk of the court shall issue a certificate notifying the department of the posting of the bond and directing the department to release the wrecker operator's lien. Upon determining the respective rights of the parties, the court may award damages and costs in favor of the prevailing party.

3. If a person against whom a wrecker operator's lien has been imposed does not object to the lien, but cannot discharge the lien by payment because the wrecker operator has moved or gone out of business, the person may have her or his name removed from the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker, upon posting with the clerk of court in the county in which the vehicle or vessel was ordered removed, a cash or surety bond or other adequate security equal to the amount of the wrecker operator's lien. Upon the posting of the bond and the payment of the application fee set forth in s. 28.24, the clerk of the court shall issue a certificate notifying the department of the posting of the bond and directing the department to release the wrecker operator's lien. The department shall mail to the wrecker operator, at the address upon the lien form, notice that the wrecker operator must claim the security within 60 days, or the security will be released back to the person who posted it. At the conclusion of the 60 days, the department shall direct the clerk as to which party is entitled to payment of the security, less applicable clerk's fees.

4. A wrecker operator's lien expires 5 years after filing.

(d) Upon discharge of the amount of the wrecker operator's lien allowed by paragraph (b), the wrecker operator must issue a certificate of discharged wrecker operator's lien on forms provided by the department to each registered owner of the vehicle or vessel attesting that the amount of the wrecker operator's lien allowed by paragraph (b) has been discharged. Upon presentation of the certificate of discharged wrecker operator's lien by the registered owner, the department shall immediately remove the registered owner's name from the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker. Issuance of a certificate of discharged wrecker operator's lien under this paragraph does not discharge the entire amount of the wrecker operator's lien claimed under subsection (2), but only certifies to the department that the amount of the wrecker operator's lien allowed by paragraph (b), for which the department will prevent issuance of a license plate or revalidation sticker, has been discharged.

(e) When a wrecker operator files a notice of wrecker operator's lien under this subsection, the department shall charge the wrecker operator a fee of $2, which shall be deposited into the General Revenue Fund. A service charge of $2.50 shall be collected and retained by the tax collector who processes a notice of wrecker operator's lien.

(f) This subsection applies only to the annual renewal in the registered owner's birth month of a motor vehicle registration and does not apply to the transfer of a registration of a motor vehicle sold by a motor vehicle dealer licensed under chapter 320, except for the transfer of registrations which includes the annual renewals. This subsection does not apply to any vehicle registered in the name of the lessor. This subsection does not affect the issuance of the title to a motor vehicle, notwithstanding s. 319.23(8)(b).

(g) The Department of Highway Safety and Motor Vehicles may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.

Section 63. Paragraph (aa) of subsection (7) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any entity by this chapter do not inure to any transaction that is otherwise taxable under this chapter when payment is made by a representative or employee of the entity by any means, including, but not limited to, cash, check, or credit card, even when that representative or

employee is subsequently reimbursed by the entity. In addition, exemptions provided to any entity by this subsection do not inure to any transaction that is otherwise taxable under this chapter unless the entity has obtained a sales tax exemption certificate from the department or the entity obtains or provides other documentation as required by the department. Eligible purchases or leases made with such a certificate must be in strict compliance with this subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the rules is liable for and shall pay the tax. The department may adopt rules to administer this subsection.

(aa) *Certain commercial vehicles.*—Also exempt is the sale, lease, or rental of a commercial motor vehicle as defined in s. *207.002* ~~207.002(2)~~, when the following conditions are met:

1. The sale, lease, or rental occurs between two commonly owned and controlled corporations;

2. Such vehicle was titled and registered in this state at the time of the sale, lease, or rental; and

3. Florida sales tax was paid on the acquisition of such vehicle by the seller, lessor, or renter.

Section 64. Subsection (8) of section 261.03, Florida Statutes, is amended to read:

261.03 Definitions.—As used in this chapter, the term:

(8) "ROV" means any motorized recreational off-highway vehicle 64 inches or less in width, having a dry weight of 2,000 pounds or less, designed to travel on four or more nonhighway tires, having nonstraddle seating and a steering wheel, and manufactured for recreational use by one or more persons. The term "ROV" does not include a golf cart as defined in ss. *320.01* ~~320.01(22)~~ and 316.003(68) or a low-speed vehicle as defined in s. *320.01* ~~320.01(42)~~.

Section 65. Section 316.2122, Florida Statutes, is amended to read:

316.2122 Operation of a low-speed vehicle or mini truck on certain roadways.—The operation of a low-speed vehicle as defined in s. *320.01* ~~320.01(42)~~ or a mini truck as defined in s. *320.01* ~~320.01(45)~~ on any road is authorized with the following restrictions:

(1) A low-speed vehicle or mini truck may be operated only on streets where the posted speed limit is 35 miles per hour or less. This does not prohibit a low-speed vehicle or mini truck from crossing a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour.

(2) A low-speed vehicle must be equipped with headlamps, stop lamps, turn signal lamps, taillamps, reflex reflectors, parking brakes, rearview mirrors, windshields, seat belts, and vehicle identification numbers.

(3) A low-speed vehicle or mini truck must be registered and insured in accordance with s. 320.02 and titled pursuant to chapter 319.

(4) Any person operating a low-speed vehicle or mini truck must have in his or her possession a valid *driver* ~~driver's~~ license.

(5) A county or municipality may prohibit the operation of low-speed vehicles or mini trucks on any road under its jurisdiction if the governing body of the county or municipality determines that such prohibition is necessary in the interest of safety.

(6) The Department of Transportation may prohibit the operation of low-speed vehicles or mini trucks on any road under its jurisdiction if it determines that such prohibition is necessary in the interest of safety.

Section 66. Section 316.2124, Florida Statutes, is amended to read:

316.2124 Motorized disability access vehicles.—The Department of Highway Safety and Motor Vehicles is directed to provide, by rule, for the regulation of motorized disability access vehicles as described in s. *320.01* ~~320.01(34)~~. The department shall provide that motorized disability access vehicles shall be registered in the same manner as motorcycles and shall pay the same registration fee as for a motorcycle. There shall also be assessed, in addition to the registration fee, a $2.50 surcharge for motorized disability access vehicles. This surcharge shall be paid into the Highway Safety Operating Trust Fund. Motorized disability access vehicles shall not be required to be titled by the department. The department shall require motorized disability access vehicles to be subject to the same safety requirements as set forth in this chapter for motorcycles.

Section 67. Subsection (1) of section 316.21265, Florida Statutes, is amended to read:

316.21265 Use of all-terrain vehicles, golf carts, low-speed vehicles, or utility vehicles by law enforcement agencies.—

(1) Notwithstanding any provision of law to the contrary, any law enforcement agency in this state may operate all-terrain vehicles as defined in s. 316.2074, golf carts as defined in s. *320.01* ~~320.01(22)~~, low-speed vehicles as defined in s. *320.01* ~~320.01(42)~~, or utility vehicles as defined in s. *320.01* ~~320.01(43)~~ on any street, road, or highway in this state while carrying out its official duties.

Section 68. Subsection (1) of section 316.3026, Florida Statutes, is amended to read:

316.3026 Unlawful operation of motor carriers.—

(1) The Office of Commercial Vehicle Enforcement may issue out-of-service orders to motor carriers, as defined in s. *320.01* ~~320.01(33)~~, who, after proper notice, have failed to pay any penalty or fine assessed by the department, or its agent, against any owner or motor carrier for violations of state law, refused to submit to a compliance review and provide records pursuant to s. 316.302(5) or s. 316.70, or violated safety regulations pursuant to s. 316.302 or insurance requirements in s. 627.7415. Such out-of-service orders have the effect of prohibiting the operations of any motor vehicles owned, leased, or otherwise operated by the motor carrier upon the roadways of this state, until the violations have been corrected or penalties have been paid. Out-of-service orders must be approved by the director of the Division of the Florida Highway Patrol or his or her designee. An administrative hearing pursuant to s. 120.569 shall be afforded to motor carriers subject to such orders.

Section 69. Paragraph (a) of subsection (5) and subsection (10) of section 316.550, Florida Statutes, are amended to read:

316.550 Operations not in conformity with law; special permits.—

(5)(a) The Department of Transportation may issue a wrecker special blanket permit to authorize a wrecker as defined in s. *320.01* ~~320.01(40)~~ to tow a disabled *motor* vehicle as defined in s. *320.01* ~~320.01(38)~~ where the combination of the wrecker and the disabled vehicle being towed exceeds the maximum weight limits as established by s. 316.535.

(10) Whenever any motor vehicle, or the combination of a wrecker as defined in s. *320.01* ~~320.01(40)~~ and a towed motor vehicle, exceeds any weight or dimensional criteria or special operational or safety stipulation contained in a special permit issued under the provisions of this section, the penalty assessed to the owner or operator shall be as follows:

(a) For violation of weight criteria contained in a special permit, the penalty per pound or portion thereof exceeding the permitted weight shall be as provided in s. 316.545.

(b) For each violation of dimensional criteria in a special permit, the penalty shall be as provided in s. 316.516 and penalties for multiple violations of dimensional criteria shall be cumulative except that the total penalty for the vehicle shall not exceed $1,000.

(c) For each violation of an operational or safety stipulation in a special permit, the penalty shall be an amount not to exceed $1,000 per violation and penalties for multiple violations of operational or safety stipulations shall be cumulative except that the total penalty for the vehicle shall not exceed $1,000.

(d) For violation of any special condition that has been prescribed in the rules of the Department of Transportation and declared on the permit, the vehicle shall be determined to be out of conformance with the permit and the permit shall be declared null and void for the vehicle, and weight and dimensional limits for the vehicle shall be as established in s. 316.515 or s. 316.535, whichever is applicable, and:

1. For weight violations, a penalty as provided in s. 316.545 shall be assessed for those weights which exceed the limits thus established for the vehicle; and

2. For dimensional, operational, or safety violations, a penalty as established in paragraph (c) or s. 316.516, whichever is applicable, shall be assessed for each nonconforming dimensional, operational, or safety violation and the penalties for multiple violations shall be cumulative for the vehicle.

Section 70. Subsection (9) of section 317.0003, Florida Statutes, is amended to read:

317.0003 Definitions.—As used in this chapter, the term:

(9) "ROV" means any motorized recreational off-highway vehicle 64 inches or less in width, having a dry weight of 2,000 pounds or less, designed to travel on four or more nonhighway tires, having nonstraddle seating and a steering wheel, and manufactured for recreational use by one or more persons. The term "ROV" does not include a golf cart as defined in ss. *320.01* ~~320.01(22)~~ and 316.003(68) or a low-speed vehicle as defined in s. *320.01* ~~320.01(42)~~.

Section 71. Paragraph (d) of subsection (5) of section 320.08, Florida Statutes, is amended to read:

320.08 License taxes.—Except as otherwise provided herein, there are hereby levied and imposed annual license taxes for the operation of motor vehicles, mopeds, motorized bicycles as defined in s. 316.003(2), tri-vehicles as defined in s. 316.003, and mobile homes, as defined in s. 320.01, which shall be paid to and collected by the department or its agent upon the registration or renewal of registration of the following:

(5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT; SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

(d) A wrecker, as defined in s. *320.01* ~~320.01(40)~~, which is used to tow a vessel as defined in s. 327.02(39), a disabled, abandoned, stolen-recovered, or impounded motor vehicle as defined in s. *320.01* ~~320.01(38)~~, or a replacement motor vehicle as defined in s. *320.01* ~~320.01(39)~~: $41 flat, of which $11 shall be deposited into the General Revenue Fund.

Section 72. Subsection (1) of section 320.0847, Florida Statutes, is amended to read:

320.0847 Mini truck and low-speed vehicle license plates.—

(1) The department shall issue a license plate to the owner or lessee of any vehicle registered as a low-speed vehicle as defined in s. *320.01* ~~320.01(42)~~ or a mini truck as defined in s. *320.01* ~~320.01(45)~~ upon payment of the appropriate license taxes and fees prescribed in s. 320.08.

Section 73. Section 322.282, Florida Statutes, is amended to read:

322.282 Procedure when court revokes or suspends license or driving privilege and orders reinstatement.—When a court suspends or revokes a person's license or driving privilege and, in its discretion, orders reinstatement ~~as provided by s. 322.28(2)(d) or former s. 322.261(5)~~:

(1) The court shall pick up all revoked or suspended *driver* ~~driver's~~ licenses from the person and immediately forward them to the department, together with a record of such conviction. The clerk of such court shall also maintain a list of all revocations or suspensions by the court.

(2)(a) The court shall issue an order of reinstatement, on a form to be furnished by the department, which the person may take to any *driver* ~~driver's~~ license examining office. The department shall issue a temporary *driver* ~~driver's~~ permit to a licensee who presents the court's order of reinstatement, proof of completion of a department-approved driver training or substance abuse education course, and a written request for a hearing under s. 322.271. The permit shall not be issued if a record check by the department shows that the person has previously been convicted for a violation of s. 316.193, former s. 316.1931, former s. 316.028, former s. 860.01, or a previous conviction outside this state for driving under the influence, driving while intoxicated, driving with an unlawful blood-alcohol level, or any similar alcohol-related or drug-related traffic offense; that the person's driving privilege has been previously suspended for refusal to submit to a lawful test of breath, blood, or urine; or that the person is otherwise not entitled to issuance of a *driver* ~~driver's~~ license. This paragraph shall not be construed to prevent the reinstatement of a license or driving privilege that is presently suspended for driving with an unlawful blood-alcohol level or a refusal to submit to a breath, urine, or blood test and is also revoked for a conviction for a violation of s. 316.193 or former s. 316.1931, if the suspension and revocation arise out of the same incident.

(b) The temporary *driver* ~~driver's~~ permit shall be restricted to either business or employment purposes described in s. 322.271, as determined by the department, and shall not be used for pleasure, recreational, or nonessential driving.

(c) If the department determines at a later date from its records that the applicant has previously been convicted of an offense referred to in paragraph (a) which would render him or her ineligible for reinstatement, the department shall cancel the temporary *driver* ~~driver's~~ permit and shall issue a revocation or suspension order for the minimum period applicable. A temporary permit issued pursuant to this section shall be valid for 45 days or until canceled as provided in this paragraph.

(d) The period of time for which a temporary permit issued in accordance with paragraph (a) is valid shall be deemed to be part of the period of revocation imposed by the court.

Section 74. Section 324.023, Florida Statutes, is amended to read:

324.023 Financial responsibility for bodily injury or death.—In addition to any other financial responsibility required by law, every owner or operator of a motor vehicle that is required to be registered in this state, or that is located within this state, and who, regardless of adjudication of guilt, has been found guilty of or entered a plea of guilty or nolo contendere to a charge of driving under the influence under s. 316.193 after October 1, 2007, shall, by one of the methods established in s. 324.031(1) *or*~~,~~ (2), ~~or (3),~~ establish and maintain the ability to respond in damages for liability on account of accidents arising out of the use of a motor vehicle in the amount of $100,000 because of bodily injury to, or death of, one person in any one crash and, subject to such limits for one person, in the amount of $300,000 because of bodily injury to, or death of, two or more persons in any one crash and in the amount of $50,000 because of property damage in any one crash. If the owner or operator chooses to establish and maintain such ability by ~~posting a bond or~~ furnishing a certificate of deposit pursuant to s. 324.031(2) ~~or (3)~~, such ~~bond or~~ certificate of deposit must be *at least* ~~in an amount not less than~~ $350,000. Such higher limits must be carried for a minimum period of 3 years. If the owner or operator has not been convicted of driving under the influence or a felony traffic offense for a period of 3 years from the date of reinstatement of driving privileges for a violation of s. 316.193, the owner or operator shall be exempt from this section.

Section 75. Paragraph (c) of subsection (1) of section 324.171, Florida Statutes, is amended to read:

324.171 Self-insurer.—

(1) Any person may qualify as a self-insurer by obtaining a certificate of self-insurance from the department which may, in its discretion and upon application of such a person, issue said certificate of self-insurance when such person has satisfied the requirements of this section to qualify as a self-insurer under this section:

(c) The owner of a commercial motor vehicle, as defined in s. *207.002* ~~207.002(2)~~ or s. 320.01, may qualify as a self-insurer subject to the standards provided for in subparagraph (b)2.

Section 76. Section 324.191, Florida Statutes, is amended to read:

324.191 Consent to cancellation; direction to return money or securities.—The department shall consent to the cancellation of any ~~bond or~~ certificate of insurance furnished as proof of financial responsibility pursuant to s. 324.031, or the department shall return to the person entitled thereto cash or securities deposited as proof of financial responsibility pursuant to s. 324.031:

(1) Upon substitution and acceptance of other adequate proof of financial responsibility pursuant to this chapter, or

(2) In the event of the death of the person on whose behalf the proof was filed, or the permanent incapacity of such person to operate a motor vehicle, or

(3) In the event the person who has given proof of financial responsibility surrenders his or her license and all registrations to the department; providing, however, that no notice of court action has been filed with the department, a judgment in which would result in claim on such proof of financial responsibility.

This section shall not apply to security as specified in s. 324.061 deposited pursuant to s. 324.051(2)(a)4.

Section 77. Subsection (3) of section 627.733, Florida Statutes, is amended to read:

627.733 Required security.—

(3) Such security shall be provided:

(a) By an insurance policy delivered or issued for delivery in this state by an authorized or eligible motor vehicle liability insurer which provides the benefits and exemptions contained in ss. 627.730-627.7405. Any policy of insurance represented or sold as providing the security required hereunder shall be deemed to provide insurance for the payment of the required benefits; or

(b) By any other method authorized by s. 324.031(2) *or*~~,~~ (3)~~, or (4)~~ and approved by the Department of Highway Safety and Motor Vehicles as affording security equivalent to that afforded by a policy of insurance or by self-insuring as authorized by s. 768.28(16). The person filing such security shall have all of the obligations and rights of an insurer under ss. 627.730-627.7405.

Section 78. Section 627.7415, Florida Statutes, is amended to read:

627.7415 Commercial motor vehicles; additional liability insurance coverage.—Commercial motor vehicles, as defined in s. *207.002* ~~207.002(2)~~ or s. 320.01, operated upon the roads and highways of this state shall be insured with the following minimum levels of combined bodily liability insurance and property damage liability insurance in addition to any other insurance requirements:

(1) Fifty thousand dollars per occurrence for a commercial motor vehicle with a gross vehicle weight of 26,000 pounds or more, but less than 35,000 pounds.

(2) One hundred thousand dollars per occurrence for a commercial motor vehicle with a gross vehicle weight of 35,000 pounds or more, but less than 44,000 pounds.

(3) Three hundred thousand dollars per occurrence for a commercial motor vehicle with a gross vehicle weight of 44,000 pounds or more.

(4) All commercial motor vehicles subject to regulations of the United States Department of Transportation, Title 49 C.F.R. part 387, subpart A, and as may be hereinafter amended, shall be insured in an amount equivalent to the minimum levels of financial responsibility as set forth in such regulations.

A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 79. This act shall take effect July 1, 2013.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 110.205, F.S.; providing that certain positions in the department are exempt from career service; amending s. 207.002, F.S., relating to the Florida Diesel Fuel and Motor Fuel Use Tax Act of 1981; deleting definitions of the terms "apportioned motor vehicle" and "apportionable vehicle"; providing legislative intent relating to road rage and traffic congestion; amending s. 316.003, F.S.; defining the term "road rage"; amending s. 316.066, F.S.; authorizing the Department of Transportation to immediately receive a crash report; amending s. 316.083, F.S.; requiring that an operator of a motor vehicle yield the furthermost left-hand lane when being overtaken on a multilane highway; providing exceptions; reenacting s. 316.1923, F.S., relating to aggressive careless driving, to incorporate the amendments made to s. 316.083, F.S., in a reference thereto; requiring that the Department of Highway Safety and Motor Vehicles provide information about the act in driver license educational materials that are newly published on or after a specified date; amending s. 316.1937, F.S.; revising operational specifications for ignition interlock devices; amending s. 316.2015, F.S.; prohibiting the operator of a pickup truck or flatbed truck from permitting a child who is younger than 6 years of age from riding within the open body of the truck under certain circumstances; amending s. 316.302, F.S.; revising provisions for certain commercial motor vehicles and transporters and shippers of hazardous materials; providing for application of specified federal regulations; removing a provision for application of specified provisions and federal regulations to transporting liquefied petroleum gas; amending s. 316.3025, F.S.; providing penalties for violation of specified federal regulations relating to medical and physical requirements for commercial drivers while driving a commercial motor vehicle; revising provisions for seizure of a motor vehicle for refusal to pay penalty; amending s. 316.515, F.S.; providing that a straight truck may attach a forklift to the rear of the cargo bed if it does not exceed a specific length; amending s. 316.545, F.S.; revising language relating to certain commercial motor vehicles not properly licensed and registered; amending s. 316.646, F.S.; authorizing the use of an electronic device to provide proof of insurance under the section; providing that displaying such information on an electronic device does not constitute consent for a law enforcement officer to access other information stored on the device; providing that the person displaying the device assumes the liability for any resulting damage to the device; requiring the department to adopt rules; amending s. 317.0016, F.S., relating to expedited services; removing a requirement that the department provide such service for certain certificates; amending s. 318.14, F.S., relating to disposition of traffic citations; providing that certain alternative procedures for certain traffic offenses are not available to a person who holds a commercial learner's permit; amending s. 318.1451, F.S.; revising provisions relating to driver improvement schools; removing a provision for a chief judge to establish requirements for the location of schools within a judicial circuit; removing a provision that authorizes a person to operate a driver improvement school; revising provisions for persons taking an unapproved course; providing criteria for initial approval of courses; revising requirements for assessment fees, courses, course certificates, and course providers; directing the department to adopt rules; creating s. 319.141, F.S.; establishing a pilot rebuilt motor vehicle inspection program; providing definitions; requiring the department to contract with private vendors to establish and operate inspection facilities in certain counties; providing minimum requirements for applicants; requiring the department to submit a report to the Legislature; providing for future repeal; amending s. 319.225, F.S.; revising provisions for certificates of title, reassignment of title, and forms; revising procedures for transfer of title; amending s. 319.23, F.S.; revising requirements for content of certificates of title and applications for title; amending s. 319.28, F.S.; revising provisions for transfer of ownership by operation of law when a motor vehicle or mobile home is repossessed; removing provisions for a certificate of repossession; amending s. 319.323, F.S., relating to expedited services of the department; removing certificates of repossession; amending s. 320.01, F.S.; removing the definition of the term "apportioned motor vehicle"; revising the definition of the term "apportionable motor vehicle"; amending s. 320.02, F.S.; revising requirements for application for motor vehicle registration; amending s. 320.03, F.S.; revising a provision for registration under the International Registration Plan; amending s. 320.071, F.S.; revising a provision for advance renewal of registration under the International Registration Plan; amending s. 320.0715, F.S.; revising provisions for vehicles required to be registered under the International Registration Plan; amending s. 320.18, F.S.; providing for withholding of motor vehicle or mobile home registration when a coowner has failed to register the motor vehicle or mobile home during a previous period when such registration was required; providing for cancelling a vehicle or vessel registration, driver license, identification card, or fuel-use tax decal if the coowner pays certain fees and other liabilities with a dishonored check; amending s. 320.27, F.S., relating to motor vehicle dealers; providing for extended periods for dealer licenses and supplemental licenses; providing fees; amending s. 320.62, F.S., relating to manufacturers, distributors, and importers of motor vehicles; providing for extended licensure periods; providing fees; amending s. 320.77, F.S., relating to mobile home dealers; providing for extended licensure periods; providing fees; amending s. 320.771, F.S., relating to recreational vehicle dealers; providing for extended licensure periods; providing fees; amending s. 320.8225, F.S., relating to mobile home and recreational vehicle manufacturers, distributors, and importers; providing for extended licensure periods; providing fees; amending s. 322.095, F.S.; requiring an applicant for a driver license to complete a traffic law and substance abuse

education course; providing exceptions; revising procedures for evaluation and approval of such courses; revising criteria for such courses and the schools conducting the courses; providing for collection and disposition of certain fees; requiring providers to maintain records; directing the department to conduct effectiveness studies; requiring a provider to cease offering a course that fails the study; requiring courses to be updated at the request of the department; providing a timeframe for course length; prohibiting a provider from charging for a completion certificate; requiring providers to disclose certain information; requiring providers to submit course completion information to the department within a certain time period; prohibiting certain acts; providing that the department shall not accept certification from certain students; prohibiting a person convicted of certain crimes from conducting courses; directing the department to suspend course approval for certain purposes; providing for the department to deny, suspend, or revoke course approval for certain acts; providing for administrative hearing before final action denying, suspending, or revoking course approval; providing penalties for violations; amending s. 322.125, F.S.; revising criteria for members of the Medical Advisory Board; amending s. 322.135, F.S.; removing a provision that authorizes a tax collector to direct certain licensees to the department for examination or reexamination; creating s. 322.143, F.S.; defining terms; prohibiting a private entity from swiping an individual's driver license or identification card except for certain specified purposes; providing that a private entity that swipes an individual's driver license or identification card may not store, sell, or share personal information collected from swiping the driver license or identification card; providing that a private entity may store or share personal information collected from swiping an individual's driver license or identification card for the purpose of preventing fraud or other criminal activity against the private entity; providing that the private entity may manually collect personal information; prohibiting a private entity from withholding the provision of goods or services solely as a result of the individual requesting the collection of the data through manual means; providing remedies; amending s. 322.18, F.S.; revising provisions for a vision test required for driver license renewal for certain drivers; amending s. 322.21, F.S.; making grammatical changes; amending s. 322.212, F.S.; providing penalties for certain violations involving application and testing for a commercial driver license or a commercial learner's permit; amending s. 322.22, F.S.; authorizing the department to withhold issuance or renewal of a driver license, identification card, vehicle or vessel registration, or fuel-use decal under certain circumstances; amending s. 322.245, F.S.; requiring a depository or clerk of court to electronically notify the department of a person's failure to pay support or comply with directives of the court; amending s. 322.25, F.S.; removing a provision for a court order to reinstate a person's driving privilege on a temporary basis when the person's license and driving privilege have been revoked under certain circumstances; amending s. 322.2615, F.S., relating to review of a license suspension when the driver had blood or breath alcohol at a certain level or the driver refused a test of his or her blood or breath to determine the alcohol level; providing procedures for a driver to be issued a restricted license under certain circumstances; revising provisions for informal and formal reviews; providing for the hearing officer to be designated by the department; authorizing the hearing officer to conduct hearings using telecommunications technology; revising procedures for enforcement of subpoenas; amending s. 322.2616, F.S., relating to review of a license suspension when the driver is under 21 years of age and had blood or breath alcohol at a certain level; revising provisions for informal and formal reviews; providing for the hearing officer to be designated by the department; authorizing the hearing officer to conduct hearings using telecommunications technology; revising procedures for enforcement of subpoenas; amending s. 322.271, F.S.; correcting cross-references and conforming provisions to changes made by the act; providing procedures for certain persons who have no previous convictions for certain alcohol-related driving offenses to be issued a driver license for business purposes only; amending s. 322.2715, F.S.; providing requirements for issuance of a restricted license for a person convicted of a DUI offense if a medical waiver of placement of an ignition interlock device was given to such person; amending s. 322.28, F.S., relating to revocation of driver license for convictions of DUI offenses; providing that convictions occurring on the same date for offenses occurring on separate dates are considered separate convictions; removing a provision relating to a court order for reinstatement of a revoked license; repealing s. 322.331, F.S., relating to habitual traffic offenders; amending s. 322.61, F.S.; revising provisions for disqualification from operating a commercial motor vehicle; providing for application of such provisions to persons holding a commercial learner's permit; revising the offenses for which certain disqualifications apply; amending s. 322.64, F.S., relating to driving with unlawful blood-alcohol level or refusal to submit to breath, urine, or blood test by a commercial driver license holder or person driving a commercial motor vehicle; providing that a disqualification from driving a commercial motor vehicle is considered a conviction for certain purposes; revising the time period a person is disqualified from driving for alcohol-related violations; revising requirements for notice of the disqualification; providing that under the review of a disqualification the hearing officer shall consider the crash report; revising provisions for informal and formal reviews; providing for the hearing officer to be designated by the department; authorizing the hearing officer to conduct hearings using telecommunications technology; revising procedures for enforcement of subpoenas; directing the department to issue a temporary driving permit or invalidate the suspension under certain circumstances; providing for construction of specified provisions; amending s. 323.002, F.S.; revising the definition of a wrecker operator system; providing that an unauthorized wrecker, tow truck, or other motor vehicle used during certain offenses may be immediately removed and impounded; requiring that an unauthorized wrecker operator disclose in writing to the owner or operator of a disabled motor vehicle certain information; requiring that the unauthorized wrecker operator provide such disclosure to the owner or operator of the disabled vehicle in the presence of a law enforcement officer if one is present at the scene of a motor vehicle accident; authorizing a law enforcement officer from a local governmental agency or state law enforcement agency to remove and impound an unauthorized wrecker, tow truck, or other motor vehicle from the scene of a disabled vehicle or wreck; authorizing the authority that caused the removal and impoundment to assess a cost-recovery fine; requiring a release form; requiring that the wrecker, tow truck, or other motor vehicle remain impounded until the fine has been paid; providing for public sale of an impounded vehicle; providing fines for violations; requiring that the unauthorized wrecker operator pay the fees associated with the removal and storage of the wrecker, tow truck, or other motor vehicle; amending s. 324.0221, F.S.; revising the actions which must be reported to the department by an insurer that has issued a policy providing personal injury protection coverage or property damage liability coverage; revising time allowed for submitting the report; amending s. 324.031, F.S.; revising the methods a vehicle owner or operator may use to prove financial responsibility; removing a provision for posting a bond with the department; amending s. 324.091, F.S.; revising provisions requiring motor vehicle owners and operators to provide evidence to the department of liability insurance coverage under certain circumstances; revising provisions for verification by insurers of such evidence; amending s. 324.161, F.S.; providing requirements for issuance of a certificate of insurance; requiring proof of a certificate of deposit of a certain amount of money in a financial institution; providing for power of attorney to be issued to the department for execution under certain circumstances; amending s. 328.01, F.S., relating to vessel titles; revising identification requirements for applications for a certificate of title; amending s. 328.48, F.S., relating to vessel registration; revising identification requirements for applications for vessel registration; amending s. 328.76, F.S., relating to vessel registration funds; revising provisions for funds to be deposited into the Highway Safety Operating Trust Fund; amending s. 713.585, F.S.; requiring that a lienholder check the National Motor Vehicle Title Information System or the records of any corresponding agency of any other state before enforcing a lien by selling the motor vehicle; requiring the lienholder to notify the local law enforcement agency in writing by certified mail informing the law enforcement agency that the lienholder has made a good faith effort to locate the owner or lienholder; specifying that a good faith effort includes a check of the Department of Highway Safety and Motor Vehicles database records and the National Motor Vehicle Title Information System; setting requirements for notification of the sale of the vehicle as a way to enforce a lien; requiring the lienholder to publish notice; requiring the lienholder to keep a record of proof of checking the National Motor Vehicle Title Information System; amending s. 713.78, F.S.; revising provisions for enforcement of a lien for recovering, towing, or storing a vehicle or vessel; amending ss. 212.08, 261.03, 316.2122, 316.2124, 316.21265, 316.3026, 316.550, 317.0003, 320.08, 320.0847, 322.282, 324.023, 324.171, 324.191, 627.733, and 627.7415, F.S.; correcting cross-references and conforming provisions to changes made by the act; providing an effective date.

Senator Brandes moved the following amendments to **Amendment 1** which were adopted:

Amendment 1A (228538) (with title amendment)—Delete lines 111-397 and insert:

Section 3. Paragraph (b) of subsection (2) of section 316.066, Florida Statutes, is amended to read:

316.066 Written reports of crashes.—

(2)

(b) Crash 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, law enforcement agencies, *the Department of Transportation,* county traffic operations, 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.

Section 4. Subsections (3) and (4) of section 316.081, Florida Statutes, are renumbered as subsections (4) and (5), respectively, and a new subsection (3) is added to that section to read:

316.081 Driving on right side of roadway; exceptions.—

(3) On a road, street, or highway having two or more lanes allowing movement in the same direction, a driver may not continue to operate a motor vehicle at any speed which is more than 10 miles per hour slower than the posted speed limit in the furthermost left-hand lane if the driver knows or reasonably should know that he or she is being overtaken in that lane from the rear by a motor vehicle traveling at a higher rate of speed. This subsection does not apply to drivers operating a vehicle that is overtaking another vehicle proceeding in the same direction, or is preparing for a left turn at an intersection.

(4)~~(3)~~ Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the centerline of the roadway, except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under paragraph (1)(b). However, this subsection shall not be construed as prohibiting the crossing of the centerline in making a left turn into or from an alley, private road, or driveway.

(5)~~(4)~~ A violation of this section is a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.

Section 6. Subsection (1) of section 316.1937, Florida Statutes, is amended to read:

316.1937 Ignition interlock devices, requiring; unlawful acts.—

(1) In addition to any other authorized penalties, the court may require that any person who is convicted of driving under the influence in violation of s. 316.193 shall not operate a motor vehicle unless that vehicle is equipped with a functioning ignition interlock device certified by the department as provided in s. 316.1938, and installed in such a manner that the vehicle will not start if the operator's blood alcohol level is in excess of *0.025* ~~0.05~~ percent or as otherwise specified by the court. The court may require the use of an approved ignition interlock device for a period of *at least* ~~not less than~~ 6 continuous months, if the person is permitted to operate a motor vehicle, whether or not the privilege to operate a motor vehicle is restricted, as determined by the court. The court, however, shall order placement of an ignition interlock device in those circumstances required by s. 316.193.

Section 7. Paragraph (b) of subsection (1), paragraph (a) of subsection (4), and subsection (9) of section 316.302, Florida Statutes, are amended to read:

316.302 Commercial motor vehicles; safety regulations; transporters and shippers of hazardous materials; enforcement.—

(1)

(b) Except as otherwise provided in this section, all owners or drivers of commercial motor vehicles that are engaged in intrastate commerce are subject to the rules and regulations contained in 49 C.F.R. parts 382, *383,* 385, and 390-397, with the exception of 49 C.F.R. s. 390.5 as it relates to the definition of bus, as such rules and regulations existed on *December 31, 2012* ~~October 1, 2011~~.

(4)(a) Except as provided in this subsection, all commercial motor vehicles transporting any hazardous material on any road, street, or highway open to the public, whether engaged in interstate or intrastate commerce, and any person who offers hazardous materials for such transportation, are subject to the regulations contained in 49 C.F.R. part 107, *subparts F and* ~~subpart~~ G, and 49 C.F.R. parts 171, 172, 173, 177, 178, and 180. Effective July 1, 1997, the exceptions for intrastate motor carriers provided in 49 C.F.R. 173.5 and 173.8 are hereby adopted.

~~(9)(a) This section is not applicable to the transporting of liquefied petroleum gas. The rules and regulations applicable to the transporting of liquefied petroleum gas on the highways, roads, or streets of this state shall be only those adopted by the Department of Agriculture and Consumer Services under chapter 527. However, transporters of liquefied petroleum gas must comply with the requirements of 49 C.F.R. parts 393 and 396.9.~~

~~(b)~~ This section does not apply to any nonpublic sector bus.

Section 8. Paragraph (b) of subsection (3) and subsection (5) of section 316.3025, Florida Statutes, is amended, present subsection (6) of that section is renumbered as subsection (7), and a new subsection (6) is added to that section, to read:

316.3025 Penalties.—

(3)

(b) A civil penalty of $100 may be assessed for:

1. Each violation of the North American Uniform Driver Out-of-Service Criteria;

2. A violation of s. 316.302(2)(b) or (c);

3. A violation of 49 C.F.R. s. 392.60; ~~or~~

4. A violation of the North American Standard Vehicle Out-of-Service Criteria resulting from an inspection of a commercial motor vehicle involved in a crash*; or*~~.~~

5. A violation of 49 C.F.R. s. 391.41.

(5) Whenever any person or motor carrier as defined in chapter 320 violates the provisions of this section and becomes indebted to the state because of such violation and refuses to pay the appropriate penalty, in addition to the provisions of s. 316.3026, such penalty becomes a lien upon the property including the motor vehicles of such person or motor carrier and may be *seized and* foreclosed by the state in a civil action in any court of this state. It shall be presumed that the owner of the motor vehicle is liable for the sum, and the vehicle may be detained or impounded until the penalty is paid.

(6)(a) A driver who violates 49 C.F.R. s. 392.80, which prohibits texting while operating a commercial motor vehicle, or 49 C.F.R. s. 392.82, which prohibits using a handheld mobile telephone while operating a commercial motor vehicle, may be assessed a civil penalty and commercial driver license disqualification as follows:

1. First violation: $500.

2. Second violation: $1,000 and a 60-day commercial driver license disqualification pursuant to 49 C.F.R. part 383.

3. Third and subsequent violations: $2,750 and a 120-day commercial driver license disqualification pursuant to 49 C.F.R. part 383.

(b) A company requiring or allowing a driver to violate 49 C.F.R. s. 392.80, which prohibits texting while operating a commercial motor vehicle, or 49 C.F.R. s. 392.82, which prohibits using a handheld mobile telephone while operating a commercial motor vehicle, may, in addition to any other penalty assessed, be assessed the following civil penalty. The driver shall not be charged with an offense for the first violation under this paragraph by the company.

1. First violation: $2,750.

2. Second violation: $5,000.

3. Third and subsequent violations: $11,000.

(c) The emergency exceptions provided by 49 C.F.R. s.

392.82 also apply to communications between utility drivers and utility contractor drivers during a Level 1 activation of the State Emergency Operations Center, as provided in the Florida Comprehensive Emergency Management plan, or during a state of emergency declared by executive order or proclamation of the Governor.

Section 9. Paragraph (a) of subsection (3) and paragraph (c) of subsection (5) of section 316.515, Florida Statutes, is amended to read:

316.515 Maximum width, height, length.—

(3) LENGTH LIMITATION.—Except as otherwise provided in this section, length limitations apply solely to a semitrailer or trailer, and not to a truck tractor or to the overall length of a combination of vehicles. No combination of commercial motor vehicles coupled together and operating on the public roads may consist of more than one truck tractor and two trailing units. Unless otherwise specifically provided for in this section, a combination of vehicles not qualifying as commercial motor vehicles may consist of no more than two units coupled together; such nonqualifying combination of vehicles may not exceed a total length of 65 feet, inclusive of the load carried thereon, but exclusive of safety and energy conservation devices approved by the department for use on vehicles using public roads. Notwithstanding any other provision of this section, a truck tractor-semitrailer combination engaged in the transportation of automobiles or boats may transport motor vehicles or boats on part of the power unit; and, except as may otherwise be mandated under federal law, an automobile or boat transporter semitrailer may not exceed 50 feet in length, exclusive of the load; however, the load may extend up to an additional 6 feet beyond the rear of the trailer. The 50-feet length limitation does not apply to non-stinger-steered automobile or boat transporters that are 65 feet or less in overall length, exclusive of the load carried thereon, or to stinger-steered automobile or boat transporters that are 75 feet or less in overall length, exclusive of the load carried thereon. For purposes of this subsection, a "stinger-steered automobile or boat transporter" is an automobile or boat transporter configured as a semitrailer combination wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit. Notwithstanding paragraphs (a) and (b), any straight truck or truck tractor-semitrailer combination engaged in the transportation of horticultural trees may allow the load to extend up to an additional 10 feet beyond the rear of the vehicle, provided said trees are resting against a retaining bar mounted above the truck bed so that the root balls of the trees rest on the floor and to the front of the truck bed and the tops of the trees extend up over and to the rear of the truck bed, and provided the overhanging portion of the load is covered with protective fabric.

(a) *Straight trucks.*—A straight truck may not exceed a length of 40 feet in extreme overall dimension, exclusive of safety and energy conservation devices approved by the department for use on vehicles using public roads. *A straight truck may attach a forklift to the rear of the cargo bed, provided the overall combined length of the vehicle and the forklift does not exceed 50 feet.* A straight truck may tow no more than one trailer, and the overall length of the truck-trailer combination may not exceed 68 feet, including the load thereon. Notwithstanding any other provisions of this section, a truck-trailer combination engaged in the transportation of boats, or boat trailers whose design dictates a front-to-rear stacking method may not exceed the length limitations of this paragraph exclusive of the load; however, the load may extend up to an additional 6 feet beyond the rear of the trailer.

(5) IMPLEMENTS OF HUSBANDRY AND FARM EQUIPMENT; AGRICULTURAL TRAILERS; FORESTRY EQUIPMENT; SAFETY REQUIREMENTS.—

(c) The width and height limitations of this section do not apply to farming or agricultural equipment, whether self-propelled, pulled, or hauled, when temporarily operated during daylight hours upon a public road that is not a limited access facility as defined in s. 334.03(12), and the width and height limitations may be exceeded by such equipment without a permit. To be eligible for this exemption, the equipment shall be operated within a radius of 50 miles of the real property owned, rented, *managed, harvested,* or leased by the equipment owner. However, equipment being delivered by a dealer to a purchaser is not subject to the 50-mile limitation. Farming or agricultural equipment greater than 174 inches in width must have one warning lamp mounted on each side of the equipment to denote the width and must have a slow-moving vehicle sign. Warning lamps required by this paragraph must be visible from the front and rear of the vehicle and must be visible from a distance of at least 1,000 feet.

And the title is amended as follows:

Delete lines 4622-4658 and insert: vehicle"; amending s. 316.066, F.S., authorizing the Department of Transportation to immediately receive a crash report; amending s. 316.081, F.S.; prohibiting a driver from driving at less than the posted speed in the furthermost left-hand lane of road, street, or highway having two or more lanes if being overtaken by a motor vehicle ; providing exceptions; providing penalties; amending s. 316.1937, F.S., revising operational specifications for ignition interlock devices; amending 316.302, F.S., revising provisions for certain commercial motor vehicles and transporters and shippers of hazardous materials; providing for application of specified federal regulations; removing a provision for application of specified provisions and federal regulations to transporting liquefied petroleum gas; amending s. 316.3025, F.S.; refusal to pay penalty; providing penalties for violation of specified federal regulations relating to commercial drivers and the use of mobile telephones and texting while driving a commercial motor vehicle; clarifying an exception; amending s. 316.515, F.S., revising the maximum allowable length of certain vehicle combinations; expanding an exemption from width and height limitations to farming and agricultural equipment operated in a certain proximity to real property that is managed or harvested by the equipment owner; amending

Amendment 1B (882190) (with title amendment)—Between lines 151 and 152 insert:

Section 6. Subsection (91) is added to section 316.003, Florida Statutes, 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:

(91) LOCAL HEARING OFFICER.—The person, designated by a department, county, or municipality that elects to authorize traffic infraction enforcement officers to issue traffic citations under s. 316.0083(1)(a), who is authorized to conduct hearings related to a notice of violation issued pursuant to 316.0083. The charter county, noncharter county, or municipality may use its currently appointed code enforcement board or special magistrate to serve as the local hearing officer. The department may enter into an interlocal agreement to use the local hearing officer of a county or municipality.

Section 7. Subsection (1) of section 316.0083, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

316.0083 Mark Wandall Traffic Safety Program; administration; report.—

(1)(a) For purposes of administering this section, the department, a county, or a municipality may authorize a traffic infraction enforcement officer under s. 316.640 to issue a traffic citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1. A notice of violation and a traffic citation may not be issued for failure to stop at a red light if the driver is making a right-hand turn in a careful and prudent manner at an intersection

where right-hand turns are permissible. *A notice of violation and a traffic citation may not be issued under this section if the driver of the vehicle came to a complete stop after crossing the stop line and before turning right if permissible at a red light, but failed to stop before crossing over the stop line or other point at which a stop is required.* This paragraph does not prohibit a review of information from a traffic infraction detector by an authorized employee or agent of the department, a county, or a municipality before issuance of the traffic citation by the traffic infraction enforcement officer. This paragraph does not prohibit the department, a county, or a municipality from issuing notification as provided in paragraph (b) to the registered owner of the motor vehicle involved in the violation of s. 316.074(1) or s. 316.075(1)(c)1.

(b)1.a. Within 30 days after a violation, notification must be sent to the registered owner of the motor vehicle involved in the violation specifying the remedies available under s. 318.14 and that the violator must pay the penalty of $158 to the department, county, or municipality, or furnish an affidavit in accordance with paragraph (d), *or request a hearing* within *60* ~~30~~ days following the date of the notification in order to avoid ~~court fees, costs, and~~ the issuance of a traffic citation. The notification *must* ~~shall~~ be sent by first-class mail. *The mailing of the notice of violation constitutes notification.*

b. Included with the notification to the registered owner of the motor vehicle involved in the infraction must be a notice that the owner has the right to review the photographic or electronic images or the streaming video evidence that constitutes a rebuttable presumption against the owner of the vehicle. The notice must state the time and place or Internet location where the evidence may be examined and observed.

c. Notwithstanding any other provision of law, a person who receives a notice of violation under this section may request a hearing within 60 days following the notification of violation or pay the penalty pursuant to the notice of violation, but a payment or fee may not be required before the hearing requested by the person. The notice of violation must be accompanied by, or direct the person to a website that provides, information on the person's right to request a hearing and on all court costs related thereto and a form to request a hearing. As used in this sub-sub-paragraph, the term "person" includes a natural person, registered owner or coowner of a motor vehicle, or person identified on an affidavit as having care, custody, or control of the motor vehicle at the time of the violation.

d. If the registered owner or coowner of the motor vehicle, or the person designated as having care, custody, or control of the motor vehicle at the time of the violation, or an authorized representative of the owner, co-owner, or designated person, initiates a proceeding to challenge the violation pursuant to this paragraph, such person waives any challenge or dispute as to the delivery of the notice of violation.

2. Penalties assessed and collected by the department, county, or municipality authorized to collect the funds provided for in this paragraph, less the amount retained by the county or municipality pursuant to subparagraph 3., shall be paid to the Department of Revenue weekly. Payment by the department, county, or municipality to the state shall be made by means of electronic funds transfers. In addition to the payment, summary detail of the penalties remitted shall be reported to the Department of Revenue.

3. Penalties to be assessed and collected by the department, county, or municipality are as follows:

a. One hundred fifty-eight dollars for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver ~~has~~ failed to stop at a traffic signal if enforcement is by the department's traffic infraction enforcement officer. One hundred dollars shall be remitted to the Department of Revenue for deposit into the General Revenue Fund, $10 shall be remitted to the Department of Revenue for deposit into the Department of Health Emergency Medical Services Trust Fund, $3 shall be remitted to the Department of Revenue for deposit into the Brain and Spinal Cord Injury Trust Fund, and $45 shall be distributed to the municipality in which the violation occurred, or, if the violation occurred in an unincorporated area, to the county in which the violation occurred. Funds deposited into the Department of Health Emergency Medical Services Trust Fund under this sub-subparagraph shall be distributed as provided in s. 395.4036(1). Proceeds of the infractions in the Brain and Spinal Cord Injury Trust Fund shall be distributed quarterly to the Miami Project to Cure Paralysis and ~~shall be~~ used for brain and spinal cord research.

b. One hundred fifty-eight dollars for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver ~~has~~ failed to stop at a traffic signal if enforcement is by a county or municipal traffic infraction enforcement officer. Seventy dollars shall be remitted by the county or municipality to the Department of Revenue for deposit into the General Revenue Fund, $10 shall be remitted to the Department of Revenue for deposit into the Department of Health Emergency Medical Services Trust Fund, $3 shall be remitted to the Department of Revenue for deposit into the Brain and Spinal Cord Injury Trust Fund, and $75 shall be retained by the county or municipality enforcing the ordinance enacted pursuant to this section. Funds deposited into the Department of Health Emergency Medical Services Trust Fund under this sub-subparagraph shall be distributed as provided in s. 395.4036(1). Proceeds of the infractions in the Brain and Spinal Cord Injury Trust Fund shall be distributed quarterly to the Miami Project to Cure Paralysis and ~~shall be~~ used for brain and spinal cord research.

4. An individual may not receive a commission from any revenue collected from violations detected through the use of a traffic infraction detector. A manufacturer or vendor may not receive a fee or remuneration based upon the number of violations detected through the use of a traffic infraction detector.

(c)1.a. A traffic citation issued under this section shall be issued by mailing the traffic citation by certified mail to the address of the registered owner of the motor vehicle involved in the violation *if* ~~when~~ payment has not been made within *60* ~~30~~ days after notification under *paragraph (b), if the registered owner has not requested a hearing as authorized under paragraph (b), or if the registered owner has not submitted an affidavit under this section* ~~subparagraph (b)1~~.

b. Delivery of the traffic citation constitutes notification under this paragraph. *If the registered owner or coowner of the motor vehicle, or the person designated as having care, custody, or control of the motor vehicle at the time of the violation, or a duly authorized representative of the owner, coowner, or designated person, initiates a proceeding to challenge the citation pursuant to this section, such person waives any challenge or dispute as to the delivery of the traffic citation.*

c. In the case of joint ownership of a motor vehicle, the traffic citation shall be mailed to the first name appearing on the registration, unless the first name appearing on the registration is a business organization, in which case the second name appearing on the registration may be used.

~~d. The traffic citation shall be mailed to the registered owner of the motor vehicle involved in the violation no later than 60 days after the date of the violation.~~

2. Included with the notification to the registered owner of the motor vehicle involved in the infraction shall be a notice that the owner has the right to review, ~~either~~ in person or remotely, the photographic or electronic images or the streaming video evidence that constitutes a rebuttable presumption against the owner of the vehicle. The notice must state the time and place or Internet location where the evidence may be examined and observed.

(d)1. The owner of the motor vehicle involved in the violation is responsible and liable for paying the uniform traffic citation issued for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop at a traffic signal, unless the owner can establish that:

a. The motor vehicle passed through the intersection in order to yield right-of-way to an emergency vehicle or as part of a funeral procession;

b. The motor vehicle passed through the intersection at the direction of a law enforcement officer;

c. The motor vehicle was, at the time of the violation, in the care, custody, or control of another person;

d. A uniform traffic citation was issued by a law enforcement officer to the driver of the motor vehicle for the alleged violation of s. 316.074(1) or s. 316.075(1)(c)1; or

e. The motor vehicle's owner was deceased on or before the date that the uniform traffic citation was issued, as established by an affidavit submitted by the representative of the motor vehicle owner's estate or other designated person or family member.

2. In order to establish such facts, the owner of the motor vehicle shall, within 30 days after the date of issuance of the traffic citation, furnish to the appropriate governmental entity an affidavit setting forth detailed information supporting an exemption as provided in this paragraph.

a. An affidavit supporting an exemption under sub-subparagraph 1.c. must include the name, address, date of birth, and, if known, the driver license number of the person who leased, rented, or otherwise had care, custody, or control of the motor vehicle at the time of the alleged violation. If the vehicle was stolen at the time of the alleged offense, the affidavit must include the police report indicating that the vehicle was stolen.

b. If a traffic citation for a violation of s. 316.074(1) or s. 316.075(1)(c) 1. was issued at the location of the violation by a law enforcement officer, the affidavit must include the serial number of the uniform traffic citation.

c. If the motor vehicle's owner to whom a traffic citation has been issued is deceased, the affidavit must include a certified copy of the owner's death certificate showing that the date of death occurred on or before the issuance of the uniform traffic citation and one of the following:

(I) A bill of sale or other document showing that the deceased owner's motor vehicle was sold or transferred after his or her death, but on or before the date of the alleged violation.

(II) Documentary proof that the registered license plate belonging to the deceased owner's vehicle was returned to the department or any branch office or authorized agent of the department, but on or before the date of the alleged violation.

(III) A copy of a police report showing that the deceased owner's registered license plate or motor vehicle was stolen after the owner's death, but on or before the date of the alleged violation.

Upon receipt of the affidavit and documentation required under this sub-subparagraph, the governmental entity must dismiss the citation and provide proof of such dismissal to the person that submitted the affidavit.

3. Upon receipt of an affidavit, the person designated as having care, custody, *or* ~~and~~ control of the motor vehicle at the time of the violation may be issued a *notice of violation pursuant to paragraph (b)* ~~traffic citation~~ for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop at a traffic signal. The affidavit is admissible in a proceeding pursuant to this section for the purpose of providing proof that the person identified in the affidavit was in actual care, custody, or control of the motor vehicle. The owner of a leased vehicle for which a traffic citation is issued for a violation of s. 316.074(1) or s. 316.075(1)(c) 1. when the driver failed to stop at a traffic signal is not responsible for paying the traffic citation and is not required to submit an affidavit as specified in this subsection if the motor vehicle involved in the violation is registered in the name of the lessee of such motor vehicle.

4. Paragraphs (b) and (c) apply to the person identified on the affidavit, except that the notification under sub-subparagraph (b)1.a. must be sent to the person identified on the affidavit within 30 days after receipt of an affidavit.

5.~~4.~~ The submission of a false affidavit is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(e) The photographic or electronic images or streaming video attached to or referenced in the traffic citation is evidence that a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop at a traffic signal has occurred and is admissible in any proceeding to enforce this section and raises a rebuttable presumption that the motor vehicle named in the report or shown in the photographic or electronic images or streaming video evidence was used in violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop at a traffic signal.

(5) Procedures for a hearing under this section are as follows:

(a) The department shall publish and make available electronically to each county and municipality a model Request for Hearing form to assist each local government administering this section.

(b) The charter county, noncharter county, or municipality electing to authorize traffic infraction enforcement officers to issue traffic citations under s. 316.0083(1)(a) shall designate by resolution existing staff to serve as the clerk to the local hearing officer.

(c) Any person, herein referred to as the "petitioner," who elects to request a hearing under paragraph (1)(b) shall be scheduled for a hearing by the clerk to the local hearing officer to appear before a local hearing officer with notice to be sent by first-class mail. Upon receipt of the notice, the petitioner may reschedule the hearing once by submitting a written request to reschedule to the clerk to the local hearing officer, at least 5 calendar days before the day of the originally scheduled hearing. The petitioner may cancel his or her appearance before the local hearing officer by paying the penalty assessed under paragraph (1)(b), plus $50 in administrative costs, before the start of the hearing.

(d) All testimony at the hearing shall be under oath and shall be recorded. The local hearing officer shall take testimony from a traffic infraction enforcement officer and the petitioner, and may take testimony from others. The local hearing officer shall review the photographic or electronic images or the streaming video made available under sub-sub-paragraph(1)(b)1.b. Formal rules of evidence do not apply, but due process shall be observed and govern the proceedings.

(e) At the conclusion of the hearing, the local hearing officer shall determine whether a violation under this section has occurred, in which case the hearing officer shall uphold or dismiss the violation. The local hearing officer shall issue a final administrative order including the determination and, if the notice of violation is upheld, require the petitioner to pay the penalty previously assessed under paragraph (1)(b), and may also require the petitioner to pay county or municipal costs, not to exceed $250. The final administrative order shall be mailed to the petitioner by first-class mail.

(f) An aggrieved party may appeal a final administrative order consistent with the process provided under s. 162.11.

Section 8. Paragraph (c) of subsection (3) of section 316.650, Florida Statutes, is amended to read:

316.650 Traffic citations.—

(3)

(c) If a traffic citation is issued under s. 316.0083, the traffic infraction enforcement officer shall provide by electronic transmission a replica of the traffic citation data to the court having jurisdiction over the alleged offense or its traffic violations bureau within 5 days after the date of issuance of the traffic citation to the violator. *If a hearing is requested, the traffic infraction enforcement officer shall provide a replica of the traffic notice of violation data to the clerk for the local hearing officer having jurisdiction over the alleged offense within 14 days.*

Section 9. Section 318.121, Florida Statutes, is amended to read:

318.121 Preemption of additional fees, fines, surcharges, and costs.—Notwithstanding any general or special law, or municipal or county ordinance, additional fees, fines, surcharges, or costs other than the court costs and surcharges assessed under s. 318.18(11), (13), (18), ~~and~~ (19)*, and (22)* may not be added to the civil traffic penalties assessed *under* ~~in~~ this chapter.

Section 10. Subsection (3) is added to section 318.15, Florida Statutes, to read:

318.15 Failure to comply with civil penalty or to appear; penalty.—

(3) The clerk shall notify the department of persons who were mailed a notice of violation of s. 316.074(1) or s. 316.075(1)(c)1. pursuant to s. 316.0083 and who failed to enter into, or comply with the terms of, a penalty payment plan, or order with the clerk to the local hearing officer or failed to appear at a scheduled hearing within 10 days after such

failure, and shall reference the person's driver license number, or in the case of a business entity, vehicle registration number.

(a) Upon receipt of such notice, the department, or authorized agent thereof, may not issue a license plate or revalidation sticker for any motor vehicle owned or coowned by that person pursuant to s. 320.03(8) until the amounts assessed have been fully paid.

(b) After the issuance of the person's license plate or revalidation sticker is withheld pursuant to paragraph (a), the person may challenge the withholding of the license plate or revalidation sticker only on the basis that the outstanding fines and civil penalties have been paid pursuant to s. 320.03(8).

Section 11. Paragraph (c) of subsection (15) of section 318.18, Florida Statutes, is amended, and subsection (22) is added to that section, to read:

318.18 Amount of penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 or a criminal offense listed in s. 318.17 are as follows:

(15)

(c) If a person who is *mailed a notice of violation or* cited for a violation of s. 316.074(1) or s. 316.075(1)(c)1., as enforced by a traffic infraction enforcement officer under s. 316.0083, presents documentation from the appropriate governmental entity that the *notice of violation or* traffic citation was in error, the clerk of court *or clerk to the local hearing officer* may dismiss the case. The clerk of court *or clerk to the local hearing officer may* ~~shall~~ not charge for this service.

(22) In addition to the penalty prescribed under s. 316.0083 for violations enforced under s. 316.0083 which are upheld, the local hearing officer may also order the payment of county or municipal costs, not to exceed $250.

Section 12. Subsection (8) of section 320.03, Florida Statutes, is amended to read:

320.03 Registration; duties of tax collectors; International Registration Plan.—

(8) If the applicant's name appears on the list referred to in s. 316.1001(4), s. 316.1967(6), *s. 318.15(3),* or s. 713.78(13), a license plate or revalidation sticker may not be issued until that person's name no longer appears on the list or until the person presents a receipt from the governmental entity or the clerk of court that provided the data showing that the fines outstanding have been paid. This subsection does not apply to the owner of a leased vehicle if the vehicle is registered in the name of the lessee of the vehicle. The tax collector and the clerk of the court are each entitled to receive monthly, as costs for implementing and administering this subsection, 10 percent of the civil penalties and fines recovered from such persons. As used in this subsection, the term "civil penalties and fines" does not include a wrecker operator's lien as described in s. 713.78(13). If the tax collector has private tag agents, such tag agents are entitled to receive a pro rata share of the amount paid to the tax collector, based upon the percentage of license plates and revalidation stickers issued by the tag agent compared to the total issued within the county. The authority of any private agent to issue license plates shall be revoked, after notice and a hearing as provided in chapter 120, if he or she issues any license plate or revalidation sticker contrary to the provisions of this subsection. This section applies only to the annual renewal in the owner's birth month of a motor vehicle registration and does not apply to the transfer of a registration of a motor vehicle sold by a motor vehicle dealer licensed under this chapter, except for the transfer of registrations which includes the annual renewals. This section does not affect the issuance of the title to a motor vehicle, notwithstanding s. 319.23(8)(b).

And the title is amended as follows:

Between lines 4626 and 4627 insert: amending s. 316.003, F.S.; defining the term "local hearing officer"; amending s. 316.0083, F.S; revising provisions relating to the use of a traffic infraction detector; specifying when a citation may be issued; providing that a recipient of a notice of violation may request a hearing; providing that initiating a proceeding to challenge a violation or a citation waives any challenge or dispute as to delivery of the notice; revising provisions for issuance of a citation; revising provisions for enforcement if a person other than the owner is designated as having care, custody, or control of the motor vehicle at the time of the violation; providing procedures for conducting hearings to determine whether a violation has occurred; amending s. 316.650, F.S.; requiring notification of violation data to be sent within a certain timeframe; amending s. 318.121, F.S.; limiting the assessment of costs and charges added to certain penalties; amending s. 318.15, F.S.; providing for the registration of a vehicle owned by a person who fails to comply with the terms of the local hearing officer; amending s. 318.18, F.S.; providing for dismissal of cases by presentation of appropriate documentation; authorizing the assessment of county or municipal costs when certain violations are upheld following a hearing; amending 320.03, F.S.; adding a cross-reference;

Senator Evers moved the following amendment to **Amendment 1** which was adopted:

Amendment 1C (285808)—Between lines 296 and 297 insert:

(c) The emergency exceptions provided by 49 C.F.R. s. 392.82 also apply to communications by utility drivers and utility contractor drivers during a Level 1 activation of the State Emergency Operations Center, as provided in the Florida Comprehensive Emergency Management plan, or during a state of emergency declared by executive order or proclamation of the Governor.

Senator Brandes moved the following amendment to **Amendment 1** which was adopted:

Amendment 1D (663040)—Delete line 667 and insert: *sanction a course provider for any*

Senator Diaz de la Portilla moved the following amendment to **Amendment 1** which was adopted:

Amendment 1E (371162) (with title amendment)—Delete lines 685-731.

And the title is amended as follows:

Delete lines 4688-4695 and insert: rules; amending s. 319.225, F.S.; revising

Senator Brandes moved the following amendments to **Amendment 1** which were adopted:

Amendment 1F (406684) (with title amendment)—Between lines 958 and 959 insert:

Section 23. Section 319.30, Florida Statutes, is amended to read:

319.30 Definitions; dismantling, destruction, change of identity of motor vehicle or mobile home; salvage.—

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

(a) "Certificate of destruction" means the certificate issued pursuant to s. 713.78(11) or s. 713.785(7)(a).

(b) "Certificate of registration number" means the certificate of registration number issued by the Department of Revenue of the State of Florida pursuant to s. 538.25.

(c) "Certificate of title" means a record that serves as evidence of ownership of a vehicle, whether such record is a paper certificate authorized by the department or by a motor vehicle department authorized to issue titles in another state or a certificate consisting of information stored in electronic form in the department's database.

(d) "Derelict" means any material which is or may have been a motor vehicle or mobile home, which is not a major part or major component part, which is inoperable, and which is in such condition that its highest or primary value is in its sale or transfer as scrap metal.

(e) "Derelict motor vehicle" means:

1. Any motor vehicle as defined in s. 320.01(1) or mobile home as defined in s. 320.01(2), with or without all parts, major parts, or major component parts, which is valued under $1,000, is at least 10 model

years old, beginning with the model year of the vehicle as year one, and is in such condition that its highest or primary value is for sale, transport, or delivery to a licensed salvage motor vehicle dealer or registered secondary metals recycler for dismantling its component parts or conversion to scrap metal; or

2. Any trailer as defined in s. 320.01(1), with or without all parts, major parts, or major component parts, which is valued under $5,000, is at least 10 model years old, beginning with the model year of the vehicle as year one, and is in such condition that its highest or primary value is for sale, transport, or delivery to a licensed salvage motor vehicle dealer or registered secondary metals recycler for conversion to scrap metal.

(f) "Derelict motor vehicle certificate" means a certificate issued by the department which serves as evidence that a derelict motor vehicle will be dismantled or converted to scrap metal. This certificate may be obtained by completing a derelict motor vehicle certificate application authorized by the department. A derelict motor vehicle certificate may be reassigned only one time if the derelict motor vehicle certificate was completed by a licensed salvage motor vehicle dealer and the derelict motor vehicle was sold to another licensed salvage motor vehicle dealer or a secondary metals recycler.

(g) "Independent entity" means a business or entity that may temporarily store damaged or dismantled motor vehicles pursuant to an agreement with an insurance company and is engaged in the sale or resale of damaged or dismantled motor vehicles. The term does not include a wrecker operator, a towing company, or a repair facility.

(h) "Junk" means any material which is or may have been a motor vehicle or mobile home, with or without all component parts, which is inoperable and which material is in such condition that its highest or primary value is either in its sale or transfer as scrap metal or for its component parts, or a combination of the two, except when sold or delivered to or when purchased, possessed, or received by a secondary metals recycler or salvage motor vehicle dealer.

(i) "Major component parts" means:

1. For motor vehicles other than motorcycles, any fender, hood, bumper, cowl assembly, rear quarter panel, trunk lid, door, decklid, floor pan, engine, frame, transmission, catalytic converter, or airbag.

2. For trucks, in addition to those parts listed in subparagraph 1., any truck bed, including dump, wrecker, crane, mixer, cargo box, or any bed which mounts to a truck frame.

3. For motorcycles, the body assembly, frame, fenders, gas tanks, engine, cylinder block, heads, engine case, crank case, transmission, drive train, front fork assembly, and wheels.

4. For mobile homes, the frame.

(j) "Major part" means the front-end assembly, cowl assembly, or rear body section.

(k) "Materials" means motor vehicles, derelicts, and major parts that are not prepared materials.

(l) "Mobile home" means mobile home as defined in s. 320.01(2).

(m) "Motor vehicle" means motor vehicle as defined in s. 320.01(1).

(n) "National Motor Vehicle Title Information System" means the national mandated vehicle history database maintained by the United States Department of Justice to link the states' motor vehicle title records, including Florida's Department of Highway Safety and Motor Vehicles' title records, and ensure that states, law enforcement agencies, and consumers have access to vehicle titling, branding, and other information that enables them to verify the accuracy and legality of a motor vehicle title before purchase or title transfer of the vehicle occurs.

(o)~~(n)~~ "Parts" means parts of motor vehicles or combinations thereof that do not constitute materials or prepared materials.

(p)~~(o)~~ "Prepared materials" means motor vehicles, mobile homes, derelict motor vehicles, major parts, or parts that have been processed by mechanically flattening or crushing, or otherwise processed such that they are not the motor vehicle or mobile home described in the certificate of title, or their only value is as scrap metal.

(q)~~(p)~~ "Processing" means the business of performing the manufacturing process by which ferrous metals or nonferrous metals are converted into raw material products consisting of prepared grades and having an existing or potential economic value, or the purchase of materials, prepared materials, or parts therefor.

(r)~~(q)~~ "Recreational vehicle" means a motor vehicle as defined in s. 320.01(1).

(s)~~(r)~~ "Salvage" means a motor vehicle or mobile home which is a total loss as defined in paragraph (3)(a).

(t)~~(s)~~ "Salvage certificate of title" means a salvage certificate of title issued by the department or by another motor vehicle department authorized to issue titles in another state.

(u)~~(t)~~ "Salvage motor vehicle dealer" means salvage motor vehicle dealer as defined in s. 320.27(1)(c)5.

(v)~~(u)~~ "Secondary metals recycler" means secondary metals recycler as defined in s. 538.18.

(w)~~(v)~~ "Seller" means the owner of record or a person who has physical possession and responsibility for a derelict motor vehicle and attests that possession of the vehicle was obtained through lawful means along with all ownership rights. A seller does not include a towing company, repair shop, or landlord unless the towing company, repair shop, or landlord has obtained title, salvage title, or a certificate of destruction in the name of the towing company, repair shop, or landlord.

(2)(a) Each person mentioned as owner in the last issued certificate of title, when such motor vehicle or mobile home is dismantled, destroyed, or changed in such manner that it is not the motor vehicle or mobile home described in the certificate of title, shall surrender his or her certificate of title to the department, and thereupon the department shall, with the consent of any lienholders noted thereon, enter a cancellation upon its records. Upon cancellation of a certificate of title in the manner prescribed by this section, the department may cancel and destroy all certificates in that chain of title. Any person who knowingly violates this paragraph commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b)1. When a motor vehicle, recreational vehicle, or mobile home is sold, transported, delivered to, or received by a salvage motor vehicle dealer, *the purchaser shall make the required notification to the National Motor Vehicle Title Information System and* it shall be accompanied by:

a. A valid certificate of title issued in the name of the seller or properly endorsed, as required in s. 319.22, over to the seller;

b. A valid salvage certificate of title issued in the name of the seller or properly endorsed, as required in s. 319.22, over to the seller; or

c. A valid certificate of destruction issued in the name of the seller or properly endorsed over to the seller.

2. Any person who knowingly violates this paragraph by selling, transporting, delivering, purchasing, or receiving a motor vehicle, recreational vehicle, or mobile home without obtaining a properly endorsed certificate of title, salvage certificate of title, or certificate of destruction from the owner *or does not make the required notification to the National Motor Vehicle Title Information System* commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c)1. When a derelict motor vehicle is sold, transported, or delivered to a licensed salvage motor vehicle dealer, the purchaser shall *make the required notification of the derelict motor vehicle to the National Motor Vehicle Title Information System and* record the date of purchase and the name, address, and valid Florida *driver* ~~driver's~~ license number or valid Florida identification card number, or a valid *driver* ~~driver's~~ license number or identification card number issued by another state, of the person selling the derelict motor vehicle, and it shall be accompanied by:

a. A valid certificate of title issued in the name of the seller or properly endorsed over to the seller;

b. A valid salvage certificate of title issued in the name of the seller or properly endorsed over to the seller; or

c. A valid certificate of destruction issued in the name of the seller or properly endorsed over to the seller.

2. If a valid certificate of title, salvage certificate of title, or certificate of destruction is not available, a derelict motor vehicle certificate application shall be completed by the seller or owner of the motor vehicle or mobile home, the seller's or owner's authorized transporter, and the licensed salvage motor vehicle dealer at the time of sale, transport, or delivery to the licensed salvage motor vehicle dealer. The derelict motor vehicle certificate application shall be used by the seller or owner, the seller's or owner's authorized transporter, and the licensed salvage motor vehicle dealer to obtain a derelict motor vehicle certificate from the department. The derelict motor vehicle certificate application must be accompanied by a legible copy of the seller's or owner's valid Florida driver's license or Florida identification card, or a valid *driver* ~~driver's~~ license or identification card issued by another state. If the seller is not the owner of record of the vehicle being sold, the dealer shall, at the time of sale, ensure that a smudge-free right thumbprint, or other digit if the seller has no right thumb, of the seller is imprinted upon the derelict motor vehicle certificate application and that a legible copy of the seller's *driver* ~~driver's~~ license or identification card is affixed to the application and transmitted to the department. The licensed salvage motor vehicle dealer shall *make the required notification of the derelict motor vehicle to the National Motor Vehicle Title Information System and* secure the derelict motor vehicle for 3 full business days, excluding weekends and holidays, if there is no active lien or a lien of 3 years or more on the department's records before destroying or dismantling the derelict motor vehicle and shall follow all reporting procedures established by the department, including electronic notification to the department or delivery of the original derelict motor vehicle certificate application to an agent of the department within 24 hours after receiving the derelict motor vehicle. If there is an active lien of less than 3 years on the derelict motor vehicle, the licensed salvage motor vehicle dealer shall secure the derelict motor vehicle for 10 days. The department shall notify the lienholder that a derelict motor vehicle certificate has been issued and shall notify the lienholder of its intention to remove the lien. Ten days after receipt of the motor vehicle derelict certificate application, the department may remove the lien from its records if a written statement protesting removal of the lien is not received by the department from the lienholder within the 10-day period. However, if the lienholder files with the department and the licensed salvage motor vehicle dealer within the 10-day period a written statement that the lien is still outstanding, the department shall not remove the lien and shall place an administrative hold on the record for 30 days to allow the lienholder to apply for title to the vehicle or a repossession certificate under s. 319.28. The licensed salvage motor vehicle dealer must secure the derelict motor vehicle until the department's administrative stop is removed, the lienholder submits a lien satisfaction, or the lienholder takes possession of the vehicle.

3. Any person who knowingly violates this paragraph by selling, transporting, delivering, purchasing, or receiving a derelict motor vehicle without obtaining a certificate of title, salvage certificate of title, certificate of destruction, or derelict motor vehicle certificate application; enters false or fictitious information on a derelict motor vehicle certificate application; does not complete the derelict motor vehicle certificate application as required; does not obtain a legible copy of the seller's or owner's valid *driver* ~~driver's~~ license or identification card when required; does not make the required notification to the department; *does not make the required notification to the National Motor Vehicle Title Information System;* or destroys or dismantles a derelict motor vehicle without waiting the required time as set forth in subparagraph 2. commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3)(a)1. As used in this section, a motor vehicle or mobile home is a "total loss":

a. When an insurance company pays the vehicle owner to replace the wrecked or damaged vehicle with one of like kind and quality or when an insurance company pays the owner upon the theft of the motor vehicle or mobile home; or

b. When an uninsured motor vehicle or mobile home is wrecked or damaged and the cost, at the time of loss, of repairing or rebuilding the vehicle is 80 percent or more of the cost to the owner of replacing the wrecked or damaged motor vehicle or mobile home with one of like kind and quality.

2. A motor vehicle or mobile home shall not be considered a "total loss" if the insurance company and owner of a motor vehicle or mobile home agree to repair, rather than to replace, the motor vehicle or mobile home. However, if the actual cost to repair the motor vehicle or mobile home to the insurance company exceeds 100 percent of the cost of replacing the wrecked or damaged motor vehicle or mobile home with one of like kind and quality, the owner shall forward to the department, within 72 hours after the agreement, a request to brand the certificate of title with the words "Total Loss Vehicle." Such a brand shall become a part of the vehicle's title history.

(b) The owner, including persons who are self-insured, of any motor vehicle or mobile home which is considered to be salvage shall, within 72 hours after the motor vehicle or mobile home becomes salvage, forward the title to the motor vehicle or mobile home to the department for processing. However, an insurance company which pays money as compensation for total loss of a motor vehicle or mobile home shall obtain the certificate of title for the motor vehicle or mobile home*, make the required notification to the National Motor Vehicle Title Information System,* and, within 72 hours after receiving such certificate of title, shall forward such title to the department for processing. The owner or insurance company, as the case may be, may not dispose of a vehicle or mobile home that is a total loss before it has obtained a salvage certificate of title or certificate of destruction from the department. When applying for a salvage certificate of title or certificate of destruction, the owner or insurance company must provide the department with an estimate of the costs of repairing the physical and mechanical damage suffered by the vehicle for which a salvage certificate of title or certificate of destruction is sought. If the estimated costs of repairing the physical and mechanical damage to the vehicle are equal to 80 percent or more of the current retail cost of the vehicle, as established in any official used car or used mobile home guide, the department shall declare the vehicle unrebuildable and print a certificate of destruction, which authorizes the dismantling or destruction of the motor vehicle or mobile home described therein. However, if the damaged motor vehicle is equipped with custom-lowered floors for wheelchair access or a wheelchair lift, the insurance company may, upon determining that the vehicle is repairable to a condition that is safe for operation on public roads, submit the certificate of title to the department for reissuance as a salvage rebuildable title and the addition of a title brand of "insurance-declared total loss." The certificate of destruction shall be reassignable a maximum of two times before dismantling or destruction of the vehicle shall be required, and shall accompany the motor vehicle or mobile home for which it is issued, when such motor vehicle or mobile home is sold for such purposes, in lieu of a certificate of title, and, thereafter, the department shall refuse issuance of any certificate of title for that vehicle. Nothing in this subsection shall be applicable when a vehicle is worth less than $1,500 retail in undamaged condition in any official used motor vehicle guide or used mobile home guide or when a stolen motor vehicle or mobile home is recovered in substantially intact condition and is readily resalable without extensive repairs to or replacement of the frame or engine. Any person who knowingly violates this paragraph or falsifies any document to avoid the requirements of this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) It is unlawful for any person to have in his or her possession any motor vehicle or mobile home when the manufacturer's or state-assigned identification number plate or serial plate has been removed therefrom.

(a) Nothing in this subsection shall be applicable when a vehicle defined in this section as a derelict or salvage was purchased or acquired from a foreign state requiring such vehicle's identification number plate to be surrendered to such state, provided the person shall have an affidavit from the seller describing the vehicle by manufacturer's serial number and the state to which such vehicle's identification number plate was surrendered.

(b) Nothing in this subsection shall be applicable if a certificate of destruction has been obtained for the vehicle.

(5)(a) It is unlawful for any person to knowingly possess, sell, or exchange, offer to sell or exchange, or give away any certificate of title or manufacturer's or state-assigned identification number plate or serial plate of any motor vehicle, mobile home, or derelict that has been sold as salvage contrary to the provisions of this section, and it is unlawful for

any person to authorize, direct, aid in, or consent to the possession, sale, or exchange or to offer to sell, exchange, or give away such certificate of title or manufacturer's or state-assigned identification number plate or serial plate.

(b) It is unlawful for any person to knowingly possess, sell, or exchange, offer to sell or exchange, or give away any manufacturer's or state-assigned identification number plate or serial plate of any motor vehicle or mobile home that has been removed from the motor vehicle or mobile home for which it was manufactured, and it is unlawful for any person to authorize, direct, aid in, or consent to the possession, sale, or exchange or to offer to sell, exchange, or give away such manufacturer's or state-assigned identification number plate or serial plate.

(c) This chapter does not apply to anyone who removes, possesses, or replaces a manufacturer's or state-assigned identification number plate, in the course of performing repairs on a vehicle, that require such removal or replacement. If the repair requires replacement of a vehicle part that contains the manufacturer's or state-assigned identification number plate, the manufacturer's or state-assigned identification number plate that is assigned to the vehicle being repaired will be installed on the replacement part. The manufacturer's or state-assigned identification number plate that was removed from this replacement part will be installed on the part that was removed from the vehicle being repaired.

(6)(a) In the event of a purchase by a salvage motor vehicle dealer of materials or major component parts for any reason, the purchaser shall:

1. For each item of materials or major component parts purchased, the salvage motor vehicle dealer shall record the date of purchase and the name, address, and personal identification card number of the person selling such items, as well as the vehicle identification number, if available.

2. With respect to each item of materials or major component parts purchased, obtain such documentation as may be required by subsection (2).

(b) Any person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(7)(a) In the event of a purchase by a secondary metals recycler, that has been issued a certificate of registration number, of:

1. Materials, prepared materials, or parts from any seller for purposes other than the processing of such materials, prepared materials, or parts, the purchaser shall obtain such documentation as may be required by this section and shall record the seller's name and address, date of purchase, and the personal identification card number of the person delivering such items.

2. Parts or prepared materials from any seller for purposes of the processing of such parts or prepared materials, the purchaser shall record the seller's name and address and date of purchase and, in the event of a purchase transaction consisting primarily of parts or prepared materials, the personal identification card number of the person delivering such items.

3. Materials from another secondary metals recycler for purposes of the processing of such materials, the purchaser shall record the seller's name and address and date of purchase.

4.a. Motor vehicles, recreational vehicles, mobile homes, or derelict motor vehicles from other than a secondary metals recycler for purposes of the processing of such motor vehicles, recreational vehicles, mobile homes, or derelict motor vehicles, the purchaser shall *make the required notification to the National Motor Vehicle Title Information* record the date of purchase and the name, address, and personal identification card number of the person selling such items and shall obtain the following documentation from the seller with respect to each item purchased:

(I) A valid certificate of title issued in the name of the seller or properly endorsed, as required in s. 319.22, over to the seller;

(II) A valid salvage certificate of title issued in the name of the seller or properly endorsed, as required in s. 319.22, over to the seller;

(III) A valid certificate of destruction issued in the name of the seller or properly endorsed over to the seller; or

(IV) A valid derelict motor vehicle certificate obtained from the department by a licensed salvage motor vehicle dealer and properly reassigned to the secondary metals recycler.

b. If a valid certificate of title, salvage certificate of title, certificate of destruction, or derelict motor vehicle certificate is not available and the motor vehicle or mobile home is a derelict motor vehicle, a derelict motor vehicle certificate application shall be completed by the seller or owner of the motor vehicle or mobile home, the seller's or owner's authorized transporter, and the registered secondary metals recycler at the time of sale, transport, or delivery to the registered secondary metals recycler to obtain a derelict motor vehicle certificate from the department. The derelict motor vehicle certificate application must be accompanied by a legible copy of the seller's or owner's valid Florida *driver* ~~driver's~~ license or Florida identification card, or a valid *driver* ~~driver's~~ license or identification card from another state. If the seller is not the owner of record of the vehicle being sold, the recycler shall, at the time of sale, ensure that a smudge-free right thumbprint, or other digit if the seller has no right thumb, of the seller is imprinted upon the derelict motor vehicle certificate application and that the legible copy of the seller's *driver* ~~driver's~~ license or identification card is affixed to the application and transmitted to the department. The derelict motor vehicle certificate shall be used by the owner, the owner's authorized transporter, and the registered secondary metals recycler. The registered secondary metals recycler *shall make the required notification of the derelict motor vehicle to the National Motor Vehicle Title Information System and* shall secure the derelict motor vehicle for 3 full business days, excluding weekends and holidays, if there is no active lien or a lien of 3 years or more on the department's records before destroying or dismantling the derelict motor vehicle and shall follow all reporting procedures established by the department, including electronic notification to the department or delivery of the original derelict motor vehicle certificate application to an agent of the department within 24 hours after receiving the derelict motor vehicle. If there is an active lien of less than 3 years on the derelict motor vehicle, the registered secondary metals recycler shall secure the derelict motor vehicle for 10 days. The department shall notify the lienholder of the application for a derelict motor vehicle certificate and shall notify the lienholder of its intention to remove the lien. Ten days after receipt of the motor vehicle derelict application, the department may remove the lien from its records if a written statement protesting removal of the lien is not received by the department from the lienholder within the 10-day period. However, if the lienholder files with the department and the registered secondary metals recycler within the 10-day period a written statement that the lien is still outstanding, the department shall not remove the lien and shall place an administrative hold on the record for 30 days to allow the lienholder to apply for title to the vehicle or a repossession certificate under s. 319.28. The registered secondary metals recycler must secure the derelict motor vehicle until the department's administrative stop is removed, the lienholder submits a lien satisfaction, or the lienholder takes possession of the vehicle.

c. Any person who knowingly violates this subparagraph by selling, transporting, delivering, purchasing, or receiving a motor vehicle, recreational motor vehicle, mobile home, or derelict motor vehicle without obtaining a certificate of title, salvage certificate of title, certificate of destruction, or derelict motor vehicle certificate; enters false or fictitious information on a derelict motor vehicle certificate application; does not complete the derelict motor vehicle certificate application as required or does not make the required notification to the department; *does not make the required notification to the National Motor Vehicle Title Information System;* does not obtain a legible copy of the seller's or owner's *driver* ~~driver's~~ license or identification card when required; or destroys or dismantles a derelict motor vehicle without waiting the required time as set forth in sub-subparagraph b. commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

5. Major parts from other than a secondary metals recycler for purposes of the processing of such major parts, the purchaser shall record the seller's name, address, date of purchase, and the personal identification card number of the person delivering such items, as well as the vehicle identification number, if available, of each major part purchased.

(b) Any person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(8)(a) Secondary metals recyclers and salvage motor vehicle dealers shall return to the department on a monthly basis all certificates of title and salvage certificates of title that are required by this section to be obtained. Secondary metals recyclers and salvage motor vehicle dealers may elect to notify the department electronically through procedures established by the department when they receive each motor vehicle or mobile home, salvage motor vehicle or mobile home, or derelict motor vehicle with a certificate of title or salvage certificate of title through procedures established by the department. The department may adopt rules and establish fees as it deems necessary or proper for the administration of the electronic notification service.

(b) Secondary metals recyclers and salvage motor vehicle dealers shall keep originals, or a copy in the event the original was returned to the department, of all certificates of title, salvage certificates of title, certificates of destruction, derelict motor vehicle certificates, and all other information required by this section to be recorded or obtained, on file in the offices of such secondary metals recyclers or salvage motor vehicle dealers for a period of 3 years after the date of purchase of the items reflected in such certificates of title, salvage certificates of title, certificates of destruction, or derelict motor vehicle certificates. These records shall be maintained in chronological order.

(c) For the purpose of enforcement of this section, the department or its agents and employees have the same right of inspection as law enforcement officers as provided in s. 812.055.

(d) Whenever the department, its agent or employee, or any law enforcement officer has reason to believe that a stolen or fraudulently titled motor vehicle, mobile home, recreational vehicle, salvage motor vehicle, or derelict motor vehicle is in the possession of a salvage motor vehicle dealer or secondary metals recycler, the department, its agent or employee, or the law enforcement officer may issue an extended hold notice, not to exceed 5 additional business days, excluding weekends and holidays, to the salvage motor vehicle dealer or registered secondary metals recycler.

(e) Whenever a salvage motor vehicle dealer or registered secondary metals recycler is notified by the department, its agent or employee, or any law enforcement officer to hold a motor vehicle, mobile home, recreational vehicle, salvage motor vehicle, or derelict motor vehicle that is believed to be stolen or fraudulently titled, the salvage motor vehicle dealer or registered secondary metals recycler shall hold the motor vehicle, mobile home, recreational vehicle, salvage motor vehicle, or derelict motor vehicle and may not dismantle or destroy the motor vehicle, mobile home, recreational vehicle, salvage motor vehicle, or derelict motor vehicle until it is recovered by a law enforcement officer, the hold is released by the department or the law enforcement officer placing the hold, or the 5 additional business days have passed since being notified of the hold.

(f) This section does not authorize any person who is engaged in the business of recovering, towing, or storing vehicles pursuant to s. 713.78, and who is claiming a lien for performing labor or services on a motor vehicle or mobile home pursuant to s. 713.58, or is claiming that a motor vehicle or mobile home has remained on any premises after tenancy has terminated pursuant to s. 715.104, to use a derelict motor vehicle certificate application for the purpose of transporting, selling, disposing of, or delivering a motor vehicle to a salvage motor vehicle dealer or secondary metals recycler without obtaining the title or certificate of destruction required under s. 713.58, s. 713.78, or s. 715.104.

(g) The department shall accept all properly endorsed and completed derelict motor vehicle certificate applications and shall issue a derelict motor vehicle certificate having an effective date that authorizes when a derelict motor vehicle is eligible for dismantling or destruction. The electronic information obtained from the derelict motor vehicle certificate application shall be stored electronically and shall be made available to authorized persons after issuance of the derelict motor vehicle certificate in the Florida Real Time Vehicle Information System.

(h) The department is authorized to adopt rules pursuant to ss. 120.536(1) and 120.54 establishing policies and procedures to administer and enforce this section.

(i) The department shall charge a fee of $3 for each derelict motor vehicle certificate delivered to the department or one of its agents for processing and shall mark the title record canceled. A service charge may be collected under s. 320.04.

(j) The licensed salvage motor vehicle dealer or registered secondary metals recycler shall make all payments for the purchase of any derelict motor vehicle that is sold by a seller who is not the owner of record on file with the department by check or money order made payable to the seller and may not make payment to the authorized transporter. The licensed salvage motor vehicle dealer or registered secondary metals recycler may not cash the check that such dealer or recycler issued to the seller.

(9)(a) An insurance company may notify an independent entity that obtains possession of a damaged or dismantled motor vehicle to release the vehicle to the owner. The insurance company shall provide the independent entity a release statement on a form prescribed by the department authorizing the independent entity to release the vehicle to the owner. The form shall, at a minimum, contain the following:

1. The policy and claim number.

2. The name and address of the insured.

3. The vehicle identification number.

4. The signature of an authorized representative of the insurance company.

(b) The independent entity in possession of a motor vehicle must send a notice to the owner that the vehicle is available for pick up when it receives a release statement from the insurance company. The notice shall be sent by certified mail to the owner at the owner's address reflected in the department's records. The notice must inform the owner that the owner has 30 days after receipt of the notice to pick up the vehicle from the independent entity. If the motor vehicle is not claimed within 30 days after the owner receives the notice, the independent entity may apply for a certificate of destruction or a certificate of title.

(c) The independent entity shall make the required notification to the National Motor Vehicle Title Information System before releasing any damaged or dismantled motor vehicle to the owner or before applying for a certificate of destruction or salvage certificate of title.

(d)~~(c)~~ Upon applying for a certificate of destruction or *salvage* certificate of title, the independent entity shall provide a copy of the release statement from the insurance company to the independent entity, proof of providing the 30-day notice to the owner*, proof of notification to the National Motor Vehicle Title Information System*, and applicable fees.

(e)~~(d)~~ The independent entity may not charge an owner of the vehicle storage fees or apply for a title under s. 713.585 or s. 713.78.

(10) The department may adopt rules to implement an electronic system for issuing salvage certificates of title and certificates of destruction.

(11) Except as otherwise provided in this section, any person who violates this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

And the title is amended as follows:

Delete line 4704 and insert: repossession; amending s. 319.30, F.S., relating to disposition of derelict motor vehicles; defining the term "National Motor Vehicle Title Information System"; requiring salvage motor vehicle dealers, insurance companies, and other persons to notify the system when receiving or disposing of such a vehicle; requiring proof of such notification when applying for a certificate of destruction or salvage certificate of title; providing penalties; amending s. 319.323, F.S., relating to

Amendment 1G (595286) (with title amendment)—Delete lines 1007-1037 and insert:

Section 25. Paragraph (a) of subsection (2) and paragraph (a) of subsection (5) of section 320.02, Florida Statutes, are amended, and paragraph (s) is added to subsection (15), to read:

320.02 Registration required; application for registration; forms.—

(2)(a) The application for registration *must* ~~shall~~ include the street address of the owner's permanent residence or the address of his or her permanent place of business and ~~shall~~ be accompanied by personal or business identification information*. An individual applicant must provide* ~~which may include, but need not be limited to,~~ a *valid* driver license *or* ~~number, Florida~~ identification card *issued by this state or another state or a valid passport. A business applicant must provide a* ~~number, or~~ federal employer identification number*, if applicable, or verification that the business is authorized to conduct business in the state, or a Florida municipal or county business license or number*.

1. If the owner does not have a permanent residence or permanent place of business or if the owner's permanent residence or permanent place of business cannot be identified by a street address, the application *must* ~~shall~~ include:

a.~~1.~~ If the vehicle is registered to a business, the name and street address of the permanent residence of an owner of the business, an officer of the corporation, or an employee who is in a supervisory position.

b.~~2.~~ If the vehicle is registered to an individual, the name and street address of the permanent residence of a close relative or friend who is a resident of this state.

2. If the vehicle is registered to an active duty member of the Armed Forces of the United States who is a Florida resident, the active duty member is exempt from the requirement to provide the street address of a permanent residence.

(5)(a) Proof that personal injury protection benefits have been purchased *if* ~~when~~ required under s. 627.733, that property damage liability coverage has been purchased as required under s. 324.022, that bodily injury or death coverage has been purchased if required under s. 324.023, and that combined bodily liability insurance and property damage liability insurance have been purchased *if* ~~when~~ required under s. 627.7415 shall be provided in the manner prescribed by law by the applicant at the time of application for registration of any motor vehicle that is subject to such requirements. The issuing agent shall refuse to issue registration if such proof of purchase is not provided. Insurers shall furnish uniform proof-of-purchase cards in *a paper or electronic format in* a form prescribed by the department and ~~shall~~ include the name of the insured's insurance company, the coverage identification number, and the make, year, and vehicle identification number of the vehicle insured. The card *must* ~~shall~~ contain a statement notifying the applicant of the penalty specified *under* ~~in~~ s. 316.646(4). The card or insurance policy, insurance policy binder, or certificate of insurance or a photocopy of any of these; an affidavit containing the name of the insured's insurance company, the insured's policy number, and the make and year of the vehicle insured; or such other proof as may be prescribed by the department shall constitute sufficient proof of purchase. If an affidavit is provided as proof, it *must* ~~shall~~ be in substantially the following form:

Under penalty of perjury, I (Name of insured) do hereby certify that I have (Personal Injury Protection, Property Damage Liability, and, *if* ~~when~~ required, Bodily Injury Liability) Insurance currently in effect with (Name of insurance company) under (policy number) covering (make, year, and vehicle identification number of vehicle). (Signature of Insured)

Such affidavit *must* ~~shall~~ include the following warning:

WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS SUBJECT TO PROSECUTION.

If ~~When~~ an application is made through a licensed motor vehicle dealer as required *under* ~~in~~ s. 319.23, the original or a photostatic copy of such card, insurance policy, insurance policy binder, or certificate of insurance or the original affidavit from the insured shall be forwarded by the dealer to the tax collector of the county or the Department of Highway Safety and Motor Vehicles for processing. By executing the aforesaid affidavit, no licensed motor vehicle dealer will be liable in damages for any inadequacy, insufficiency, or falsification of any statement contained therein. A card *must* ~~shall~~ also indicate the existence of any bodily injury liability insurance voluntarily purchased.

(15)

(s) The application form for motor vehicle registration and renewal registration must include language permitting a voluntary contribution of $1 or more per applicant, which shall be distributed to the Auto Club Group Traffic Safety Foundation, Inc., a nonprofit organization. Funds received by the foundation must be used to improve traffic safety culture in communities through effective outreach, education, and activities in the state which will save lives, reduce injuries, and prevent crashes. The foundation must comply with s. 320.023.

For the purpose of applying the service charge provided in s. 215.20, contributions received under this subsection are not income of a revenue nature.

And the title is amended as follows:

Delete line 4711 and insert: vehicle registration; requiring insurers to furnish proof-of-purchase cards in a paper or electronic format; requiring the application form for motor vehicle registration and renewal registration to include language permitting the applicant to make a voluntary contribution to the Auto Club Group Traffic Safety Foundation, Inc.; amending s. 320.03, F.S.;

Amendment 1H (525032) (with title amendment)—Between lines 1091 and 1092 insert:

Section 29. Subsection (4) of section 320.089, Florida Statutes, is amended to read:

320.089 Members of National Guard and active United States Armed Forces reservists; former prisoners of war; survivors of Pearl Harbor; Purple Heart medal recipients; *Operation Desert Storm Veterans; Operation Desert Shield Veterans;* Operation Iraqi Freedom and Operation Enduring Freedom Veterans; Combat Infantry Badge or Combat Action Badge recipients; Vietnam War Veterans; Korean Conflict Veterans; special license plates; fee.—

(4) The owner or lessee of an automobile or truck for private use, a truck weighing not more than 7,999 pounds, or a recreational vehicle as specified in s. 320.08(9)(c) or (d) which automobile, truck, or recreational vehicle is not used for hire or commercial use who is a resident of the state and a current or former member of the United States military who was deployed and served in *Saudi Arabia, Kuwait, or another area of the Persian Gulf during Operation Desert Storm or Operation Desert Shield; in* Iraq during Operation Iraqi Freedom*;* or in Afghanistan during Operation Enduring Freedom shall, upon application to the department, accompanied by proof of active membership or former active duty status during one of these operations, and upon payment of the license tax for the vehicle as provided in s. 320.08, be issued a license plate as provided by s. 320.06 upon which, in lieu of the registration license number prescribed by s. 320.06, shall be stamped the words *"Operation Desert Storm," "Operation Desert Shield,"* "Operation Iraqi Freedom," or "Operation Enduring Freedom," as appropriate, followed by the registration license number of the plate.

And the title is amended as follows:

Delete line 4718 and insert: International Registration Plan; amending s. 320.089, F.S.; creating a special use license plate for current or former members of the United States Armed Forces who participated in Operation Desert Storm or Operation Desert Shield; amending s. 320.18,

Senator Diaz de la Portilla moved the following amendment to **Amendment 1** which was adopted:

Amendment 1I (889618) (with title amendment)—Between lines 1091 and 1092 insert:

Section 29. Paragraph (c) of subsection (71) of section 320.08058, Florida Statutes, is amended to read:

320.08058 Specialty license plates.—

(71) HISPANIC ACHIEVERS LICENSE PLATES.—

(c) National Hispanic Corporate Achievers, Inc., may retain all proceeds from the annual use fee until documented startup costs for de-

veloping and establishing the plate have been recovered. Thereafter, the proceeds from the annual use fee shall be used as follows:

1. Up to *5* ~~10~~ percent of the proceeds may be used for the cost of administration of the Hispanic Achievers License Plate Fund, the Hispanic Achievers Grant Council, and related matters.

2. Funds may be used as necessary for annual audit or compliance affidavit costs.

3. Up to 20 percent of the proceeds may be used to market and promote the Hispanic Achievers license plate.

4.~~3.~~ Twenty-five percent of the proceeds shall be used by the Hispanic Corporate Achievers, Inc., located in Seminole County, for grants.

5.~~4.~~ The remaining proceeds shall be available to the Hispanic Achievers Grant Council to award grants for services, programs, or scholarships for Hispanic and minority individuals and organizations throughout Florida. All grant recipients must provide to the Hispanic Achievers Grant Council an annual program and financial report regarding the use of grant funds. Such reports must be available to the public.

And the title is amended as follows:

Delete line 4718 and insert: International Registration Plan; amending s. 320.08058, F.S.; revising the prescribed use of proceeds from the sale of Hispanic Achievers license plates; amending s. 320.18,

Senator Bean moved the following amendment to **Amendment 1** which was adopted:

Amendment 1J (180120) (with title amendment)—Between lines 1091 and 1092 insert:

Section 29. Paragraph (aaaa) is added to subsection (4) of section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(aaaa) American Legion license plate, $25.

Section 30. Subsection (79) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(79) AMERICAN LEGION LICENSE PLATES.—

(a) Notwithstanding s. 320.08053(1) and s. 45, chapter 2008-176, Laws of Florida, as amended by s. 21, chapter 2010-223, Laws of Florida, the department shall develop an American Legion license plate as provided in s. 320.08053(2) and (3) and this section. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "American Legion" must appear at the bottom of the plate.

(b) The department shall retain all annual use fees from the sale of such plates until all startup costs for developing and issuing the plates have been recovered. Thereafter, the annual use fees from the sale of the plate shall be distributed to the American Legion Department of Florida, which may use up to 10 percent of such fees for administrative costs and marketing of the plate. The balance of the fees shall be used by the American Legion Department of Florida to support Florida American Legion Boys State, the American Legion Auxiliary Girls State, the American Legion Department of Florida Veteran Affairs and Rehabilitation program, the Gilchrist Endowment Fund, and other appropriate activities.

And the title is amended as follows:

Delete line 4718 and insert: International Registration Plan; amending ss. 320.08056 and 320.08058, F.S.; creating an American Legion license plate; establishing an annual use fee for the plate; providing for the distribution of annual use fees received from the sale of the plate; amending s. 320.18,

Senator Brandes moved the following amendments to **Amendment 1** which were adopted:

Amendment 1K (872768) (with title amendment)—Between lines 1091 and 1092 insert:

Section 29. Paragraph (aaaa) is added to subsection (4) of section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(aaaa) Lauren's Kids license plate, $25.

Section 30. Subsection (79) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(79) LAUREN'S KIDS LICENSE PLATES.—

(a) Notwithstanding s. 320.08053(1) and s. 45, chapter 2008-176, Laws of Florida, as amended by s. 21, chapter 2010-223, Laws of Florida, the department shall develop a Lauren's Kids, Prevent Child Sexual Abuse license plate as provided in s. 320.08053(2) and (3), and this section. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Lauren's Kids" must appear at the bottom of the plate.

(b) The department shall retain all annual use fees from the sale of the plate until all startup costs for developing and issuing the plate have been recovered. Thereafter, the annual use fees from the sale of the plate shall be distributed to Lauren's Kids, Inc., a Florida nonprofit corporation, which may use up to 10 percent of such fees for administrative costs and marketing of the plate. The balance of the fees shall be used by Lauren's Kids, Inc., to prevent sexual abuse through awareness and education and to help survivors heal with guidance and support.

And the title is amended as follows:

Delete line 4718 and insert: International Registration Plan; amending ss. 320.08056 and 320.08058, F.S.; creating a Lauren's Kids license plate; establishing an annual use fee for the plate; providing for the distribution of annual use fees received from the sale of the plate; amending s. 320.18,

THE PRESIDENT PRESIDING

Amendment 1L (356518) (with title amendment)—Between lines 1091 and 1092 insert:

Section 29. Section 320.08062, Florida Statutes, is amended to read:

320.08062 Audits and attestations required; annual use fees of specialty license plates.—

(1)(a) All organizations that receive annual use fee proceeds from the department are responsible for ensuring that proceeds are used in accordance with ss. 320.08056 and 320.08058.

(b) Any organization not subject to audit pursuant to s. 215.97 shall annually attest, under penalties of perjury, that such proceeds were used in compliance with ss. 320.08056 and 320.08058. The attestation shall be made annually in a form and format determined by the department.

(c) Any organization subject to audit pursuant to s. 215.97 shall submit an audit report in accordance with rules promulgated by the Auditor General. The annual attestation shall be submitted to the department for review within 9 months after the end of the organization's fiscal year.

(2)(a)~~(2)~~ Within 90 days after receiving an organization's audit or attestation, the department shall determine which recipients of revenues from specialty license plate annual use fees have not complied with

subsection (1). If the department determines that an organization has not complied or has failed to use the revenues in accordance with ss. 320.08056 and 320.08058, the department must discontinue the distribution of the revenues to the organization until the department determines that the organization has complied. If an organization fails to comply within 12 months after the annual use fee proceeds are withheld by the department, the proceeds shall be deposited into the Highway Safety Operating Trust Fund to offset department costs related to the issuance of specialty license plates.

(b) In lieu of discontinuing revenue disbursement pursuant to this subsection, upon determining that a recipient has not complied or has failed to use the revenues in accordance with ss. 320.08056 and 320.08058, F.S., and with the approval of the Legislative Budget Commission, the department is authorized to redirect previously-collected and future revenues to an organization that is able to perform the same or similar purpose(s) as the original recipient.

(3) The department has the authority to examine all records pertaining to the use of funds from the sale of specialty license plates.

And the title is amended as follows:

Delete line 4718 and insert: International Registration Plan; amending s. 320.08062, F.S.,; redirecting specialty plate funds; providing approval of the Legislature; amending s. 320.18,

Senator Flores moved the following amendment to **Amendment 1** which was adopted:

Amendment 1M (158530) (with title amendment)—Between lines 1091 and 1092 insert:

Section 29. Paragraph (aaaa) is added to subsection (4) of section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(aaaa) Big Brothers Big Sisters license plate, $25.

Section 30. Subsection (79) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(79) BIG BROTHERS BIG SISTERS LICENSE PLATES.—

(a) Notwithstanding s. 320.08053(1) and s. 45, chapter 2008-176, Laws of Florida, as amended by s. 21, chapter 2010-223, Laws of Florida, the department shall develop a Big Brothers Big Sisters license plate as provided in s. 320.08053(2) and (3), and this section. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Big Brothers Big Sisters" must appear at the bottom of the plate.

(b) The department shall retain all annual use fees from the sale of the plate until all startup costs for developing and issuing the plate have been recovered. Thereafter, the annual use fees from the sale of the plate shall be distributed to Big Brothers Big Sisters Association of Florida, Inc., which may use up to 10 percent of such fees for administrative costs and marketing of the plate. The balance of the fees shall be used by Big Brothers Big Sisters Association of Florida, Inc., to promote mentoring.

And the title is amended as follows:

Delete line 4718 and insert: International Registration Plan; amending ss. 320.08056 and 320.08058, F.S.; creating a Big Brothers Big Sisters license plate; establishing an annual use fee for the plate; providing for the distribution and use of fees received from the sale of the plate; amending s. 320.18,

Senator Brandes moved the following amendments to **Amendment 1** which were adopted:

Amendment 1N (957886) (with title amendment)—Between lines 1437 and 1438 insert:

Section 35. Subsection (7) of section 322.08, Florida Statutes, is amended to read:

322.08 Application for license; requirements for license and identification card forms.—

(7) The application form for an original, renewal, or replacement driver license or identification card *must* ~~shall~~ include language permitting the following:

(a) A voluntary contribution of $1 per applicant, which contribution shall be deposited into the Health Care Trust Fund for organ and tissue donor education and for maintaining the organ and tissue donor registry.

(b) A voluntary contribution of $1 per applicant, which ~~contribution~~ shall be distributed to the Florida Council of the Blind.

(c) A voluntary contribution of $2 per applicant, which shall be distributed to the Hearing Research Institute, Incorporated.

(d) A voluntary contribution of $1 per applicant, which shall be distributed to the Juvenile Diabetes Foundation International.

(e) A voluntary contribution of $1 per applicant, which shall be distributed to the Children's Hearing Help Fund.

(f) A voluntary contribution of $1 per applicant, which shall be distributed to Family First, a nonprofit organization.

(g) A voluntary contribution of $1 per applicant to Stop Heart Disease, which shall be distributed to the Florida Heart Research Institute, a nonprofit organization.

(h) A voluntary contribution of $1 per applicant to Senior Vision Services, which shall be distributed to the Florida Association of Agencies Serving the Blind, Inc., a not-for-profit organization.

(i) A voluntary contribution of $1 per applicant for services for persons with developmental disabilities, which shall be distributed to The Arc of Florida.

(j) A voluntary contribution of $1 to the Ronald McDonald House, which shall be distributed each month to Ronald McDonald House Charities of Tampa Bay, Inc.

(k) Notwithstanding s. 322.081, a voluntary contribution of $1 per applicant, which shall be distributed to the League Against Cancer/La Liga Contra el Cancer, a not-for-profit organization.

(l) A voluntary contribution of $1 per applicant to Prevent Child Sexual Abuse, which shall be distributed to Lauren's Kids, Inc., a nonprofit organization.

(m) A voluntary contribution of $1 per applicant, which shall be distributed to Prevent Blindness Florida, a not-for-profit organization, to prevent blindness and preserve the sight of the residents of this state.

(n) Notwithstanding s. 322.081, a voluntary contribution of $1 per applicant to the state homes for veterans, to be distributed on a quarterly basis by the department to the State Homes for Veterans Trust Fund, which is administered by the Department of Veterans' Affairs.

(o) A voluntary contribution of $1 per applicant to the Disabled American Veterans, Department of Florida, which shall be distributed quarterly to Disabled American Veterans, Department of Florida, a nonprofit organization.

(p) A voluntary contribution of $1 per applicant for Autism Services and Supports, which shall be distributed to Achievement and Rehabilitation Centers, Inc., Autism Services Fund.

(q) A voluntary contribution of $1 per applicant to Support Our Troops, which shall be distributed to Support Our Troops, Inc., a Florida not-for-profit organization.

(r) A voluntary contribution of $1 or more per applicant, which shall be distributed to the Auto Club Group Traffic Safety Foundation, Inc., a not-for-profit organization.

A statement providing an explanation of the purpose of the trust funds shall also be included. For the purpose of applying the service charge provided *under* ~~in~~ s. 215.20, contributions received under paragraphs *(b)-(r)* ~~(b)-(q)~~ are not income of a revenue nature.

And the title is amended as follows:

Delete line 4741 and insert: periods; providing fees; amending s. 322.08, F.S.; requiring the application forms for an original, renewal, or replacement driver license or identification card to include language permitting an applicant to make a voluntary contribution to the Auto Club Group Traffic Safety Foundation, Inc.; amending s. 322.095, F.S.;

Amendment 1O (370266)—Delete line 1528 and insert: *courses approved pursuant to this section on a recurring 5-year*

Senator Gardiner moved the following amendment to **Amendment 1** which was adopted:

Amendment 1P (370784) (with title amendment)—Delete lines 1647-1723 and insert:

Section 38. Section 322.143, Florida Statutes, is created to read:

322.143 Use of a driver license or identification card.—

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

(a) "Personal information" means an individual's name, address, date of birth, driver license number, or identification card number.

(b) "Private entity" means any nongovernmental entity, such as a corporation, partnership, company or nonprofit organization, any other legal entity, or any natural person.

(c) "Swipe" means the act of passing a driver license or identification card through a device that is capable of deciphering, in an electronically readable format, the information electronically encoded in a magnetic strip or bar code on the driver license or identification card.

(2) Except as provided in subsection (6), a private entity may not swipe an individual's driver license or identification card, except for the following purposes:

(a) To verify the authenticity of a driver license or identification card or to verify the identity of the individual if the individual pays for a good or service with a method other than cash, returns an item, or requests a refund.

(b) To verify the individual's age when providing an age-restricted good or service.

(c) To prevent fraud or other criminal activity if an individual returns an item or requests a refund and the private entity uses a fraud prevention service company or system.

(d) To transmit information to a check services company for the purpose of approving negotiable instruments, electronic funds transfers, or similar methods of payment.

(e) To comply with a legal requirement to record, retain, or transmit the driver license information.

(3) A private entity that swipes an individual's driver license or identification card under paragraph (2)(a) or paragraph (2)(b) may not store, sell, or share personal information collected from swiping the driver license or identification card.

(4) A private entity that swipes an individual's driver license or identification card under paragraph (2)(c) or paragraph (2)(d) may store or share personal information collected from swiping an individual's driver license or identification card for the purpose of preventing fraud or other criminal activity against the private entity.

(5)(a) A person other than an entity regulated by the federal Fair Credit Reporting Act, 15 U.S.C. 1681 et seq., who receives personal information from a private entity under subsection (4) may use the personal information received only to prevent fraud or other criminal activity against the private entity that provided the personal information.

(b) A person who is regulated by the federal Fair Credit Reporting Act and who receives personal information from a private entity under subsection (4) may use or provide the personal information received only to effect, administer, or enforce a transaction or prevent fraud or other criminal activity, if the person provides or receives personal information under contract from the private entity.

(6)(a) An individual may consent to allow the private entity to swipe the individual's driver license or identification card to collect and store personal information. However, the individual must be informed what information is collected and the purpose or purposes for which it will be used.

(b) If the individual does not want the private entity to swipe the individual's driver license or identification card, the private entity may manually collect personal information from the individual.

(7) The private entity may not withhold the provision of goods or services solely as a result of the individual requesting the collection of the data in subsection (6) from the individual through manual means.

(8) In addition to any other remedy provided by law, an individual may bring an action to recover actual damages and to obtain equitable relief, if equitable relief is available, against an entity that swipes, stores, shares, sells, or otherwise uses the individual's personal information in violation of this section. If a court finds that a violation of this section was willful or knowing, the court may increase the amount of the award to no more than three times the amount otherwise available.

(9) This section does not apply to a financial institution as defined in s. 655.005(i).

And the title is amended as follows:

Delete line 4790 and insert: means; providing remedies; exempting financial institutions; amending s. 322.18, F.S.;

Senator Latvala moved the following amendment to **Amendment 1** which was adopted:

Amendment 1Q (918134) (with title amendment)—Delete lines 1715-1723 and insert:

(8) A private entity that violates this section may be subject to a civil penalty not to exceed $5,000 per occurrence.

And the title is amended as follows:

Delete line 4790 and insert: means; providing that a private entity is subject to a civil penalty under certain circumstances; amending s. 322.18, F.S.;

Senator Brandes moved the following amendments to **Amendment 1** which were adopted:

Amendment 1R (834936) (with title amendment)—Delete lines 1724-1748.

And the title is amended as follows:

Delete lines 4790-4792 and insert: means; providing remedies; amending

Amendment 1S (626878)—Delete line 1944 and insert: *review of eligibility for a restricted driving privilege under s. 322.271(7).*

Amendment 1T (951944)—Delete lines 2547-2571 and insert:

(7) Notwithstanding the provisions of s. 322.2615(10)(a) and (b), a person who has never previously had a driver license suspended under s. 322.2615, has never been disqualified under section s. 322.64, has never been convicted of a violation of s. 316.193, and whose driving privilege is now suspended under section s. 322.2615 is eligible for a restricted driving privilege pursuant to a hearing under section (2).

(a) For purposes of this subsection, a previous conviction outside of this state for driving under the influence, driving while intoxicated, driving with an unlawful blood-alcohol level, or any other alcohol-related or drug-related traffic offense similar to the offense of driving under the

influence as provided in s. 316.193 will be considered a previous conviction for a violation of s. 316.193, and a conviction for violation of former s. 316.028, former s. 316.1931, or former s. 860.01 is considered a conviction for a violation of s. 316.193.

(b) The reinstatement shall be restricted to business purposes only, as defined in this section, for the duration of the suspension imposed under s. 322.2615.

(c) Acceptance of the reinstated driving privilege as provided in this subsection is deemed a waiver of the right to formal and informal review under s. 322.2615. The waiver may not be used as evidence in any other proceeding.

Amendment 1U (561490)—Delete lines 3415 snd 3416 and insert: thereof to the department within *10* ~~45~~ days after the *processing date or* effective date of each ~~renewal,~~ cancellation~~,~~ or nonrenewal.

Senator Montford moved the following amendment to **Amendment 1** which was adopted:

Amendment 1V (553740) (with title amendment)—Delete line 3604 and insert: and aquaculture *development* ~~law enforcement~~ and quality control programs.

(e) After all administrative costs are funded and the distributions in paragraphs (a)-(d) have been made, up to $400,000 shall be transferred by the Department of Highway Safety and Motor Vehicles to the General Inspection Trust Fund of the Department of Agriculture and Consumer Services to fund activities relating to the protection, restoration, and research of the natural oyster reefs and beds of the state. This paragraph expires July 1, 2017.

(f) After all administrative costs are funded and the distributions in paragraphs (a)-(d) have been made, up to $300,000 may be used by the Fish and Wildlife Conservation Commission for boating safety education. This paragraph expires July 1, 2017.

And the title is amended as follows:

Delete lines 4923 and 4924 and insert: revising how such funds are distributed; amending s.

Senator Brandes moved the following amendment to **Amendment 1** which was adopted:

Amendment 1W (569180)—Between lines 3604 and 3605 insert:

Section 61. Section 339.0801, Florida Statutes, is amended to read:

339.0801 Allocation of increased revenues derived from amendments to s. 319.32(5)(a) by ch. 2012-128.—Funds that result from increased revenues to the State Transportation Trust Fund derived from the amendments to s. 319.32(5)(a) made by this act must be used *annually, first as set forth in subsection (1) and then as set forth in subsections (2)-(5),* ~~as follows,~~ notwithstanding any other provision of law:

(1)(a) ~~In the 2012-2013 fiscal year, $200 million, or actual receipts up to $200 million, shall be transferred to the General Revenue Fund.~~

~~(b) The Department of Transportation shall transfer the actual receipts monthly to the General Revenue Fund. These transfers shall be made in the month following the deposit of those receipts into the State Transportation Trust Fund.~~

~~(2)~~ Beginning in the 2013-2014 fiscal year and annually for ~~up to~~ 30 years thereafter, $10 million shall be for the purpose of funding any seaport project identified in the adopted work program of the Department of Transportation, to be known as the Seaport Investment Program.

(b) The revenues may be assigned, pledged, or set aside as a trust for the payment of principal or interest on *revenue* bonds, ~~tax anticipation certificates,~~ or other forms 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. *Alternatively, revenue bonds shall be issued by the Division of Bond Finance at the request of the Department of Transportation under the State Bond Act and shall be secured by such revenues as are provided in this subsection.*

(c) ~~However, the debt is~~ *Revenue bonds or other indebtedness issued hereunder are* not a general obligation of the state *and are secured solely by a first lien on the revenues distributed under this subsection*.

(d) The state covenants with holders of the revenue bonds or other instruments of indebtedness issued pursuant to this subsection that it will not repeal ~~or impair or amend~~ this subsection*; nor take any other action, including but not limited to amending this subsection,* ~~in any manner~~ that will materially *and* ~~or~~ adversely affect the rights of *such* holders so long as *revenue* bonds *or other indebtedness* authorized by this subsection are outstanding.

(e) The proceeds of any *revenue* bonds or other indebtedness ~~secured by a pledge of the funding~~, after payment of costs of issuance and establishment of any required reserves, shall be invested in projects approved by the Department of Transportation and included in the department's adopted work program, by amendment if necessary. *As required under s. 11(f), Art. VII of the State Constitution, the Legislature approves projects included in the department's adopted work program, including any projects added to the work program by amendment under s. 339.135(7).*

(f) Any revenues that are not *used for* ~~pledged to~~ the *payment* ~~repayment~~ of bonds as authorized by this *subsection* ~~section~~ may be used 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 ss. 311.07 and 320.20(3) and (4). ~~Revenue bonds shall be issued by the Division of Bond Finance at the request of the Department of Transportation pursuant to the State Bond Act.~~

(2)~~(3)~~ Beginning in the 2013-2014 fiscal year and annually for up to 30 years thereafter, $35 million shall be transferred to Florida's Turnpike Enterprise, to be used in accordance with Florida Turnpike Enterprise Law, to the maximum extent feasible for feeder roads, structures, interchanges, appurtenances, and other rights to create or facilitate access to the existing turnpike system.

(3)~~(4)~~ Beginning in the 2013-2014 fiscal year and annually thereafter, $10 million shall be transferred to the Transportation Disadvantaged Trust Fund, to be used as specified in s. 427.0159.

(4)~~(5)~~ Beginning in the 2013-2014 fiscal year and annually thereafter, $10 million shall be allocated to the Small County Outreach Program, to be used as specified in s. 339.2818. These funds are in addition to the funds provided in s. 201.15(1)(c)1.b.

(5)~~(6)~~ After the distributions required pursuant to subsections (1)-*(4)*~~(5)~~, the remaining funds shall be used annually for transportation projects within this state for existing or planned strategic transportation projects which connect major markets within this state or between this state and other states, which focus on job creation, and which increase this state's viability in the national and global markets.

(6)~~(7)~~ Pursuant to s. 339.135(7), the department shall amend the work program to add the projects provided for in this section.

And the title is amended as follows:

Between lines 4924 and 4925 insert: 339.0801, F.S.; requiring the increased revenues derived from amendments to s. 319.32(5)(a), F.S.; by ch. 2012-128, Laws of Florida, to be first annually used beginning in FY 2013-2014 and for 30 years thereafter to fund seaport projects identified in the department's adopted work program; removing the authority to assign, pledge, or set aside revenues for the payment of principal or interest on tax anticipation certificates; providing that revenue bonds or other indebtedness are secured solely by first lien; revising provisions for the protection of bondholders; amending s.

Senator Latvala moved the following amendment to **Amendment 1** which was adopted:

Amendment 1X (975300) (with title amendment)—Delete lines 3621-3920 and insert: *Motor Vehicle Title Information System or an equivalent commercially available system as being the current state where the vehicle is titled* ~~appears registered~~. Such notice must contain:

(a) A description of the vehicle (year, make, vehicle identification number) and its location.

(b) The name and address of the owner of the vehicle, the customer as indicated on the order for repair, and any person claiming an interest in or lien thereon.

(c) The name, address, and telephone number of the lienor.

(d) Notice that the lienor claims a lien on the vehicle for labor and services performed and storage charges, if any, and the cash sum which, if paid to the lienor, would be sufficient to redeem the vehicle from the lien claimed by the lienor.

(e) Notice that the lien claimed by the lienor is subject to enforcement pursuant to this section and that the vehicle may be sold to satisfy the lien.

(f) If known, the date, time, and location of any proposed or scheduled sale of the vehicle. No vehicle may be sold earlier than 60 days after completion of the repair work.

(g) Notice that the owner of the vehicle or any person claiming an interest in or lien thereon has a right to a hearing at any time prior to the scheduled date of sale by filing a demand for hearing with the clerk of the circuit court in the county in which the vehicle is held and mailing copies of the demand for hearing to all other owners and lienors as reflected on the notice.

(h) Notice that the owner of the vehicle has a right to recover possession of the vehicle without instituting judicial proceedings by posting bond in accordance with the provisions of s. 559.917.

(i) Notice that any proceeds from the sale of the vehicle remaining after payment of the amount claimed to be due and owing to the lienor will be deposited with the clerk of the circuit court for disposition upon court order pursuant to subsection (8).

(2) If attempts to locate the owner or lienholder are unsuccessful *after a check of the records of the Department of Highway Safety and Motor Vehicles and any state disclosed by the check of the National Motor Vehicle Title Information System or an equivalent commercially available system*, the lienor must notify the local law enforcement agency in writing by certified mail or acknowledged hand delivery that the lienor has been unable to locate the owner or lienholder, that a physical search of the vehicle has disclosed no ownership information, and that a good faith effort*, including records checks of the Department of Highway Safety and Motor Vehicles database and the National Motor Vehicle Title Information System or an equivalent commercially available system,* has been made. A description of the motor vehicle which includes the year, make, and identification number must be given on the notice. This notification must take place within 15 business days, excluding Saturday and Sunday, from the beginning date of the assessment of storage charges on said motor vehicle. For purposes of this paragraph, the term "good faith effort" means that the following checks have been performed by the company to establish the prior state of registration and title:

(a) A check of the Department of Highway Safety and Motor Vehicles database for the owner and any lienholder;

(b) A check of the federally mandated electronic National Motor Vehicle Title Information System or an equivalent commercially available system to determine the state of registration when there is not a current title or registration record for the vehicle on file with the Department of Highway Safety and Motor Vehicles;

(c)~~(a)~~ A check of vehicle for any type of tag, tag record, temporary tag, or regular tag;

(d)~~(b)~~ A check of vehicle for inspection sticker or other stickers and decals that could indicate the state of possible registration; and

(e)~~(c)~~ A check of the interior of the vehicle for any papers that could be in the glove box, trunk, or other areas for the state of registration.

(3) If the date of the sale was not included in the notice required in subsection (1), notice of the sale must be sent by certified mail, return receipt requested, not less than 15 days before the date of sale, to the customer as indicated on the order for repair, and to all other persons claiming an interest in or lien on the motor vehicle, as disclosed by the records of the Department of Highway Safety and Motor Vehicles or of a corresponding agency of any other state in which the vehicle appears to have been registered *after completion of a check of the National Motor Vehicle Title Information System or an equivalent commercially available system*. ~~After diligent search and inquiry, if the name and address of the registered owner or the owner of the recorded lien cannot be ascertained, the requirements for this notice may be disregarded.~~

(4) The lienor, at least 15 days before the proposed or scheduled date of sale of the vehicle, shall publish the notice required by this section once in a newspaper circulated in the county where the vehicle is held. A certificate of compliance with the notification provisions of this section, verified by the lienor, together with a copy of the notice and return receipt for mailing of the notice required by this section, ~~and~~ proof of publication, *and checks of the Department of Highway Safety and Motor Vehicles and the National Motor Vehicle Title Information System or an equivalent commercially available system,* must be duly and expeditiously filed with the clerk of the circuit court in the county where the vehicle is held. The lienor, at the time of filing the certificate of compliance, must pay to the clerk of that court a service charge of $10 for indexing and recording the certificate.

(9) A copy of the certificate of compliance and the report of sale, certified by the clerk of the court, *and proof of the required check of the National Motor Vehicle Title Information System or an equivalent commercially available system* shall constitute satisfactory proof for application to the Department of Highway Safety and Motor Vehicles for transfer of title, together with any other proof required by any rules and regulations of the department.

(13) A failure to make good faith efforts as defined in subsection (2) precludes the imposition of any storage charges against the vehicle. If a lienor fails to provide notice to any person claiming a lien on a vehicle under subsection (1) within 15 business days after the assessment of storage charges have begun, then the lienor is precluded from charging for more than 15 days of storage, but failure to provide timely notice does not affect charges made for repairs, adjustments, or modifications to the vehicle or the priority of liens on the vehicle.

Section 62. Section 713.78, Florida Statutes, is amended to read:

713.78 Liens for recovering, towing, or storing vehicles and vessels.—

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

(a) "Vehicle" means any mobile item, whether motorized or not, which is mounted on wheels.

(b) "Vessel" means every description of watercraft, barge, and airboat used or capable of being used as a means of transportation on water, other than a seaplane or a "documented vessel" as defined in s. 327.02(9).

(c) "Wrecker" means any truck or other vehicle which is used to tow, carry, or otherwise transport motor vehicles or vessels upon the streets and highways of this state and which is equipped for that purpose with a boom, winch, car carrier, or other similar equipment.

(d) "National Motor Vehicle Title Information System" means the federally authorized electronic National Motor Vehicle Title Information System.

(e) "Equivalent commercially available system" means a service that charges a fee to provide vehicle information and that at a minimum maintains records from those states participating in data sharing with the National Motor Vehicle Title Information System.

(2) Whenever a person regularly engaged in the business of transporting vehicles or vessels by wrecker, tow truck, or car carrier recovers, removes, or stores a vehicle or vessel upon instructions from:

(a) The owner thereof;

(b) The owner or lessor, or a person authorized by the owner or lessor, of property on which such vehicle or vessel is wrongfully parked, and the removal is done in compliance with s. 715.07; ~~or~~

(c) The landlord or a person authorized by the landlord, when such motor vehicle or vessel remained on the premises after the tenancy terminated and the removal is done in compliance with s. 715.104; or

(d)~~(c)~~ Any law enforcement agency,

she or he shall have a lien on the vehicle or vessel for a reasonable towing fee and for a reasonable storage fee; except that no storage fee shall be charged if the vehicle is stored for less than 6 hours.

(3) This section does not authorize any person to claim a lien on a vehicle for fees or charges connected with the immobilization of such vehicle using a vehicle boot or other similar device pursuant to s. 715.07.

(4)(a) Any person regularly engaged in the business of recovering, towing, or storing vehicles or vessels who comes into possession of a vehicle or vessel pursuant to subsection (2), and who claims a lien for recovery, towing, or storage services, shall give notice to the registered owner, the insurance company insuring the vehicle notwithstanding the provisions of s. 627.736, and to all persons claiming a lien thereon, as disclosed by the records in the Department of Highway Safety and Motor Vehicles or *as disclosed by the records of any* ~~of a~~ corresponding agency in any other state *in which the vehicle is identified through a records check of the National Motor Vehicle Title Information System or an equivalent commercially available system as being titled or registered*.

(b) Whenever any law enforcement agency authorizes the removal of a vehicle or vessel or whenever any towing service, garage, repair shop, or automotive service, storage, or parking place notifies the law enforcement agency of possession of a vehicle or vessel pursuant to s. 715.07(2)(a)2., the law enforcement agency of the jurisdiction where the vehicle or vessel is stored shall contact the Department of Highway Safety and Motor Vehicles, or the appropriate agency of the state of registration, if known, within 24 hours through the medium of electronic communications, giving the full description of the vehicle or vessel. Upon receipt of the full description of the vehicle or vessel, the department shall search its files to determine the owner's name, the insurance company insuring the vehicle or vessel, and whether any person has filed a lien upon the vehicle or vessel as provided in s. 319.27(2) and (3) and notify the applicable law enforcement agency within 72 hours. The person in charge of the towing service, garage, repair shop, or automotive service, storage, or parking place shall obtain such information from the applicable law enforcement agency within 5 days after the date of storage and shall give notice pursuant to paragraph (a). The department may release the insurance company information to the requestor notwithstanding the provisions of s. 627.736.

(c) Notice by certified mail shall be sent within 7 business days after the date of storage of the vehicle or vessel to the registered owner, the insurance company insuring the vehicle notwithstanding the provisions of s. 627.736, and all persons of record claiming a lien against the vehicle or vessel. It shall state the fact of possession of the vehicle or vessel, that a lien as provided in subsection (2) is claimed, that charges have accrued and the amount thereof, that the lien is subject to enforcement pursuant to law, and that the owner or lienholder, if any, has the right to a hearing as set forth in subsection (5), and that any vehicle or vessel which remains unclaimed, or for which the charges for recovery, towing, or storage services remain unpaid, may be sold free of all prior liens after 35 days if the vehicle or vessel is more than 3 years of age or after 50 days if the vehicle or vessel is 3 years of age or less.

(d) If attempts to locate the name and address of the owner or lienholder prove unsuccessful, the towing-storage operator shall, after 7 working days, excluding Saturday and Sunday, of the initial tow or storage, notify the public agency of jurisdiction where the vehicle or vessel is stored in writing by certified mail or acknowledged hand delivery that the towing-storage company has been unable to locate the name and address of the owner or lienholder and a physical search of the vehicle or vessel has disclosed no ownership information and a good faith effort has been made*, including records checks of the Department of Highway Safety and Motor Vehicles and the National Motor Vehicle Title Information System or an equivalent commercially available system databases*. For purposes of this paragraph and subsection (9), "good faith effort" means that the following checks have been performed by the company to establish prior state of registration and for title:

1. Check of the Department of Highway Safety and Motor Vehicles database for the owner and any lienholder.

2. Check of the electronic National Motor Vehicle Title Information System or an equivalent commercially available system to determine the state of registration when there is not a current registration record for the vehicle on file with the Department of Highway Safety and Motor Vehicles.

3.~~1.~~ Check of vehicle or vessel for any type of tag, tag record, temporary tag, or regular tag.

4.~~2.~~ Check of law enforcement report for tag number or other information identifying the vehicle or vessel, if the vehicle or vessel was towed at the request of a law enforcement officer.

5.~~3.~~ Check of trip sheet or tow ticket of tow truck operator to see if a tag was on vehicle or vessel at beginning of tow, if private tow.

6.~~4.~~ If there is no address of the owner on the impound report, check of law enforcement report to see if an out-of-state address is indicated from driver license information.

7.~~5.~~ Check of vehicle or vessel for inspection sticker or other stickers and decals that may indicate a state of possible registration.

8.~~6.~~ Check of the interior of the vehicle or vessel for any papers that may be in the glove box, trunk, or other areas for a state of registration.

9.~~7.~~ Check of vehicle for vehicle identification number.

10.~~8.~~ Check of vessel for vessel registration number.

11.~~9.~~ Check of vessel hull for a hull identification number which should be carved, burned, stamped, embossed, or otherwise permanently affixed to the outboard side of the transom or, if there is no transom, to the outmost seaboard side at the end of the hull that bears the rudder or other steering mechanism.

(5)(a) The owner of a vehicle or vessel removed pursuant to the provisions of subsection (2), or any person claiming a lien, other than the towing-storage operator, within 10 days after the time she or he has knowledge of the location of the vehicle or vessel, may file a complaint in the county court of the county in which the vehicle or vessel is stored to determine if her or his property was wrongfully taken or withheld from her or him.

(b) Upon filing of a complaint, an owner or lienholder may have her or his vehicle or vessel released upon posting with the court a cash or surety bond or other adequate security equal to the amount of the charges for towing or storage and lot rental amount to ensure the payment of such charges in the event she or he does not prevail. Upon the posting of the bond and the payment of the applicable fee set forth in s. 28.24, the clerk of the court shall issue a certificate notifying the lienor of the posting of the bond and directing the lienor to release the vehicle or vessel. At the time of such release, after reasonable inspection, she or he shall give a receipt to the towing-storage company reciting any claims she or he has for loss or damage to the vehicle or vessel or the contents thereof.

(c) Upon determining the respective rights of the parties, the court may award damages, attorney's fees, and costs in favor of the prevailing party. In any event, the final order shall provide for immediate payment in full of recovery, towing, and storage fees by the vehicle or vessel owner or lienholder; or the agency ordering the tow; or the owner, lessee, or agent thereof of the property from which the vehicle or vessel was removed.

(6) Any vehicle or vessel which is stored pursuant to subsection (2) and which remains unclaimed, or for which reasonable charges for recovery, towing, or storing remain unpaid, and any contents not released pursuant to subsection (10), may be sold by the owner or operator of the storage space for such towing or storage charge after 35 days from the time the vehicle or vessel is stored therein if the vehicle or vessel is more than 3 years of age or after 50 days following the time the vehicle or vessel is stored therein if the vehicle or vessel is 3 years of age or less. The sale shall be at public sale for cash. If the date of the sale was not included in the notice required in subsection (4), notice of the sale shall be given to the person in whose name the vehicle or vessel is registered and to all persons claiming a lien on the vehicle or vessel as shown on the records of the Department of Highway Safety and Motor Vehicles or of *any* ~~the~~ corresponding agency in any other state *in which the vehicle is*

identified through a records check of the National Motor Vehicle Title Information System or an equivalent commercially available system as being

And the title is amended as follows:

Delete lines 4926-4942 and insert: National Motor Vehicle Title Information System or an equivalent commercially available system, or the records of any corresponding agency of any other state before enforcing a lien by selling the motor vehicle; requiring the lienholder to notify the local law enforcement agency in writing by certified mail informing the law enforcement agency that the lienholder has made a good faith effort to locate the owner or lienholder; specifying that a good faith effort includes a check of the Department of Highway Safety and Motor Vehicles database records and the National Motor Vehicle Title Information System or an equivalent commercially available system; setting requirements for notification of the sale of the vehicle as a way to enforce a lien; requiring the lienholder to publish notice; requiring the lienholder to keep a record of proof of checking the National Motor Vehicle Title Information System or an equivalent commercially available system; amending s. 713.78, F.S.; providing definitions; revising provisions for enforcement of a

Senator Montford moved the following amendment to **Amendment 1** which was adopted:

Amendment 1Y (187284) (with title amendment)—Between lines 4607 and 4608 insert:

Section 79. *For the 2013-2014 fiscal year, the sum of $400,000 in recurring funds is appropriated from the General Inspection Trust Fund in the Department of Agriculture and Consumer Services to the Department of Agriculture and Consumer Services' Oyster Planting appropriation category to implement s. 328.76(1)(e), Florida Statutes, as created by this act.*

Section 80. *For the 2013-2014 fiscal year, the sum of $300,000 in recurring funds is appropriated from the Marine Resources Conservation Trust Fund in the Florida Fish and Wildlife Conservation Commission to the Florida Fish and Wildlife Conservation Commission's Boating Safety Education Program appropriation category to implement s. 328.76(1)(f), Florida Statutes, as created by this act.*

And the title is amended as follows:

Delete line 4949 and insert: by the act; providing appropriations; providing an effective date.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Brandes moved the following amendment to **Amendment 1** which was adopted:

Amendment 1Z (651454) (with title amendment)—Delete lines 3280-3406 and insert:

Section 53. Subsection (2) of section 323.002, Florida Statutes, is amended to read:

323.002 County and municipal wrecker operator systems; penalties for operation outside of system.—

(2) In any county or municipality that operates a wrecker operator system:

(a) It is unlawful for an unauthorized wrecker operator or its employees or agents to monitor police radio for communications between patrol field units and the dispatcher in order to determine the location of a wrecked or disabled vehicle for the purpose of driving by the scene of such vehicle in a manner described in paragraph (b) or paragraph (c). Any person who violates this paragraph *commits* ~~is guilty of~~ a noncriminal violation, punishable as provided in s. 775.083.

(b) It is unlawful for an unauthorized wrecker operator to drive by the scene of a wrecked or disabled vehicle before the arrival of an authorized wrecker operator, initiate contact with the owner or operator of such vehicle by soliciting or offering towing services, and tow such vehicle. Any person who violates this paragraph *commits* ~~is guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(c) When an unauthorized wrecker operator drives by the scene of a wrecked or disabled vehicle and the owner or operator initiates contact by signaling the wrecker operator to stop and provide towing services, the unauthorized wrecker operator must disclose *in writing* to the owner or operator of the vehicle *his or her full name and driver license number,* that he or she is not the authorized wrecker operator who has been designated as part of the wrecker operator system*, that the motor vehicle is not being towed for the owner's or operator's insurance company or lienholder, whether he or she has in effect an insurance policy providing at least $300,000 of liability insurance and at least $50,000 of on-hook cargo insurance,* and *the maximum* ~~must disclose, in writing, a fee schedule that includes what~~ charges for towing and storage *which* will apply before the vehicle is connected to ~~or disconnected from~~ the towing apparatus~~, the fee charged per mile to and from the storage facility, the fee charged per 24 hours of storage, and, prominently displayed, the consumer hotline for the Department of Agriculture and Consumer Services~~. Any person who violates this paragraph *commits* ~~is guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

And the title is amended as follows:

Delete lines 4872-4896 and insert: 323.002, F.S.; requiring an unauthorized wrecker operator to disclose in writing to the owner or operator of a disabled motor vehicle certain information;

RECONSIDERATION OF AMENDMENT

On motion by Senator Diaz de la Portilla, the Senate reconsidered the vote by which **Amendment 1E (371162)** was adopted. **Amendment 1E (371162)** was withdrawn.

On motion by Senator Brandes, further consideration of **CS for CS for HB 7125** with pending **Amendment 1 (218538)**, as amended, was deferred.

INTRODUCTION OF FORMER SENATORS

Senator Smith recognized former Senator and current U.S. Congresswoman Debbie Wasserman Schultz, who was present in the chamber.

Consideration of **CS for CS for SB 966**, **CS for CS for SB 1722**, and **CS for CS for SB 1024** was deferred.

On motion by Senator Simmons—

CS for SB 952—A bill to be entitled An act relating to the Orlando-Orange County Expressway Authority; amending ss. 348.751 and 348.752, F.S.; renaming the Orlando-Orange County Expressway System as the "Central Florida Expressway System"; revising definitions; making technical changes; amending s. 348.753, F.S.; creating the Central Florida Expressway Authority; providing for the transfer of governance and control, legal rights and powers, responsibilities, terms, and obligations to the authority; providing conditions for the transfer; revising the composition of the governing body of the authority; providing for appointment of officers of the authority; revising quorum and voting requirements; conforming terminology and making technical changes; amending s. 348.754, F.S.; providing that the area served by the authority is within the geopolitical boundaries of Orange, Seminole, Lake, and Osceola Counties; requiring the authority to have prior consent from the Secretary of the Department of Transportation to construct an extension, addition, or improvement to the expressway system in Lake County; extending, to 99 years from 40 years, the term of a lease or lease-purchase agreement; limiting the authority's authority to enter into a lease-purchase agreement; limiting the use of certain toll-revenues; providing exceptions; removing the requirement that the route of a project must be approved by a municipality before the right-of-way can be acquired; requiring that the authority encourage the inclusion of local-, small-, minority-, and women-owned businesses in its procurement and contracting opportunities; removing the authority and criteria

for an authority to waive payment and performance bonds for certain public works projects that are awarded pursuant to an economic development program; conforming terminology and making technical changes; amending ss. 348.7543, 348.7544, 348.7545, 348.7546, 348.7547, 348.755, and 348.756, F.S.; conforming terminology and making technical changes; amending s. 348.757, F.S.; providing that upon termination of the lease-purchase agreement of the former Orlando-Orange County Expressway System, title in fee simple to the system will be retained by the authority; conforming terminology and making technical changes; amending ss. 348.758, 348.759, 348.760, 348.761, 348.765, and 369.317, F.S.; conforming terminology and making technical changes; amending s. 369.324, F.S.; revising the membership of the Wekiva River Basin Commission; conforming terminology; providing criteria for the transfer of the Osceola County Expressway System to the Central Florida Expressway Authority; providing for the repeal of part V of ch. 348, F.S., when the Osceola County Expressway System is transferred to the Central Florida Expressway Authority; requiring the Central Florida Expressway Authority to reimburse other governmental entities for obligations related to the Osceola County Expressway System; providing for reimbursement after payment of other obligations; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 952** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1686** was deferred.

On motion by Senator Hukill—

CS for CS for SB 446—A bill to be entitled An act relating to the economic development incentive application process; amending s. 288.061, F.S.; requiring an applicant to provide a surety bond to the Department of Economic Opportunity before the applicant receives incentive awards through the Quick Action Closing Fund or the Innovation Incentive Program; requiring the contract or agreement to provide that the bond remain in effect until all conditions have been satisfied; providing that the department may require the bond to cover the entire contracted amount or allow for bonds to be renewed upon completion of certain performance measures; requiring the contract or agreement to provide that funds are contingent upon receipt of the surety bond; requiring the contract or agreement to provide that up to half of the premium payment on the bond may be paid from the award up to a certain amount; requiring an applicant to notify the department of premium payments; providing for certain notice requirements upon cancellation or nonrenewal by an insurer; providing that the cancellation of the surety bond violates the contract or agreement; providing an exception; providing for a waiver if certain information is provided; providing that if the department grants a waiver, the contract or agreement must provide for securing the award in a certain form; requiring the contract or agreement to provide that the release of funds is contingent upon satisfying certain requirements; requiring the irrevocable letter of credit, trust, or security agreement to remain in effect until certain conditions have been satisfied; providing for a waiver of the surety bond or other security if certain information is provided and the department determines it to be in the best interest of the state; providing that the waiver of the surety bond or other security, for funding in excess of $5 million, must be approved by the Legislative Budget Commission; providing that the state may bring suit upon default or upon a violation of this section; providing that the department may adopt rules to implement this section; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 446** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 1686—A bill to be entitled An act relating to pugilistic exhibitions; amending s. 548.002, F.S.; revising definitions; amending s. 548.004, F.S.; revising the duties and responsibilities of the executive director of the Florida State Boxing Commission; deleting a provision requiring the electronic recording of all scheduled Florida State Boxing Commission proceedings; amending s. 548.006, F.S.; providing the commission exclusive jurisdiction over approval of amateur mixed martial arts matches; amending s. 548.007, F.S.; revising nonapplicability of ch. 548, F.S.; repealing s. 548.015, F.S., which requires licensed concessionaires to obtain a security, to conform; amending s. 548.017, F.S.; deleting a requirement for the licensure of concessionaires; amending s. 548.046, F.S.; providing for immediate license suspension and other disciplinary action if a participant fails or refuses to provide a urine sample or tests positive for specified prohibited substances; amending s. 548.054, F.S.; revising procedure and requirements for requesting a hearing following the withholding of a purse; amending s. 548.06, F.S.; revising the calculation of gross receipts; requiring promoters to retain specified documents and records; authorizing the commission and the Department of Business and Professional Regulation to audit specified records retained by a promoter; requiring the commission to adopt rules; amending s. 548.07, F.S.; revising the procedure for suspension of licensure by specified persons; amending s. 548.073, F.S.; revising rules of procedure governing commission hearings; providing an appropriation; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1686**, on motion by Senator Altman, by two-thirds vote **CS for HB 1067** was withdrawn from the Committees on Regulated Industries; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Altman—

CS for HB 1067—A bill to be entitled An act relating to pugilistic exhibitions; amending s. 548.002, F.S.; revising definitions; amending s. 548.004, F.S.; revising the duties and responsibilities of the executive director of the Florida State Boxing Commission; deleting a provision requiring the electronic recording of all scheduled Florida State Boxing Commission proceedings; amending s. 548.006, F.S.; providing the commission exclusive jurisdiction over approval of amateur mixed martial arts matches; amending s. 548.007, F.S.; revising nonapplicability of ch. 548, F.S.; repealing s. 548.015, F.S., which requires licensed concessionaires to obtain a security, to conform; amending s. 548.017, F.S.; deleting a requirement for the licensure of concessionaires; amending s. 548.046, F.S.; providing for immediate license suspension and other disciplinary action if a participant fails or refuses to provide a urine sample or tests positive for specified prohibited substances; amending s. 548.054, F.S.; revising procedure and requirements for requesting a hearing following the withholding of a purse; amending s. 548.06, F.S.; revising the calculation of gross receipts; requiring promoters to retain specified documents and records; authorizing the commission and the Department of Business and Professional Regulation to audit specified records retained by a promoter; requiring the commission to adopt rules; amending s. 548.07, F.S.; revising the procedure for suspension of licensure by specified persons; amending s. 548.073, F.S.; revising rules of procedure governing commission hearings; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1686** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1067** was placed on the calendar of Bills on Third Reading.

RECESS

The President declared the Senate in recess at 11:28 a.m. to reconvene at 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order by President Gaetz at 1:30 p.m. A quorum present—40:

Mr. President	Bullard	Garcia
Abruzzo	Clemens	Gardiner
Altman	Dean	Gibson
Bean	Detert	Grimsley
Benacquisto	Diaz de la Portilla	Hays
Bradley	Evers	Hukill
Brandes	Flores	Joyner
Braynon	Galvano	Latvala

Lee	Ring	Soto
Legg	Sachs	Stargel
Margolis	Simmons	Thompson
Montford	Simpson	Thrasher
Negron	Smith	
Richter	Sobel	

SPECIAL ORDER CALENDAR

On motion by Senator Brandes, the Senate resumed consideration of—

CS for CS for HB 7125—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 110.205, F.S.; providing that certain positions in the department are exempt from career service; amending s. 207.002, F.S., relating to the Florida Diesel Fuel and Motor Fuel Use Tax Act of 1981; deleting definitions of the terms "apportioned motor vehicle" and "apportionable vehicle"; amending s. 316.0083, F.S.; revising provisions for enforcement of specified provisions using a traffic infraction detector; prohibiting a notice of violation or a traffic citation for a right on red violation under specified provisions; amending s. 316.066, F.S.; authorizing the Department of Transportation to immediately receive a crash report; amending s. 316.0776, F.S.; removing a requirement that the department, a county, or a municipality notify the public of enforcement of violations concerning right turns via a traffic infraction detector; amending s. 316.081, F.S.; prohibiting a driver from driving at less than the posted speed in the furthermost left-hand lane of a road, street, or highway having two or more lanes if being overtaken by a motor vehicle; providing exceptions; providing penalties; amending s. 316.1937, F.S.; revising operational specifications for ignition interlock devices; amending s. 316.2397, F.S.; exempting specified municipal officials from a prohibition against showing or displaying blue lights on a motor vehicle under certain conditions; amending s. 316.302, F.S.; revising provisions for certain commercial motor vehicles and transporters and shippers of hazardous materials; providing for application of specified federal regulations; removing a provision for application of specified provisions and federal regulations to transporting liquefied petroleum gas; amending s. 316.3025, F.S.; providing penalties for violation of specified federal regulations relating to medical and physical requirements for commercial drivers while driving a commercial motor vehicle; revising provisions for seizure of motor vehicle for refusal to pay penalty; providing penalties for violation of specified federal regulations relating to commercial drivers and the use of mobile telephones and texting while driving a commercial motor vehicle; providing exemptions; amending s. 316.515, F.S.; revising provisions for exceptions to width, height, and length limitations; amending s. 316.545, F.S.; revising language relating to certain commercial motor vehicles not properly licensed and registered; amending s. 316.646, F.S., relating to proof of property damage liability security and display thereof; providing for proof of insurance in an electronic format and on an electronic device; providing conditions relating to the use of such electronic device; requiring the department to adopt rules; amending s. 317.0016, F.S., relating to expedited services; removing a requirement that the department provide such service for certain certificates; amending s. 318.14, F.S., relating to disposition of traffic citations; providing that certain alternative procedures for certain traffic offenses are not available to a person who holds a commercial learner's permit; amending s. 318.1451, F.S.; revising provisions relating to driver improvement schools; removing a provision for a chief judge to establish requirements for the location of schools within a judicial circuit; removing a provision that authorizes a person to operate a driver improvement school; revising provisions for persons taking unapproved course; providing criteria for initial approval of courses; revising requirements for courses, course certificates, and course providers; directing the department to adopt rules; creating s. 319.141, F.S.; directing the department to conduct a pilot program to evaluate rebuilt vehicle inspection services performed by the private sector; providing definitions; providing for the department to enter into a memorandum of understanding with the private provider; providing minimum criteria and certain requirements; requiring the department to provide a report to the Legislature; providing for future expiration; amending s. 319.225, F.S.; revising provisions for certificates of title, reassignment of title, and forms; revising procedures for transfer of title; amending s. 319.23, F.S.; revising requirements for content of certificates of title and applications for title; amending s. 319.28, F.S.; revising provisions for transfer of ownership by operation of law when a motor vehicle or mobile home is repossessed; removing provisions for a certificate of repossession; amending s. 319.30, F.S., relating to disposition of derelict motor vehicles; defining the term "National Motor Vehicle Title Information System"; requiring salvage motor vehicle dealers, insurance companies, and other persons to notify the system when receiving or disposing of such a vehicle; requiring proof of such notification when applying for a certificate of destruction or salvage certificate of title; providing penalties; amending s. 319.323, F.S., relating to expedited services of the department; removing certificates of repossession; amending s. 320.01, F.S.; removing the definition of the term "apportioned motor vehicle"; revising the definition of the term "apportionable vehicle"; amending s. 320.02, F.S.; revising requirements for application for motor vehicle registration; providing for insurers to furnish proof-of-purchase cards in a paper or an electronic format; requiring the application form for motor vehicle registration and renewal of registration to include language permitting the applicant to make a voluntary contribution to the Auto Club Group Traffic Safety Foundation, Inc.; amending s. 320.03, F.S.; revising a provision for registration under the International Registration Plan; amending s. 320.071, F.S.; revising a provision for advance renewal of registration under the International Registration Plan; amending s. 320.0715, F.S.; revising provisions for vehicles required to be registered under the International Registration Plan; amending s. 320.08058, F.S.; revising the prescribed use of proceeds from the sale of Hispanic Achievers license plates; amending s. 320.089, F.S.; creating a special use license plate for current or former members of the United States Armed Forces who participated in Operation Desert Storm or Operation Desert Shield; amending s. 320.18, F.S.; providing for withholding of motor vehicle or mobile home registration when a coowner has failed to register the motor vehicle or mobile home during a previous period when such registration was required; providing for cancelling a vehicle or vessel registration, driver license, identification card, or fuel-use tax decal if the coowner pays certain fees and other liabilities with a dishonored check; amending s. 320.27, F.S., relating to motor vehicle dealers; providing for extended periods for dealer licenses and supplemental licenses; providing fees; amending s. 320.62, F.S., relating to manufacturers, distributors, and importers of motor vehicles; providing for extended licensure periods; providing fees; amending s. 320.77, F.S., relating to mobile home dealers; providing for extended licensure periods; providing fees; amending s. 320.771, F.S., relating to recreational vehicle dealers; providing for extended licensure periods; providing fees; amending s. 320.8225, F.S., relating to mobile home and recreational vehicle manufacturers, distributors, and importers; providing for extended licensure periods; providing fees; amending s. 322.08, F.S.; requiring the application form for an original, renewal, or replacement driver license or identification card to include language permitting the applicant to make a voluntary contribution to the Auto Club Group Traffic Safety Foundation, Inc.; amending s. 322.095, F.S.; requiring an applicant for a driver license to complete a traffic law and substance abuse education course; providing exceptions; revising procedures for evaluation and approval of such courses; revising criteria for such courses and the schools conducting the courses; providing for collection and disposition of certain fees; requiring providers to maintain records; directing the department to conduct effectiveness studies; requiring a provider to cease offering a course that fails the study; requiring courses to be updated at the request of the department; requiring providers to disclose certain information; requiring providers to submit course completion information to the department within a certain time period; prohibiting certain acts; providing that the department shall not accept certification from students; prohibiting a person convicted of certain crimes from conducting courses; directing the department to suspend course approval for certain purposes; providing for the department to deny, suspend, or revoke course approval for certain acts; providing for administrative hearing before final action denying, suspending, or revoking course approval; providing penalties for violations; amending s. 322.125, F.S.; revising criteria for members of the Medical Advisory Board; amending s. 322.135, F.S.; removing a provision that authorizes a tax collector to direct certain licensees to the department for examination or reexamination; creating s. 322.143, F.S.; defining terms; prohibiting a private entity from swiping an individual's driver license or identification card except for certain specified purposes; providing that a private entity that swipes an individual's driver license or identification card may not store, sell, or share personal information collected from swiping the driver license or identification card; providing exceptions; providing that the private entity may manually collect personal information; prohibiting a private entity from withholding the provision of goods or services solely as a result of the individual requesting the collection of the data through manual means; providing remedies; amending s. 322.212, F.S.; providing penalties for certain violations involving

application and testing for a commercial driver license or a commercial learner's permit; amending s. 322.22, F.S.; authorizing the department to withhold issuance or renewal of a driver license, identification card, vehicle or vessel registration, or fuel-use decal under certain circumstances; amending s. 322.245, F.S.; requiring a depository or clerk of court to electronically notify the department of a person's failure to pay support or comply with directives of the court; amending s. 322.25, F.S.; removing a provision for a court order to reinstate a person's driving privilege on a temporary basis when the person's license and driving privilege have been revoked under certain circumstances; amending ss. 322.2615 and 322.2616, F.S., relating to review of a license suspension when the driver had blood or breath alcohol at a certain level or the driver refused a test of his or her blood or breath to determine the alcohol level; authorizing the driver to request a review of eligibility for a restricted driving privilege; revising provisions for informal and formal reviews; providing for the hearing officer to be designated by the department; authorizing the hearing officer to conduct hearings using telecommunications technology; revising procedures for enforcement of subpoenas; directing the department to issue a temporary driving permit or invalidate the suspension under certain circumstances; providing for construction of specified provisions; amending s. 322.271, F.S.; providing conditions under which a person whose driver license is suspended for a DUI-related offense may be eligible to receive a restricted driving privilege; amending s. 322.2715, F.S.; providing requirements for issuance of a restricted driver license for a person convicted of a DUI offense if a medical waiver of placement of an ignition interlock device was given to such person; amending s. 322.28, F.S., relating to revocation of driver license for convictions of DUI offenses; providing that convictions occurring on the same date for offenses occurring on separate dates are considered separate convictions; removing a provision relating to a court order for reinstatement of a revoked driver license; repealing s. 322.331, F.S., relating to habitual traffic offenders; amending s. 322.61, F.S.; revising provisions for disqualification from operating a commercial motor vehicle; providing for application of such provisions to persons holding a commercial learner's permit; revising the offenses for which certain disqualifications apply; amending s. 322.64, F.S., relating to driving with unlawful blood-alcohol level or refusal to submit to breath, urine, or blood test by a commercial driver license holder or person driving a commercial motor vehicle; providing that a disqualification from driving a commercial motor vehicle is considered a conviction for certain purposes; revising the time period a person is disqualified from driving for alcohol-related violations; revising requirements for notice of the disqualification; providing that under the review of a disqualification the hearing officer shall consider the crash report; revising provisions for informal and formal reviews; providing for the hearing officer to be designated by the department; authorizing the hearing officer to conduct hearings using telecommunications technology; revising procedures for enforcement of subpoenas; directing the department to issue a temporary driving permit or invalidate the suspension under certain circumstances; providing for construction of specified provisions; amending s. 323.002, F.S.; providing that an unauthorized wrecker operator's wrecker, tow truck, or other motor vehicle used during certain offenses may be removed and impounded; requiring an unauthorized wrecker operator to disclose certain information in writing to the owner or operator of a motor vehicle and provide a copy of the disclosure to the owner or operator in the presence of a law enforcement officer if an officer is present; authorizing state and local government law enforcement officers to cause to be removed and impounded any wrecker, tow truck, or other motor vehicle used in violation of specified provisions; authorizing the authority that caused the removal and impoundment to assess a cost recovery fine; providing procedures and requirements for release of the vehicle; providing penalties; requiring that the unauthorized wrecker operator pay the fees associated with the removal and storage of the vehicle; amending s. 324.0221, F.S.; revising the actions which must be reported to the department by an insurer that has issued a policy providing personal injury protection coverage or property damage liability coverage; revising time allowed for submitting the report; amending s. 324.031, F.S.; revising the methods a vehicle owner or operator may use to prove financial responsibility; removing a provision for posting a bond with the department; amending s. 324.091, F.S.; revising provisions requiring motor vehicle owners and operators to provide evidence to the department of liability insurance coverage under certain circumstances; revising provisions for verification by insurers of such evidence; amending s. 324.161, F.S.; providing requirements for issuance of a certificate of insurance; requiring proof of a certificate of deposit of a certain amount of money in a financial institution; providing for power of attorney to be issued to the department for execution under certain circumstances; amending s. 328.01, F.S., relating to vessel titles; revising identification requirements for applications for a certificate of title; amending s. 328.48, F.S., relating to vessel registration; revising identification requirements for applications for vessel registration; amending s. 328.76, F.S., relating to vessel registration funds; revising provisions for funds to be deposited into the Highway Safety Operating Trust Fund; providing for certain funds to be used for aquaculture development; providing appropriations; amending s. 713.585, F.S.; revising procedures and requirements for enforcement of lien by sale of motor vehicle when ownership is not established; revising provisions for establishing a good faith effort to locate the owner or lienholder; requiring the lienholder to make certain records checks, including records of the department and the National Motor Vehicle Title Information System and any state disclosed by the check of that system; revising requirements for notification to the local law enforcement agency; revising requirements for notification of the sale of the vehicle; revising documents and proofs the lienholder is required to furnish with a certificate of compliance filed with the clerk of the circuit court; requiring the lienholder to provide the department proof of checking the National Motor Vehicle Title Information System for application for transfer of title; amending s. 713.78, F.S.; revising provisions for enforcement of liens for recovering, towing, or storing a vehicle or vessel; providing a definition; providing for a lien on a vehicle or vessel when a landlord or the landlord's designee authorized removal after tenancy is terminated and specified conditions are met; revising provisions requiring notice to the owner, insurance company, and lienholders; revising procedures and requirements when ownership is not established; revising provisions for establishing a good faith effort to locate the owner or lienholder; requiring certain records checks, including records of the department and the National Motor Vehicle Title Information System and any state disclosed by the check of that system; revising provisions for notice of sale; requiring that insurance company representatives shall be allowed to inspect the vehicle or vessel; providing that when the vehicle is to be sold for purposes of being dismantled, destroyed, or changed in such manner that it is not the motor vehicle or vessel described in the certificate of title, it must be reported to the National Motor Vehicle Title Information System and application made to the department for a certificate of destruction; authorizing the governing body of a county to create a yellow dot critical motorist medical information program for certain purposes; authorizing a county to solicit sponsorships for the medical information program and enter into an interlocal agreement with another county to solicit such sponsorships; authorizing the Department of Highway Safety and Motor Vehicles and the Department of Transportation to provide education and training and publicize the program; requiring the program to be free to participants; providing for applications to participate; providing for a yellow dot decal and a yellow dot folder to be issued to participants and a form containing specified information about the participant; providing procedures for use of the decal, folder, and form; providing for limited use of information on the forms by emergency medical responders; limiting liability of emergency medical responders; requiring the governing body of a participating county to adopt guidelines and procedures to ensure that confidential information is not made public; providing for contingent effect; amending ss. 212.08, 261.03, 316.2122, 316.2124, 316.21265, 316.3026, 316.550, 317.0003, 320.08, 320.0847, 322.271, 322.282, 324.023, 324.171, 324.191, 627.733, and 627.7415, F.S.; correcting cross-references and conforming provisions to changes made by the act; providing effective dates.

—which was previously considered this day. Pending **Amendment 1 (218538)** by Senator Brandes as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for HB 7125** as amended was placed on the calendar of Bills on Third Reading.

BILLS ON THIRD READING

The Senate resumed consideration of—

CS for CS for HB 635—A bill to be entitled An act relating to insurance; amending s. 215.555, F.S.; revising the date of the future repeal of an exemption of medical malpractice insurance premiums from emergency assessments imposed to fund certain obligations, costs, and expenses of the Florida Hurricane Catastrophe Fund and the Florida Hurricane Catastrophe Fund Finance Corporation; amending s. 316.646, F.S.; authorizing a uniform motor vehicle proof-of-insurance card to be in an electronic format; providing construction with respect to the para-

meters of a person's consent to access information on an electronic device presented to provide proof of insurance; providing immunity from liability to a law enforcement officer for damage to an electronic device presented to provide proof of insurance; authorizing the Department of Highway Safety and Motor Vehicles to adopt rules; amending s. 320.02, F.S.; authorizing insurers to furnish uniform proof-of-purchase cards in an electronic format for use by insureds to prove the purchase of required insurance coverage when registering a motor vehicle; amending s. 554.1021, F.S.; defining the term "authorized inspection agency"; amending s. 554.107, F.S.; requiring the chief inspector of the state boiler inspection program to issue a certificate of competency as a special inspector to certain individuals; specifying how long such certificate remains in effect; amending s. 554.109, F.S.; authorizing specified insurers to contract with an authorized inspection agency for boiler inspections; requiring such insurers to annually report the identity of contracted authorized inspection agencies to the Department of Financial Services; amending s. 624.413, F.S.; revising a specified time period applicable to a certified examination that must be filed by a foreign or alien insurer applying for a certificate of authority; amending s. 626.0428, F.S.; requiring a branch place of business to have an agent in charge; authorizing an agent to be in charge of more than one branch office under certain circumstances; providing requirements relating to the designation of an agent in charge; providing that the agent in charge is accountable for misconduct and violations committed by the licensee and any person under his or her supervision; prohibiting an insurance agency from conducting insurance business at a location without a designated agent in charge; providing for expiration of an agency license under specified circumstances; amending s. 626.112, F.S.; providing licensure exemptions that allow specified individuals or entities to conduct insurance business at specified locations under certain circumstances; revising licensure requirements and penalties with respect to registered insurance agencies; providing that the registration of an approved registered insurance agency automatically converts to an insurance agency license on a specified date; amending s. 626.172, F.S.; revising requirements relating to applications for insurance agency licenses; conforming provisions to changes made by the act; amending s. 626.321, F.S.; providing that a limited license to offer motor vehicle rental insurance issued to a business that rents or leases motor vehicles encompasses the employees of such business; amending s. 626.382, F.S.; providing that an insurance agency license continues in force until canceled, suspended, revoked, or terminated; amending s. 626.601, F.S.; revising terminology relating to investigations conducted by the Department of Financial Services and the Office of Insurance Regulation with respect to individuals and entities involved in the insurance industry; repealing s. 626.747, F.S., relating to branch agencies, agents in charge, and the payment of additional county tax under certain circumstances; amending s. 626.8411, F.S.; conforming a cross-reference; amending s. 626.8805, F.S.; revising insurance administrator application requirements; amending s. 626.8817, F.S.; authorizing an insurer's designee to provide certain coverage information to an insurance administrator; authorizing an insurer to subcontract the audit of an insurance administrator; amending s. 626.882, F.S.; prohibiting a person from acting as an insurance administrator without a specific written agreement; amending s. 626.883, F.S.; requiring insurance administrators to furnish fiduciary account records to an insurer's designee; requiring administrator withdrawals from a fiduciary account to be made according to specific written agreements; providing that an insurer's designee may authorize payment of claims; amending s. 626.884, F.S.; revising an insurer's right of access to certain administrator records; amending s. 626.89, F.S.; revising the deadline for filing certain financial statements; amending s. 626.931, F.S.; deleting provisions requiring a surplus lines agent to file a quarterly affidavit with the Florida Surplus Lines Service Office; amending s. 626.932, F.S.; revising the due date of surplus lines tax; amending ss. 626.935 and 626.936, F.S.; conforming provisions to changes made by the act; amending s. 627.062, F.S.; requiring the Office of Insurance Regulation to use certain models or straight averages of certain models to estimate hurricane losses when determining whether the rates in a rate filing are excessive, inadequate, or unfairly discriminatory; amending s. 627.0628, F.S.; increasing the length of time during which an insurer must adhere to certain findings made by the Commission on Hurricane Loss Projection Methodology with respect to certain methods, principles, standards, models, or output ranges used in a rate finding; providing that the requirement to adhere to such findings does not limit an insurer from using a straight average of results of certain models or output ranges under specified circumstances; amending s. 627.072, F.S.; authorizing retrospective rating plans relating to workers' compensation and employer's liability insurance to allow negotiations between certain employers and insurers with respect to rating factors used to calculate premiums; amending s. 627.281, F.S.; conforming a cross-reference; amending s. 627.351, F.S.; requiring Citizens Property Insurance Corporation to submit a biannual report on the number of residential sinkhole policies issued and declined; requiring the corporation to establish a Citizens Sinkhole Stabilization Repair Program for sinkhole claims; providing definitions; providing program components; specifying the corporation's liability with respect to sinkhole claims; requiring the offering by the corporation of specified deductible amounts for sinkhole loss coverage; repealing s. 627.3519, F.S., relating to an annual report from the Financial Services Commission to the Legislature of aggregate net probable maximum losses, financing options, and potential assessments of the Florida Hurricane Catastrophe Fund and Citizens Property Insurance Corporation; amending s. 627.4133, F.S.; increasing the amount of prior notice required with respect to the nonrenewal, cancellation, or termination of certain insurance policies; deleting certain provisions that require extended periods of prior notice with respect to the nonrenewal, cancellation, or termination of certain insurance policies; prohibiting the cancellation of certain policies that have been in effect for a specified amount of time except under certain circumstances; amending s. 627.4137, F.S.; adding licensed company adjusters to the list of persons who may respond to a claimant's written request for information relating to liability insurance coverage; amending s. 627.421, F.S.; authorizing the electronic delivery of certain insurance documents; amending s. 627.43141, F.S.; authorizing a notice of change in policy terms to be sent in a separate mailing to an insured under certain circumstances; requiring an insurer to provide such notice to insured's insurance agent; amending s. 627.6484, F.S.; providing that coverage for each policyholder of the Florida Comprehensive Health Association terminates on a specified date; requiring the association to provide assistance to policyholders; requiring the association to notify policyholders of termination of coverage and provide information concerning how to obtain other coverage; requiring the association to impose a final assessment or provide a refund to member insurers, sell or dispose of physical assets, perform a final accounting, legally dissolve the association, submit a required report, and transfer all records to the Office of Insurance Regulation; repealing s. 627.64872, F.S., relating to the Florida Health Insurance Plan; providing for the future repeal of ss. 627.648, 627.6482, 627.6484, 627.6486, 627.6488, 627.6489, 627.649, 627.6492, 627.6494, 627.6496, 627.6498, and 627.6499, F.S., relating to the Florida Comprehensive Health Association Act, definitions, termination of enrollment and availability of other coverage, eligibility, the Florida Comprehensive Health Association, the Disease Management Program, the administrator of the health insurance plan, participation of insurers, insurer assessments, deferment, and assessment limitations, issuing of policies, minimum benefits coverage and exclusions, premiums, and deductibles, and reporting by insurers and third-party administrators, respectively; amending s. 627.7015, F.S.; revising the rulemaking authority of the department with respect to qualifications and specified types of penalties covered under the property insurance mediation program; creating s. 627.70151, F.S.; providing criteria for an insurer or policyholder to challenge the impartiality of a loss appraisal umpire for purposes of disqualifying such umpire; amending s. 627.706, F.S.; revising the definition of the term "neutral evaluator"; amending s. 627.7074, F.S.; requiring the department to adopt rules relating to certification of neutral evaluators; amending s. 627.736, F.S.; revising the time period for applicability of certain Medicare fee schedules or payment limitations; amending s. 627.745, F.S.; revising qualifications for approval as a mediator by the department; providing grounds for the department to deny an application, or suspend or revoke approval of a mediator or certification of a neutral evaluator; authorizing the department to adopt rules; amending s. 627.782, F.S.; revising the date by which title insurance agencies and certain insurers must annually submit specified information to the Office of Insurance Regulation; amending s. 627.841, F.S.; providing that an insurance premium finance company may impose a charge for payments returned, declined, or unable to be processed due to insufficient funds; amending s. 627.952, F.S.; providing that certain persons who are not residents of this state must be licensed and appointed as nonresident surplus lines agents in this state in order to engage in specified activities with respect to servicing insurance contracts, certificates, or agreements for purchasing or risk retention groups; deleting a fidelity bond requirement applicable to certain nonresident agents who are licensed as surplus lines agents in another state; amending ss. 627.971 and 627.972, F.S.; including licensed mutual insurers in financial guaranty insurance corporations; amending s. 628.901, F.S.; revising the definition of the term "qualifying

reinsurer parent company"; amending s. 628.909, F.S.; providing for applicability of certain provisions of the Insurance Code to specified captive insurers; amending s. 634.406, F.S.; revising criteria authorizing premiums of certain service warranty associations to exceed their specified net assets limitations; revising requirements relating to contractual liability policies that insure warranty associations; providing effective dates.

—which was previously considered this day and amended April 26 with pending **Amendment 5 (332122)** and pending point of order.

RULING ON POINT OF ORDER

On recommendation of Senator Thrasher, Chair of the Committee on Rules, President Gaetz ruled the point not well taken.

Pending **Amendment 5 (332122)** by Senator Flores was adopted by two-thirds vote.

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

Amendment 6 (648292) (with title amendment)—Between lines 1851 and 1852 insert:

Section 44. Subsection (1) and paragraphs (a) and (b) of subsection (2) of section 627.744, Florida Statutes, are amended to read:

627.744 Required preinsurance inspection of private passenger motor vehicles.—

(1) A private passenger motor vehicle insurance policy providing physical damage coverage, including collision or comprehensive coverage, may not be issued in this state unless the insurer has inspected the motor vehicle in accordance with this section. *Physical damage coverage on a motor vehicle may not be suspended during the term of the policy due to the applicant's failure to provide required documents. However, payment of a claim may be conditioned upon the insurer's receipt of the required documents, and physical damage loss occurring after the effective date of coverage is not payable until the documents are provided to the insurer.*

(2) This section does not apply:

(a) To a policy for a policyholder who has been insured for 2 years or longer, without interruption, under a private passenger motor vehicle policy *that* ~~which~~ provides physical damage coverage *on any vehicle*~~,~~ if the agent of the insurer verifies the previous coverage.

(b) To a new, unused motor vehicle purchased *or leased* from a licensed motor vehicle dealer or leasing company~~,~~ if the insurer is provided with:

1. A bill of sale or buyer's order *or lease agreement that* ~~which~~ contains a full description of the motor vehicle~~, including all options and accessories~~; or

2. A copy of the title *or registration* which establishes transfer of ownership from the dealer or leasing company to the customer and a copy of the window sticker ~~or the dealer invoice showing the itemized options and equipment and the total retail price of the vehicle~~.

~~For the purposes of this paragraph, the physical damage coverage on the motor vehicle may not be suspended during the term of the policy due to the applicant's failure to provide the required documents. However, payment of a claim is conditioned upon the receipt by the insurer of the required documents, and no physical damage loss occurring after the effective date of the coverage is payable until the documents are provided to the insurer.~~

And the title is amended as follows:

Delete line 197 and insert: payment limitations; amending s. 627.744, F.S.; revising and clarifying provisions relating to required preinsurance inspections of private passenger motor vehicles; amending s. 627.745, F.S.;

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

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

Amendment 7 (615260) (with title amendment)—Between lines 2123 and 2124 insert:

Section 53. *Sections 627.42391 and 641.313, Florida Statutes, may be cited as the "Cancer Treatment Fairness Act."*

Section 54. Effective July 1, 2013, section 627.42391, Florida Statutes, is created to read:

627.42391 Cancer treatment parity; orally administered cancer treatment medications.—

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

(a) "Cancer treatment medication" means medication prescribed by a treating physician who determines that the medication is medically necessary to kill or slow the growth of cancerous cells in a manner consistent with nationally accepted standards of practice.

(b) "Cost sharing" includes copayments, coinsurance, dollar limits, and deductibles imposed on the covered person.

(2) Beginning January 1, 2014, an individual or group insurance policy, including a policy issued to a small employer as defined in s. 627.6699, delivered, issued for delivery, renewed, amended, or continued in this state which provides medical, major medical, or similar comprehensive coverage and includes coverage for cancer treatment medications, must also cover prescribed, orally administered cancer treatment medications and may not apply cost-sharing requirements for prescribed, orally administered cancer treatment medications which are less favorable to the covered person than cost-sharing requirements for intravenous or injected cancer treatment medications covered under the policy.

(3) An insurer that provides a policy described in subsection (2), and any participating entity through which the insurer offers health services, may not:

(a) Vary the terms of a policy in effect on July 1, 2013, in order to avoid compliance with this section.

(b) Provide any incentive, including, but not limited to, a monetary incentive, or impose treatment limitations to encourage a covered person to accept less than the minimum protections available under this section.

(c) Penalize a health care practitioner or reduce or limit the compensation of a health care practitioner for recommending or providing services or care to a covered person as required under this section.

(d) Provide any incentive, including, but not limited to, a monetary incentive, to induce a health care practitioner to provide care or services that do not comply with this section.

(e) Change the classification of any intravenous or injected cancer treatment medication or increase the amount of cost sharing applicable to any intravenous or injected cancer treatment medication in effect on July 1, 2013, in order to comply with this section.

Section 55. Effective July 1, 2013, section 641.313, Florida Statutes, is created to read:

641.313 Cancer treatment parity; orally administered cancer treatment medications.—

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

(a) "Cancer treatment medication" means medication prescribed by a treating physician who determines that the medication is medically necessary to kill or slow the growth of cancerous cells in a manner consistent with nationally accepted standards of practice.

(b) "Cost sharing" includes copayments, coinsurance, dollar limits, and deductibles imposed on the covered person.

(2) Beginning January 1, 2014, a health maintenance contract, including a contract issued to a small employer as defined in s. 627.6699, delivered, issued for delivery, renewed, amended, or continued in this state which provides medical, major medical, or similar comprehensive coverage and includes coverage for cancer treatment medications, must also cover prescribed, orally administered cancer treatment medications and may not apply cost-sharing requirements for prescribed, orally administered cancer treatment medications which are less favorable to the covered person than cost-sharing requirements for intravenous or injected cancer treatment medications covered under the contract.

(3) A health maintenance organization that provides a contract described in subsection (2), and any participating entity through which the health maintenance organization offers health services, may not:

(a) Vary the terms of a contract in effect on July 1, 2013, in order to avoid compliance with this section.

(b) Provide any incentive, including, but not limited to, a monetary incentive, or impose treatment limitations to encourage a covered person to accept less than the minimum protections available under this section.

(c) Penalize a health care practitioner or reduce or limit the compensation of a health care practitioner for recommending or providing services or care to a covered person as required under this section.

(d) Provide any incentive, including, but not limited to, a monetary incentive, to induce a health care practitioner to provide care or services that do not comply with this section.

(e) Change the classification of any intravenous or injected cancer treatment medication or increase the amount of cost sharing applicable to any intravenous or injected cancer treatment medication in effect on July 1, 2013, in order to comply with this section.

Section 56. Effective July 1, 2013, subsection (2) of section 627.6515, Florida Statutes, is amended to read:

627.6515 Out-of-state groups.—

(2) Except as otherwise provided in this part, this part does not apply to a group health insurance policy issued or delivered outside this state under which a resident of this state is provided coverage if:

(a) The policy is issued to an employee group the composition of which is substantially as described in s. 627.653; a labor union group or association group the composition of which is substantially as described in s. 627.654; an additional group the composition of which is substantially as described in s. 627.656; a group insured under a blanket health policy when the composition of the group is substantially in compliance with s. 627.659; a group insured under a franchise health policy when the composition of the group is substantially in compliance with s. 627.663; an association group to cover persons associated in any other common group, which common group is formed primarily for purposes other than providing insurance; a group that is established primarily for the purpose of providing group insurance, provided the benefits are reasonable in relation to the premiums charged thereunder and the issuance of the group policy has resulted, or will result, in economies of administration; or a group of insurance agents of an insurer, which insurer is the policyholder;

(b) Certificates evidencing coverage under the policy are issued to residents of this state and contain in contrasting color and not less than 10-point type the following statement: "The benefits of the policy providing your coverage are governed primarily by the law of a state other than Florida"; and

(c) The policy provides the benefits specified in ss. 627.419, *627.42391,* 627.6574, 627.6575, 627.6579, 627.6612, 627.66121, 627.66122, 627.6613, 627.667, 627.6675, 627.6691, and 627.66911, and complies with the requirements of s. 627.66996.

(d) Applications for certificates of coverage offered to residents of this state must contain, in contrasting color and not less than 12-point type, the following statement on the same page as the applicant's signature:

"This policy is primarily governed by the laws of ____insert state where the master policy if filed____. As a result, all of the rating laws applicable to policies filed in this state do not apply to this coverage, which may result in increases in your premium at renewal that would not be permissible under a Florida-approved policy. Any purchase of individual health insurance should be considered carefully, as future medical conditions may make it impossible to qualify for another individual health policy. For information concerning individual health coverage under a Florida-approved policy, consult your agent or the Florida Department of Financial Services."

This paragraph applies only to group certificates providing health insurance coverage which require individualized underwriting to determine coverage eligibility for an individual or premium rates to be charged to an individual except for the following:

1. Policies issued to provide coverage to groups of persons all of whom are in the same or functionally related licensed professions, and providing coverage only to such licensed professionals, their employees, or their dependents;

2. Policies providing coverage to small employers as defined by s. 627.6699. Such policies shall be subject to, and governed by, the provisions of s. 627.6699;

3. Policies issued to a bona fide association, as defined by s. 627.6571(5), provided that there is a person or board acting as a fiduciary for the benefit of the members, and such association is not owned, controlled by, or otherwise associated with the insurance company; or

4. Any accidental death, accidental death and dismemberment, accident-only, vision-only, dental-only, hospital indemnity-only, hospital accident-only, cancer, specified disease, Medicare supplement, products that supplement Medicare, long-term care, or disability income insurance, or similar supplemental plans provided under a separate policy, certificate, or contract of insurance, which cannot duplicate coverage under an underlying health plan, coinsurance, or deductibles or coverage issued as a supplement to workers' compensation or similar insurance, or automobile medical-payment insurance.

Section 57. *Sections 627.42391 and 641.313, Florida Statutes, as created by this act apply to policies and contracts issued or renewed on or after that date.*

And the title is amended as follows:

Delete line 231 and insert: associations; providing a short title; creating ss. 627.42391 and 641.313, F.S.; providing definitions; requiring that an individual or group insurance policy or a health maintenance contract that provides coverage for cancer treatment medications provide coverage for orally administered cancer treatment medications on a basis no less favorable than that required by the policy or contract for intravenously administered or injected cancer treatment medications; prohibiting insurers, health maintenance organizations, and certain other entities from engaging in specified actions to avoid compliance with this act; amending s. 627.6515, F.S.; adding a cross-reference to conform to changes made by the act; providing applicability; providing effective dates.

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

Amendment 8 (800292) (with directory and title amendments)—Between lines 1186 and 1187 insert:

(3)

(d)1. The following categories or kinds of insurance and types of commercial lines risks are not subject to paragraph (2)(a) or paragraph (2)(f):

a. Excess or umbrella.

b. Surety and fidelity.

c. Boiler and machinery and leakage and fire extinguishing equipment.

d. Errors and omissions.

e. Directors and officers, employment practices, fiduciary liability, and management liability.

f. Intellectual property and patent infringement liability.

g. Advertising injury and Internet liability insurance.

h. Property risks rated under a highly protected risks rating plan.

i. General liability.

j. Nonresidential property, except for collateral protection insurance as defined in s. 624.6085.

k. Nonresidential multiperil.

l. Excess property.

m. Burglary and theft.

n. Medical malpractice for a facility that is not a hospital licensed under chapter 395, a nursing home licensed under part II of chapter 400, or an assisted living facility licensed under part I of chapter 429.

o. Medical malpractice for a health care practitioner who is not a dentist licensed under chapter 466, a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, a chiropractic physician licensed under chapter 460, a podiatric physician licensed under chapter 461, a pharmacist licensed under chapter 465, or a pharmacy technician registered under chapter 465.

p.~~n.~~ Any other commercial lines categories or kinds of insurance or types of commercial lines risks that the office determines should not be subject to paragraph (2)(a) or paragraph (2)(f) because of the existence of a competitive market for such insurance, similarity of such insurance to other categories or kinds of insurance not subject to paragraph (2)(a) or paragraph (2)(f), or to improve the general operational efficiency of the office.

2. Insurers or rating organizations shall establish and use rates, rating schedules, or rating manuals to allow the insurer a reasonable rate of return on insurance and risks described in subparagraph 1. which are written in this state.

3. An insurer *shall* ~~must~~ notify the office of any changes to rates for insurance and risks described in subparagraph 1. within 30 days after the effective date of the change. The notice must include the name of the insurer, the type or kind of insurance subject to rate change, total premium written during the immediately preceding year by the insurer for the type or kind of insurance subject to the rate change, and the average statewide percentage change in rates. *Actuarial data* ~~Underwriting files, premiums, losses, and expense statistics~~ with regard to *rates for* such ~~insurance and~~ risks ~~written by an insurer~~ must be maintained by the insurer *for 3 years after the effective date of changes to those rates* and *are* subject to examination by the office. *The office may require the insurer to incur the costs associated with an examination.* Upon examination, the office, in accordance with generally accepted and reasonable actuarial techniques, shall consider the rate factors in paragraphs (2)(b), (c), and (d) and the standards in paragraph (2)(e) to determine if the rate is excessive, inadequate, or unfairly discriminatory.

4. A rating organization *shall* ~~must~~ notify the office of any changes to loss cost for insurance and risks described in subparagraph 1. within 30 days after the effective date of the change. The notice must include the name of the rating organization, the type or kind of insurance subject to a loss cost change, loss costs during the immediately preceding year for the type or kind of insurance subject to the loss cost change, and the average statewide percentage change in loss cost. Actuarial data with regard to changes to loss cost for risks not subject to paragraph (2)(a) or paragraph (2)(f) must be maintained by the rating organization for 2 years after the effective date of the change and are subject to examination by the office. The office may require the rating organization to incur the costs associated with an examination. Upon examination, the office, in accordance with generally accepted and reasonable actuarial techniques, shall consider the rate factors in paragraphs (2)(b)-(d) and the standards in paragraph (2)(e) to determine if the rate is excessive, inadequate, or unfairly discriminatory.

Section 27. If SB 468 or similar legislation is adopted in the same legislative session and becomes law, effective July 2, 2013, paragraph (d) of subsection (3) of section 627.062, Florida Statutes, as amended by SB 468 or similar legislation, is amended to read:

627.062 Rate standards.—

(3)

(d)1. The following categories or kinds of insurance and types of commercial lines risks are not subject to paragraph (2)(a) or paragraph (2)(f):

a. Excess or umbrella.

b. Surety and fidelity.

c. Boiler and machinery and leakage and fire extinguishing equipment.

d. Errors and omissions.

e. Directors and officers, employment practices, fiduciary liability, and management liability.

f. Intellectual property and patent infringement liability.

g. Advertising injury and Internet liability insurance.

h. Property risks rated under a highly protected risks rating plan.

i. General liability.

j. Nonresidential property, except for collateral protection insurance as defined in s. 624.6085.

k. Nonresidential multiperil.

l. Excess property.

m. Burglary and theft.

n. Medical malpractice for a facility that is not a hospital licensed under chapter 395, a nursing home licensed under part II of chapter 400, or an assisted living facility licensed under part I of chapter 429.

o. Medical malpractice for a health care practitioner who is not a dentist licensed under chapter 466, a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, a chiropractic physician licensed under chapter 460, a podiatric physician licensed under chapter 461, a pharmacist licensed under chapter 465, or a pharmacy technician registered under chapter 465.

p. Any other commercial lines categories or kinds of insurance or types of commercial lines risks that the office determines should not be subject to paragraph (2)(a) or paragraph (2)(f) because of the existence of a competitive market for such insurance, similarity of such insurance to other categories or kinds of insurance not subject to paragraph (2)(a) or paragraph (2)(f), or to improve the general operational efficiency of the office.

2. Insurers or rating organizations shall establish and use rates, rating schedules, or rating manuals to allow the insurer a reasonable rate of return on insurance and risks described in subparagraph 1. which are written in this state.

3. An insurer shall notify the office of any changes to rates for insurance and risks described in subparagraph 1. within 30 days after the effective date of the change. The notice must include the name of the insurer, the type or kind of insurance subject to rate change, *total premium written during the immediately preceding year by the insurer for the type or kind of insurance subject to the rate change,* and the average statewide percentage change in rates. Actuarial data with regard to rates for such risks must be maintained by the insurer for *3* ~~2~~ years after the effective date of changes to those rates and are subject to examination by the office. The office may require the insurer to incur the costs associated with an examination. Upon examination, the office, in accordance with generally accepted and reasonable actuarial techniques, shall consider the rate factors in paragraphs (2)(b), (c), and (d) and the

standards in paragraph (2)(e) to determine if the rate is excessive, inadequate, or unfairly discriminatory.

4. A rating organization shall notify the office of any changes to loss cost for insurance and risks described in subparagraph 1. within 30 days after the effective date of the change. The notice must include the name of the rating organization, the type or kind of insurance subject to a loss cost change, loss costs during the immediately preceding year for the type or kind of insurance subject to the loss cost change, and the average statewide percentage change in loss cost. Actuarial data with regard to changes to loss cost for risks not subject to paragraph (2)(a) or paragraph (2)(f) must be maintained by the rating organization for 2 years after the effective date of the change and are subject to examination by the office. The office may require the rating organization to incur the costs associated with an examination. Upon examination, the office, in accordance with generally accepted and reasonable actuarial techniques, shall consider the rate factors in paragraphs (2)(b)-(d) and the standards in paragraph (2)(e) to determine if the rate is excessive, inadequate, or unfairly discriminatory.

And the directory clause is amended as follows:

Delete lines 1135 and 1136 and insert:

Section 26. Paragraph (b) of subsection (2) and paragraph (d) of subsection (3) of section 627.062, Florida Statutes, are amended to read:

And the title is amended as follows:

Delete line 105 and insert: or unfairly discriminatory; revising provisions relating to requirements for maintaining and examining actuarial data with regard to rate changes; amending s. 627.0628,

On motion by Senator Thrasher, **CS for CS for HB 635** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Evers	Montford
Abruzzo	Flores	Negron
Altman	Galvano	Richter
Bean	Garcia	Ring
Benacquisto	Gardiner	Sachs
Bradley	Gibson	Simmons
Brandes	Grimsley	Simpson
Braynon	Hays	Smith
Bullard	Hukill	Sobel
Clemens	Latvala	Soto
Dean	Lee	Stargel
Detert	Legg	Thompson
Diaz de la Portilla	Margolis	Thrasher

Nays—None

SPECIAL GUESTS

Senator Legg introduced his son, Jack, daughter, Evangeline, and wife, Suzanne, who were present in the gallery.

SPECIAL ORDER CALENDAR

CS for CS for SB 904—A bill to be entitled An act relating to education; amending s. 1002.45, F.S.; allowing individuals or organizations that provide individual online courses, including massive open online courses, which are measured by statewide assessments to apply for approval as state-level providers; amending s. 1007.01, F.S.; requiring the Articulation Coordinating Committee to recommend a funding model and financial accountability mechanism for providers of online courses; requiring the Office of Program Policy Analysis and Government Accountability to review and provide recommendations to allow student access to massive open online courses for funding purposes; providing review requirements; requiring the office to provide findings and recommendations to the Governor and the Legislature by a specified date; requiring the Department of Education to develop a methodology and plan for calculating the Florida Education Finance Program which limits the sum of each student's full-time equivalent student membership value from all virtual programs or courses; providing requirements for the plan; requiring the department to conduct a student-based simulation of the revised methodology; requiring the department to submit a report to the Governor and the Legislature by a specified date; creating s. 1007.012, F.S.; creating the Florida Accredited Courses and Tests Initiative (FACTs); providing the purpose of the initiative; providing legislative intent; providing that implementing the initiative allows students to satisfy certain requirements; defining the term "Florida-accredited course" as it relates to the initiative; providing for application of certain courses and assessments toward promotion, graduation, and degree attainment; requiring that Florida-accredited courses and their assessments be annually identified, approved, published, and shared for consideration by certain students and entities; requiring the Commissioner of Education and the Chancellor of the State University System to approve each Florida-accredited course and its assessments; requiring the Articulation Coordinating Committee to annually publish and share a list of approved Florida-accredited courses, their assessments, and other courses; amending s. 1007.24, F.S.; including providers of online courses in the statewide course numbering system; amending s. 1008.24, F.S.; authorizing a school district, a Florida College System institution, and a state university to contract with qualified contractors to administer and proctor statewide standardized assessments or assessments associated with Florida-accredited courses; authorizing the Department of Education to contract for these services on behalf of the state or a school district, Florida College System institution, or state university; providing that assessments may be administered or proctored by qualified contractors at sites that meet certain criteria; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 904**, on motion by Senator Brandes, by two-thirds vote **CS for HB 7029** was withdrawn from the Committees on Education; and Rules.

On motion by Senator Brandes, the rules were waived and—

CS for HB 7029—A bill to be entitled An act relating to digital learning; amending s. 1001.42, F.S.; revising district school board duties relating to virtual instruction; amending s. 1002.321, F.S.; requiring the Department of Education to develop an online catalog of digital learning courses; amending s. 1002.37, F.S.; revising and clarifying the requirements for reporting and funding a full-time equivalent student in the Florida Virtual School; providing requirements for funding a home education student enrolled in the Florida Virtual School; providing reporting requirements relating to Florida Virtual School Global; requiring the Auditor General to conduct an operational audit of the Florida Virtual School; amending s. 1002.45, F.S.; authorizing a school district to provide part-time virtual instruction for K-12 students in all courses; revising requirements for the use of virtual instruction in core-curricula courses for the purpose of meeting class size requirements; revising requirements for approval as a provider of virtual instruction programs or courses; providing requirements for conditional approval; revising and clarifying the requirements for reporting and funding a full-time equivalent student enrolled in a virtual instruction program; creating s. 1002.451, F.S.; authorizing a district school board to operate a district innovation school as a pilot program; providing delivery models for implementation of a schoolwide blended learning program; providing funding requirements; providing exemption from statutes and rules; amending s. 1003.01, F.S.; removing blended learning courses provided by a traditional public school, a charter school, or a district innovation school from the definition of core curricular courses for purposes of class size requirements; amending s. 1003.498, F.S.; requiring the Department of Education to provide identifiers for courses to designate their use for blended learning courses; removing restrictions on students taking online courses across district lines; clarifying the requirements for reporting a full-time student; prohibiting a school district from requiring a public school student to take an online course at certain times or places; amending s. 1007.01, F.S.; requiring the Articulation Coordinating Committee to recommend a funding model and financial accountability mechanism for providers of online courses; amending s. 1007.24, F.S.; including online courses provided by providers in the statewide course numbering system; amending s. 1011.61, F.S.; revising and clarifying the definition of a full-time equivalent student; revising provisions relating to funding based on student completion of end-of-course examinations; revising provisions relating to the maximum value for funding a student; creating s. 1011.622, F.S.; providing for funding

adjustments for students without a common student identifier; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 904** and read the second time by title.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Brandes moved the following amendment:

Amendment 1 (317092) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (23) of section 1001.42, Florida Statutes, is amended to read:

1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(23) ~~FLORIDA~~ VIRTUAL *INSTRUCTION* ~~SCHOOL.~~—Provide students with access to courses available through *a virtual instruction program option or* the Florida Virtual School and award credit for successful completion of such courses. ~~Access shall be available to students during and after the normal school day and through summer school enrollment.~~

Section 2. Subsection (6) is added to section 1002.321, Florida Statutes, to read:

1002.321 Digital learning.—

(6) ONLINE CATALOG.—The department shall develop an online catalog of available digital learning courses provided pursuant to ss. 1002.37, 1002.45, 1003.498, and 1003.499, which provides, for each course, access to the course description, completion and passage rates, and a method for student and teacher users to provide evaluative feedback.

Section 3. Subsection (6) and paragraph (c) of subsection (9) of section 1002.37, Florida Statutes, are amended, and subsection (11) is added to that section, to read:

1002.37 The Florida Virtual School.—

(6) The board of trustees shall annually submit to the Governor, the Legislature, the Commissioner of Education, and the State Board of Education a complete and detailed report setting forth:

(a) The operations and accomplishments of the Florida Virtual School *within the state and those occurring outside the state as Florida Virtual School Global*.

(b) The marketing and operational plan for the Florida Virtual School *and Florida Virtual School Global*, including recommendations regarding methods for improving the delivery of education through the Internet and other distance learning technology.

(c) The assets and liabilities of the Florida Virtual School *and Florida Virtual School Global* at the end of the fiscal year.

(d) A copy of an annual financial audit of the accounts and records of the Florida Virtual School *and Florida Virtual School Global*, conducted by an independent certified public accountant and performed in accordance with rules adopted by the Auditor General.

(e) Recommendations regarding the unit cost of providing services to students *through the Florida Virtual School and Florida Virtual School Global*. In order to most effectively develop public policy regarding any future funding of the Florida Virtual School, it is imperative that the cost of the program is accurately identified. The identified cost of the program must be based on reliable data.

(f) Recommendations regarding an accountability mechanism to assess the effectiveness of the services provided by the Florida Virtual School *and Florida Virtual School Global*.

(9)

(c) *Unless an alternative testing site is mutually agreed to by the Florida Virtual School and the school district or as contracted under s. 1008.24,* all statewide assessments must be taken at the school to which the student would be assigned according to district school board attendance areas. A school district must provide the student with access to the school's testing facilities.

(11) The Auditor General shall conduct an operational audit of the Florida Virtual School, including Florida Virtual School Global. The scope of the audit shall include, but not be limited to, the administration of responsibilities relating to personnel; procurement and contracting; revenue production; school funds, including internal funds; student enrollment records; franchise agreements; information technology utilization, assets, and security; performance measures and standards; and accountability. The final report on the audit shall be submitted to the President of the Senate and the Speaker of the House of Representatives no later than January 31, 2014.

Section 4. Subsection (14) of section 1003.01, Florida Statutes, is amended to read:

1003.01 Definitions.—As used in this chapter, the term:

(14) "Core-curricula courses" means:

(a) Courses in language arts/reading, mathematics, social studies, and science in prekindergarten through grade 3, excluding any extracurricular courses pursuant to subsection (15);

(b) Courses in grades 4 through 8 in subjects that are measured by state assessment at any grade level and courses required for middle school promotion, excluding any extracurricular courses pursuant to subsection (15);

(c) Courses in grades 9 through 12 in subjects that are measured by state assessment at any grade level and courses that are specifically identified by name in statute as required for high school graduation and that are not measured by state assessment, excluding any extracurricular courses pursuant to subsection (15);

(d) Exceptional student education courses; and

(e) English for Speakers of Other Languages courses.

The term is limited in meaning and used for the sole purpose of designating classes that are subject to the maximum class size requirements established in s. 1, Art. IX of the State Constitution. This term does not include courses offered under ss. *1002.321(4)(e), 1002.33(7)(a)2.b.,* 1002.37, 1002.415, ~~and~~ 1002.45*, and 1003.499*.

Section 5. Section 1003.498, Florida Statues, is amended to read:

1003.498 School district virtual course offerings.—

(1) School districts may deliver courses in the traditional school setting by personnel certified pursuant to s. 1012.55 who provide direct instruction through virtual instruction or through blended learning courses consisting of both traditional classroom and online instructional techniques. Students in a blended learning course must be full-time students of the school and receive the online instruction in a classroom setting at the school. The funding, performance, and accountability requirements for blended learning courses are the same as those for traditional courses. *To facilitate the delivery and coding of blended learning courses, the department shall provide identifiers for courses to designate courses that are used for blended learning for the efficient reporting of such courses.*

(2) School districts may offer virtual courses for students enrolled in the school district. These courses must be identified in the course code directory. Students who meet the eligibility requirements of s. 1002.455 may participate in these virtual course offerings.

(a) Any eligible student who is enrolled in a school district may register and enroll in an online course offered by his or her school district.

(b)*1.* Any eligible student who is enrolled in a school district may register and enroll in an online course offered by any other school district in the state~~, except as limited by the following:~~

~~1. A student may not enroll in a course offered through a virtual instruction program provided pursuant to s. 1002.45~~.

~~2. A student may not enroll in a virtual course offered by another school district if:~~

~~a. The course is offered online by the school district in which the student resides; or~~

~~b. The course is offered in the school in which the student is enrolled. However, a student may enroll in an online course offered by another school district if the school in which the student is enrolled offers the course but the student is unable to schedule the course in his or her school.~~

~~3.~~ The school district in which the student completes the course shall report the student's completion of that course for funding pursuant to s. 1011.61(1)(c)1.b.(VI), and the home school district shall not report the student for funding for that course.

2. For purposes of this paragraph, the combined total of all school district reported FTE may not be reported as more than 1.0 full-time equivalent student in any given school year.~~-~~The Department of Education shall establish procedures to enable interdistrict coordination for the delivery and funding of this online option.

(3) Access to courses shall be available to students during the normal school day. A school district may not require a public school student to take a course outside the school day which is in addition to the student's courses for a given term or on school grounds.

Section 6. Section 1003.499, Florida Statutes, is created to read:

1003.499 Florida Approved Courses and Tests (FACT) Initiative.—

(1) PURPOSE.—

(a) The purpose of the initiative shall be to make available multiple options to suit unique student interests, satisfy educational requirements, and accelerate student accomplishment of goals in a productive and effective manner. The Legislature intends that state and local rules, policies, and administrative decisions are flexible in interpreting and implementing the requirements in this section in order to encourage creative, innovative, resourceful, and forward-thinking practices that can be modeled throughout this state and the country.

(b) Beginning in the 2015-2016 school year, the Florida Approved Courses and Tests (FACT) Initiative shall be implemented to expand student choices in selecting high-quality online courses, including, but not limited to, massive open online courses and instruction included under subsection (2) for promotion or graduation. Such courses and instruction may be provided using a blended learning model that shall include components such as differentiated instruction, flexible scheduling, differentiated teaching, and self-paced learning. Instruction through the blended learning model may be provided using online instructional videos, online class forums, and online homework assignments and projects, coupled with one-on-one direct instructional support to students.

(2) FLORIDA APPROVED COURSES.—The Department of Education shall annually publish online a list of providers approved to offer Florida approved courses which shall be listed in the online catalog pursuant to s. 1002.321(6).

(a) As used in this section, the term "Florida approved courses" means online courses provided by individuals which include, but are not limited to, massive open online courses or remedial education associated with the courses that are measured pursuant to s. 1008.22. Massive open online courses may be authorized in the following subject areas: Algebra I, biology, geometry, and civics. Courses may be applied toward requirements for promotion or graduation in whole, in subparts, or in a combination of whole and subparts. A student may not be required to repeat subparts that are satisfactorily completed.

(b) A Florida approved course must be annually identified, approved, published, and shared for consideration by interested students and school districts. The Commissioner of Education shall approve each Florida approved course for application in K-12 public schools in accordance with rules of the State Board of Education.

(3) PROVIDER REQUIREMENTS.—

(a) To be approved by the Department of Education, an individual provider must provide all the following documentation that demonstrates that he or she:

1. Is nonsectarian regarding courses, enrollment policies, employment practices, and operations.

2. Complies with the antidiscrimination provisions of s. 1000.05.

3. Requires all instructional staff to be Florida-certified teachers under chapter 1012 or certified as adjunct educators under s. 1012.57 and conducts background screenings for all employees or contracted personnel, as required by s. 1012.32, using state and national criminal history records.

4. Provides to parents and students specific information posted and accessible online which includes, but is not limited to, the following teacher-parent and teacher-student contact information for each course:

a. How to contact the instructor via telephone, e-mail, or online messaging tools.

b. How to contact technical support via telephone, e-mail, or online messaging tools.

c. How to contact the administration office or an individual offering online courses, including, but not limited to, massive open online courses, via telephone, e-mail, or online messaging tools.

d. Any requirement for regular contact with the instructor for the course and clear expectations for meeting the requirement.

5. Possesses prior, successful experience offering online courses to elementary, middle, or high school students as demonstrated by quantified student learning gains or student growth in each subject area and grade level provided for consideration as an instructional program option. However, for a provider without sufficient prior, successful experience offering online courses, the department may conditionally approve the provider to offer courses measured by statewide assessment program pursuant to s. 1008.22. Conditional approval is valid for 1 year. Renewal of provider approval is contingent on sufficient performance data available demonstrating success in accordance with this section and State Board of Education rule.

6. Ensures instructional and curricular quality through a detailed curriculum and student performance accountability plan that addresses every subject and grade level that the provider intends to provide through contract with the school district, including all of the following:

a. Courses and programs that meet the standards of the International Association for K-12 Online Learning and the Southern Regional Education Board.

b. Instructional content and services that align with, and measure student attainment of, student proficiency in the Next Generation Sunshine State Standards.

c. Mechanisms that determine and ensure that a student has satisfied requirements for grade level promotion and high school graduation with a standard diploma, as appropriate.

7. Publishes for the general public, in accordance with disclosure requirements adopted in rule by the State Board of Education, as part of the application as a provider and in all contracts negotiated pursuant to this section all of the following information:

a. Certification status and physical location of all administrative and instructional personnel.

b. Hours and times of availability of instructional personnel.

c. Student-teacher ratios.

d. Student completion and promotion rates.

e. Student, educator, and school performance accountability outcomes.

(b) Each approved provider contracted under this section must participate in the statewide assessment program under s. 1008.22 and in the state's education performance accountability system under s. 1008.31.

Section 7. Section 1004.0961, Florida Statutes, is created to read:

1004.0961 Credit for online courses.—Beginning in the 2015-2016 school year, the State Board of Education and the Board of Governors shall adopt rules that enable students to earn academic credit for online courses, including massive open online courses, prior to initial enrollment at a postsecondary institution. The rules of the State Board of Education and rules of the Board of Governors must include procedures for credential evaluation and the award of credit, including, but not limited to, recommendations for credit by the American Council on Education; equivalency and alignment of coursework with appropriate courses; course descriptions; type and amount of credit that may be awarded; and transfer of credit.

Section 8. Section 1008.24, Florida Statutes, is amended to read:

1008.24 Test *administration and* security.—

(1) *A person may not* ~~It is unlawful for anyone~~ knowingly and willfully ~~to~~ violate test security rules adopted by the State Board of Education for mandatory tests administered by or through the State Board of Education or the Commissioner of Education to students, educators, or applicants for certification or administered by school districts pursuant to s. 1008.22, or, with respect to any such test, knowingly and willfully to:

(a) Give examinees access to test questions prior to testing;

(b) Copy, reproduce, or use in any manner inconsistent with test security rules all or any portion of any secure test booklet;

(c) Coach examinees during testing or alter or interfere with examinees' responses in any way;

(d) Make answer keys available to examinees;

(e) Fail to follow security rules for distribution and return of secure test as directed, or fail to account for all secure test materials before, during, and after testing;

(f) Fail to follow test administration directions specified in the test administration manuals; or

(g) Participate in, direct, aid, counsel, assist in, or encourage any of the acts prohibited in this section.

(2) *A* ~~Any~~ person who violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) A school district may contract with qualified contractors to administer and proctor statewide standardized assessments required under s. 1008.22 or assessments associated with Florida approved courses under s. 1003.499, as approved by the Department of Education in accordance with rules of the State Board of Education. Assessments may be administered or proctored by qualified contractors at sites that meet criteria established by rules of the State Board of Education and adopted pursuant to ss. 120.536(1) and 120.54 to implement the contracting requirements of this subsection.

(4)~~(3)~~(a) A district school superintendent, a president of a public postsecondary educational institution, or a president of a nonpublic postsecondary educational institution shall cooperate with the Commissioner of Education in any investigation concerning the administration of a test administered pursuant to state statute or rule.

(b) The identity of a school or postsecondary educational institution, the personally identifiable information of any personnel of any school district or postsecondary educational institution, or any specific allegations of misconduct obtained or reported pursuant to an investigation conducted by the Department of Education of a testing impropriety are confidential and exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State Constitution until the conclusion of the investigation or until such time as the investigation ceases to be active. For the purpose of this paragraph, an investigation shall be deemed concluded upon a finding that no impropriety has occurred, upon the conclusion of any resulting preliminary investigation pursuant to s. 1012.796, upon the completion of any resulting investigation by a law enforcement agency, or upon the referral of the matter to an employer who has the authority to take disciplinary action against an individual who is suspected of a testing impropriety. For the purpose of this paragraph, an investigation shall be considered active so long as it is ongoing and there is a reasonable, good faith anticipation that an administrative finding will be made in the foreseeable future. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2014, unless reviewed and saved from repeal through reenactment by the Legislature.

(5) Exceptional students with disabilities, as defined in s. 1003.01(3), shall have access to testing sites. The Department of Education and each school district shall adopt policies that are necessary to ensure such access.

Section 9. *By August 30, 2013, the Department of Education shall contract with a qualified contractor to review and provide recommendations for online courses, including massive open online courses, and competency-based online courses for K-12 and postsecondary education. The recommendations must, at a minimum, include the following components: improving access to the online courses, and approving, funding, holding providers accountable, and awarding credit for such courses. The department shall identify measures of quality based upon student outcomes, such as completion and achievement rates correlated appropriately to each delivery model; measures for students to demonstrate competency, such as prior learning assessments, end-of-course exams, assessments established by regionally accredited public institutions which may be applied as one whole assessment or as two or more discrete subassessments such that when combined, the subassessments are equivalent to a whole assessment; and opportunities to use online courses, including massive open online courses using blended learning or other tools delivered in modules or segments to provide instruction pursuant to s. 1003.499(2)(a) for students in K-12 education. The department shall provide findings and recommendations to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2014.*

Section 10. This act shall take effect July 1, 2013.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to education; amending s. 1001.42, F.S.; revising district school board duties relating to virtual instruction; amending s. 1002.321, F.S.; requiring the Department of Education to develop an online catalog of digital learning courses; amending s. 1002.37, F.S.; providing reporting requirements relating to Florida Virtual School Global; requiring the Auditor General to conduct an operational audit of the Florida Virtual School and submit a report to the Legislature; amending s. 1003.01, F.S.; removing Florida approved courses and blended learning courses provided by a traditional public school, a charter school, or a district innovation school from the definition of the term "core-curricula courses" for purposes of class size requirements; amending s. 1003.498, F.S.; requiring the Department of Education to provide identifiers for courses to designate their use for blended learning courses; removing restrictions on students' taking online courses across district lines; providing students' access to courses; prohibiting a school district from requiring a public school student to take an online course at certain times or places; creating s. 1003.499, F.S.; creating the Florida Approved Course Initiative; providing the purpose of the initiative; providing legislative intent; providing that implementing the initiative allows students to expand their choices in selecting online courses; requiring the department to annually publish online a list of providers; defining the term "Florida approved courses" as it relates to the initiative; requiring that Florida approved courses be annually identified, approved, published, and shared for consideration by certain students and school districts; requiring the Commissioner of Education to to approve each Florida approved course; providing requirements for approval as a provider for the initiative; requiring an approved provider to participate in the statewide assessment program and the education performance accountability system; creating s. 1004.0961, F.S.; requiring the State Board of Education and the Board of Governors to adopt rules that enable students to earn academic credit toward online courses; providing requirements for the rules; amending s. 1008.24, F.S.; authorizing a school district to contract with qualified contractors to administer and proctor statewide standardized assessments or assess-

ments associated with Florida approved courses; providing that assessments may be administered or proctored by qualified contractors at sites that meet certain criteria; requiring exceptional students to have access to testing sites; requiring the Department of Education and school districts to adopt policies; requiring the department to contract with a qualified contractor to review and provide recommendations for improving access to online courses, and approving, funding, holding providers accountable, and awarding credit for online courses for K-12 and postsecondary education; requiring the department to identify measures of quality based upon student outcomes; requiring the department to provide findings and recommendations to the Governor and the Legislature by a specified date; providing an effective date.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendments was allowed:

Senator Soto moved the following amendments to **Amendment 1** which failed:

Amendment 1A (518166) (with title amendment)—Delete lines 368-387 and insert:

Section 9. *By December 31, 2013, the Office of Program Policy Analysis and Government Accountability (OPPAGA) shall review and provide recommendations for online courses, including massive open online courses, and competency-based online courses for K-12 and postsecondary education. The recommendations must, at a minimum, include the following components: improving access to the online courses; approving providers, funding providers, and holding providers accountable; and awarding credit for such courses. OPPAGA shall identify measures of quality based upon student outcomes, such as completion and achievement rates correlated appropriately to each delivery model; measures for students to demonstrate competency, such as prior learning assessments, end-of-course exams, assessments established by regionally accredited public institutions which may be applied as one whole assessment or as two or more discrete subassessments such that when combined, the subassessments are equivalent to a whole assessment; and opportunities to use online courses, including massive open online courses using blended learning or other tools delivered in modules or segments to provide instruction pursuant to s. 1003.499(2)(a) for students in K-12 education. OPPAGA*

And the title is amended as follows:

Delete lines 450-457 and insert: districts to adopt policies; requiring OPPAGA to review and provide recommendations for improving access to online courses, for approving, funding, and holding providers accountable, and for awarding credit for online courses for K-12 and postsecondary education; requiring OPPAGA to identify measures of quality based upon student outcomes; requiring OPPAGA to provide

Amendment 1B (674782)—Delete line 247 and insert: *on demonstrating success*

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Garcia moved the following amendment to **Amendment 1** which failed:

Amendment 1C (331014) (with title amendment)—Between lines 367 and 368 insert:

Section 9. Section 1008.331, Florida Statutes, is amended to read:

1008.331 Supplemental educational services in Title I schools; school district, provider, and department responsibilities.—

(1) ACCOUNTABILTY.—A provider may offer supplemental educational services pursuant to this section only if it is a state-approved supplemental educational services provider that:

(a) Demonstrates financial stability;

(b) Maintains a parental complaint resolution process;

(c) Uses research-based instructional methods that are consistent with the instruction provided by the district;

(d) Aligns curricula to the Next Generation Sunshine State Standards; and

(e) Submits to the department an application to be a state-approved supplemental educational services provider.

1. The application must require that the following persons meet the background screening requirements of s. 435.04:

a. The board of directors;

b. The managing members;

c. The owner if it is a sole proprietor; and

d. Any person who has direct contact with students, including volunteers.

2. The provider shall post on its website the name of each person who has direct contact with students.

(2)~~(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.

(3)~~(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 *(4)(a)* ~~(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. A school district with a student population in excess of 300,000 may only charge a state-approved supplemental educational services provider facility rental fees for the actual hours that the classrooms are used for tutoring by the provider.

(h) School districts must inform parents of their student's progress or require providers to inform parents of their student's progress.

(i) School districts must notify the department of any providers that are found to have:

1. Forged, altered, or falsified attendance reports or enrollment forms in a systemic or egregious manner;

2. Failed to respond to parental complaints in a timely manner; or

3. Violated accountability requirements in a systemic or egregious manner.

(j) School districts must establish a parental complaint procedure.

(4)~~(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 *2 years* ~~year~~.

(5)~~(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.

(6)~~(5)~~ RESPONSIBILITIES OF THE DEPARTMENT OF EDUCATION.—

(a) By May 1 of each year, each supplemental educational services provider must report to the Department of Education, unless a prior agreement has been made with the local school district, in an electronic form prescribed by the department, the following information regarding services provided to public school students in the district:

1. Student learning gains as demonstrated by mastery of applicable benchmarks or access points set forth in the Sunshine State Standards;

2. Student attendance and completion data;

3. Parent satisfaction survey results;

4. School district satisfaction survey results received directly from the school district; and

5. Satisfaction survey results received directly from the school district which were completed by principals in whose schools onsite supplemental educational services were provided.

The department shall post a uniform survey on its Internet website to be completed online by principals and school districts.

(b) The department shall evaluate each state-approved provider using the information received pursuant to paragraph (a) and assign a service designation of excellent, satisfactory, or unsatisfactory for the prior school year. However, if the student population served by the provider does not meet the minimum sample size necessary, based on accepted professional practice for statistical reliability and the prevention of the unlawful release of personally identifiable student information, the provider will not receive a service designation. The State Board of Education shall specify, by rule, the threshold requirements for assigning the service designations; however, the service designations must be based primarily on student learning gains. By July 1 of each year, the department must report the service designation to the supplemental educational services providers, the school districts, parents, and the public.

(c) ~~For the 2012-2013 school year, school districts shall use an amount equivalent to 15 percent of the Title I, Part A funds allocated to Title I schools to meet the requirements for supplemental educational services.~~ Supplemental educational services shall be provided in Title I schools to students who are performing at Level 1 or Level 2 on the FCAT. Each school district shall contract with supplemental educational service providers that have been approved by the department. *Each school district shall reserve an amount equal to 8 percent of the amount that the school district receives under Title I, Part A of the federal Elementary and Secondary Education Act, for each fiscal year, for supplemental educational services pursuant to this section to be provided by state-approved providers, including school districts.*

(d) The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer the provisions of this subsection.

(e) The board's rules shall establish an internal complaint procedure to resolve disputes regarding the state approval process, the termination of state approval, and the assignment of a service designation. The internal complaint procedure must provide for an informal review by a hearing officer who is employed by the department and, if requested, a formal review by a hearing officer who is employed by the department, and shall recommend a resolution of the dispute to the Commissioner of Education. The internal complaint procedure is exempt from the provisions of chapter 120. The decision by the commissioner shall constitute final action.

(f) By September 1, 2011, the department shall approve and a district may select acceptable premethods and postmethods for measuring student learning gains, including standardized assessments, diagnostic assessments, criterion-referenced and skills-based assessments, or other applicable methods appropriate for each grade level, for use by supplemental educational services providers and local school districts in determining student learning gains. Each method must be able to measure student progress toward mastering the benchmarks or access points set forth in the Sunshine State Standards and the student's supplemental educational services plan. The use of a diagnostic and assessment instrument, which is aligned to a provider's curriculum, is an acceptable premethod and postmethod if the provider can demonstrate that the assessment meets the requirements in this paragraph and is not deemed unreliable or invalid by the department.

(g) As a condition for state approval, a provider must use a method for measuring student learning gains which results in reliable and valid results as approved by the department.

(h) The provider shall report data on individual student learning gains to the department, unless a prior agreement has been made with the local school district to report such student achievement data. The report must include individual student learning gains as demonstrated by mastery of applicable benchmarks or access points set forth in the Sunshine State Standards.

(i) The department shall create an external complaint procedure for complaints against state-approved supplemental educational services providers. If the department finds that a state-approved supplemental educational services provider is found to have violated a provision specified in paragraph (3)(i), the department shall terminate the provider pursuant to the internal complaint procedure in this subsection.

(7)~~(6)~~ RULES.—The State Board of Education may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section and may enforce the provisions of this section pursuant to s. 1008.32.

And the title is amended as follows:

Delete line 450 and insert: districts to adopt policies; amending s. 1008.331, F.S.; establishing requirements that a provider must meet in order to offer supplemental educational services; revising the responsibilities of school districts and the Department of Education; requiring school districts to provide certain notice to parents or to the department; requiring the department to reserve certain funds; requiring the department to create an external complaint procedure for complaints

against state-approved supplemental educational services providers; requiring the department

The question recurred on **Amendment 1 (317092)** which was adopted.

On motion by Senator Brandes, further consideration of **CS for HB 7029** as amended was deferred.

BILLS ON THIRD READING

HB 725— An act relating to public records and public meetings exemptions; amending s. 383.412, F.S.; eliminating requirements that the closed portion of a meeting of the State Child Abuse Death Review Committee or a local committee at which specified identifying information is discussed be recorded, that no portion of such closed meeting be off the record, and that the recording be maintained by the state committee or a local committee; providing an effective date.

—was read the third time by title.

On motion by Senator Altman, **HB 725** was passed by the required constitutional two-thirds vote of the members present and voting and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Galvano	Montford
Altman	Garcia	Negron
Bean	Gardiner	Richter
Benacquisto	Gibson	Sachs
Braynon	Grimsley	Simmons
Bullard	Hays	Simpson
Dean	Hukill	Smith
Detert	Latvala	Soto
Diaz de la Portilla	Lee	Stargel
Evers	Legg	Thompson
Flores	Margolis	Thrasher

Nays—6

Abruzzo	Brandes	Joyner
Bradley	Clemens	Sobel

SPECIAL ORDER CALENDAR

CS for CS for SB 1840—A bill to be entitled An act relating to development permits; amending s. 125.022, F.S.; requiring counties and municipalities to attach certain disclaimers and include certain permit conditions when issuing development permits; amending s. 125.35, F.S.; providing that a county may include a commercial development that is ancillary to a professional sports facility in the lease of a sports facility; amending. s. 166.033, F.S.; conforming provisions to changes made by the act; amending s. 381.0065, F.S.; revising treatment standards for onsite sewage and disposal systems in Monroe County; requiring areas in Monroe County not served by certain sewage and disposal systems to comply with specified rules and standards; deleting a requirement for new, modified, and repaired systems in Monroe County to meet specified standards; authorizing certain property owners in Monroe County to install certain tanks and systems; providing that certain systems in Monroe County are not required to connect to the central sewer system until a specified date; providing an extension and renewal of certain permits issued by the Department of Environmental Protection or by a water management district for areas to be served by central sewer systems within the Florida Keys Area of Critical State Concern; providing that certain extensions may not exceed a specified number of years; prohibiting certain extensions; providing for applicability; amending chapter 2012-205, Laws of Florida; revising the deadline for the holder of certain permits to notify the authorizing agency of automatic extension eligibility; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1840**, on motion by Senator Altman, by two-thirds vote **CS for HB 7019** was withdrawn from the Committees on Community Affairs; and Rules.

On motion by Senator Altman, the rules were waived and—

CS for HB 7019—A bill to be entitled An act relating to development permits; amending ss. 125.022 and 166.033, F.S.; requiring counties and municipalities to attach certain disclaimers and include certain permit conditions when issuing development permits; amending s. 163.3167, F.S.; providing that an initiative or referendum process for any development order is prohibited; providing that an initiative or referendum process for any local comprehensive plan amendments and map amendments is prohibited; providing an exception for an initiative or referendum process specifically authorized by local government charter provision in effect as of June 1, 2011, for certain local comprehensive plan amendments and map amendments; providing that certain charter provisions for an initiative or referendum process are not sufficient; providing legislative intent; providing that certain prohibitions apply retroactively; amending s. 341.8203, F.S.; defining "communication facilities" and "railroad company" as used in the Florida Rail Enterprise Act; amending s. 341.822, F.S.; requiring the rail enterprise to establish a process to issue permits for railroad companies to construct communication facilities within a high speed rail system; providing rulemaking authority; providing for fees for issuing a permit; creating s. 341.825, F.S.; providing for a permit authorizing the permittee to locate, construct, operate, and maintain communication facilities within a new or existing high speed rail system; providing for application procedures and fees; providing for the effects of a permit; providing an exemption from local land use and zoning regulations; authorizing the enterprise to permit variances and exemptions from rules of the enterprise or other agencies; providing that a permit is in lieu of licenses, permits, certificates, or similar documents required under specified laws; providing for a modification of a permit; amends s. 341.840, F.S.; conforming a cross-reference; amending s. 125.35, F.S.; providing that a county may include a commercial development that is ancillary to a professional sports facility in the lease of a sports facility; amending s. 32, ch. 2012-205, Laws of Florida, relating to the extension of certain permits and authorizations issued by the Department of Environmental Protection, water management districts, and local governments; revising the date by which holders of such permits and authorizations are required to notify the authorizing agency of specified information; amending s. 381.0065, F.S.; providing that certain systems constitute compliance with nitrogen standards; requiring systems in certain areas of Monroe County to comply with specified rules and standards; deleting a requirement for new, modified, and repaired systems to meet specified standards; authorizing property owners in certain areas of Monroe County to install certain tanks and systems; providing that certain systems in Monroe County are not required to connect to the central sewer system until a specified date; providing an extension and renewal of certain permits issued by the Department of Environmental Protection, a water management district, or a local government for areas to be served by central sewer systems within the Florida Keys Area of Critical State Concern; providing that certain extensions may not exceed a specified number of years; prohibiting certain extensions; providing for applicability; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1840** and read the second time by title.

Senator Altman moved the following amendment which was adopted:

Amendment 1 (703592) (with title amendment)—Delete lines 165-342 and insert:

Section 4. Section 341.8203, Florida Statutes, is amended to read:

341.8203 Definitions.—As used in ss. 341.8201-341.842, unless the context clearly indicates otherwise, the term:

(1) "Associated development" means property, equipment, buildings, or other related facilities which are built, installed, used, or established to provide financing, funding, or revenues for the planning, building, managing, and operation of a high-speed rail system and which are associated with or part of the rail stations. The term includes air and subsurface rights, services that provide local area network devices for transmitting data over wireless networks, parking facilities, retail establishments, restaurants, hotels, offices, advertising, or other commercial, civic, residential, or support facilities.

(2) "Communication facilities" means the communication systems related to high-speed passenger rail operations, including those which are

built, installed, used, or established for the planning, building, managing, and operating of a high-speed rail system. The term includes the land; structures; improvements; rights-of-way; easements; positive train control systems; wireless communication towers and facilities that are designed to provide voice and data services for the safe and efficient operation of the high-speed rail system; voice, data, and wireless communication amenities made available to crew and passengers as part of a high-speed rail service; and any other facilities or equipment used for operation of, or the facilitation of communications for, a high-speed rail system. Owners of communication facilities may not offer voice or data service to any entity other than passengers, crew, or other persons involved in the operation of a high-speed rail system.

(3)~~(2)~~ "Enterprise" means the Florida Rail Enterprise.

(4)~~(3)~~ "High-speed rail system" means any high-speed fixed guideway system for transporting people or goods, which system is, by definition of the United States Department of Transportation, reasonably expected to reach speeds of at least 110 miles per hour, including, but not limited to, a monorail system, dual track rail system, suspended rail system, magnetic levitation system, pneumatic repulsion system, or other system approved by the enterprise. The term includes a corridor, associated intermodal connectors, and structures essential to the operation of the line, including the land, structures, improvements, rights-of-way, easements, rail lines, rail beds, guideway structures, switches, yards, parking facilities, power relays, switching houses, and rail stations and also includes facilities or equipment used exclusively for the purposes of design, construction, operation, maintenance, or the financing of the high-speed rail system.

(5)~~(4)~~ "Joint development" means the planning, managing, financing, or constructing of projects adjacent to, functionally related to, or otherwise related to a high-speed rail system pursuant to agreements between any person, firm, corporation, association, organization, agency, or other entity, public or private.

(6)~~(5)~~ "Rail station," "station," or "high-speed rail station" means any structure or transportation facility that is part of a high-speed rail system designed to accommodate the movement of passengers from one mode of transportation to another at which passengers board or disembark from transportation conveyances and transfer from one mode of transportation to another.

(7) "Railroad company" means a person developing, or providing service on, a high-speed rail system.

(8)~~(6)~~ "Selected person or entity" means the person or entity to whom the enterprise awards a contract to establish a high-speed rail system pursuant to ss. 341.8201-341.842.

Section 5. Paragraph (c) is added to subsection (2) of section 341.822, Florida Statutes, to read:

341.822 Powers and duties.—

(2)

(c) The enterprise shall establish a process to issue permits to railroad companies for the construction of communication facilities within a new or existing public or private high-speed rail system. The enterprise may adopt rules to administer such permits, including rules regarding the form, content, and necessary supporting documentation for permit applications; the process for submitting applications; and the application fee for a permit under s. 341.825. The enterprise shall provide a copy of a completed permit application to municipalities and counties where the high-speed rail system will be located. The enterprise shall allow each such municipality and county 30 days to provide comments to the enterprise regarding the application, including any recommendations regarding conditions that may be placed on the permit.

Section 6. Section 341.825, Florida Statutes, is created to read:

341.825 Communication facilities.—

(1) LEGISLATIVE INTENT.—The Legislature intends to:

(a) Establish a streamlined process to authorize the location, construction, operation, and maintenance of communication facilities within new and existing high-speed rail systems.

(b) Expedite the expansion of the high-speed rail system's wireless voice and data coverage and capacity for the safe and efficient operation of the high-speed rail system and the safety, use, and efficiency of its crew and passengers as a critical communication facilities component.

(2) APPLICATION SUBMISSION.—A railroad company may submit to the enterprise an application to obtain a permit to construct communication facilities within a new or existing high-speed rail system. The application shall include an application fee limited to the amount needed to pay the anticipated cost of reviewing the application, not to exceed $10,000, which shall be deposited into the State Transportation Trust Fund. The application must include the following information:

(a) The location of the proposed communication facilities.

(b) A description of the proposed communication facilities.

(c) Any other information reasonably required by the enterprise.

(3) APPLICATION REVIEW.—The enterprise shall review each application for completeness within 30 days after receipt of the application.

(a) If the enterprise determines that an application is not complete, the enterprise shall, within 30 days after the receipt of the initial application, notify the applicant in writing of any errors or omissions. An applicant shall have 30 days within which to correct the errors or omissions in the initial application.

(b) If the enterprise determines that an application is complete, the enterprise shall act upon the permit application within 60 days of the receipt of the completed application by approving in whole, approving with conditions as the enterprise deems appropriate, or denying the application, and stating the reason for issuance or denial. In determining whether an application should be approved, approved with modifications or conditions, or denied, the enterprise shall consider any comments or recommendations received from a municipality or county and the extent to which the proposed communication facilities:

1. Are located in a manner that is appropriate for the communication technology specified by the applicant.

2. Serve an existing or projected future need for communication facilities.

3. Provide sufficient wireless voice and data coverage and capacity for the safe and efficient operation of the high-speed rail system and the safety, use, and efficiency of its crew and passengers.

(c) The failure to adopt any recommendation or comment may not be a basis for challenging the issuance of a permit.

(4) EFFECT OF PERMIT.—

(a) A permit authorizes the permittee to locate, construct, operate, and maintain the communication facilities within a new or existing high-speed rail system, subject to the conditions set forth in the permit. Such activities are not subject to local government land use or zoning regulations.

(b) A permit may include conditions that constitute variances and exemptions from rules of the enterprise or any other agency, which would otherwise be applicable to the communication facilities within the new or existing high-speed rail system.

(c) Notwithstanding any other provisions of law, the permit shall be in lieu of any license, permit, certificate, or similar document required by any local agency.

(d) Nothing in this section is intended to impose procedures or restrictions on railroad companies that are subject to the exclusive jurisdiction of the federal Surface Transportation Board pursuant to the Interstate Commerce Commission Termination Act of 1995, 49 U.S.C. ss. 10101, et seq.

(5) MODIFICATION OF PERMIT.—A permit may be modified by the applicant after issuance upon the filing of a petition with the enterprise.

(a) A petition for modification must set forth the proposed modification and the factual reasons asserted for the modification.

(b) The enterprise shall act upon the petition within 30 days by approving or denying the application, and stating the reason for issuance or denial.

Section 7. Paragraph (b) of subsection (2) of section 341.840, is amended to read:

341.840 Tax exemption.—

(2)

(b) For the purposes of this section, any item or property that is within the definition of the term "associated development" in s. 341.8203(1) may not be considered part of the high-speed rail system as defined in *s. 341.8203(4)* ~~s. 341.8203(3)~~.

And the title is amended as follows:

Delete line 21 and insert: used in the Florida Rail Enterprise Act; prohibiting owners of communication facilities from offering certain services to persons unrelated to a high-speed rail system; amending s.

Senator Altman moved the following amendment:

Amendment 2 (403068) (with title amendment)—Delete lines 343-361.

And the title is amended as follows:

Delete lines 40-43 and insert: reference; amending s. 32, chapter 2012-

Senator Smith moved the following substitute amendment which was adopted:

Amendment 3 (509504) (with title amendment)—Delete line 360 and insert: *or contiguous to the professional sports franchise facility. The board's authority to lease the above described ancillary commercial development in conjunction with a professional sports franchise facility lease applies only if at the time the board leases the ancillary commercial development, the professional sports franchise facility lease has been in effect for at least 10 years and such lease has at least an additional 10 years remaining in the lease term* ;

And the title is amended as follows:

Delete line 43 and insert: lease of a sports facility subject to certain conditions; amending s. 32, chapter 2012-

Pursuant to Rule 4.19, **CS for HB 7019** as amended was placed on the calendar of Bills on Third Reading.

BILLS ON THIRD READING

CS for HB 461— An act relating to deaf and hard-of-hearing students; amending s. 1003.55, F.S.; requiring the Department of Education to develop a model communication plan to be used in the development of an individual education plan for deaf or hard-of-hearing students; requiring the department to disseminate the model to each school district and provide technical assistance; providing an effective date.

—was read the third time by title.

On motion by Senator Altman, **CS for HB 461** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dean	Hukill
Abruzzo	Detert	Joyner
Altman	Diaz de la Portilla	Latvala
Bean	Evers	Lee
Benacquisto	Flores	Legg
Bradley	Galvano	Margolis
Brandes	Gardiner	Montford
Braynon	Gibson	Richter
Bullard	Grimsley	Ring
Clemens	Hays	Sachs
Simmons	Sobel	Thompson
Simpson	Soto	Thrasher
Smith	Stargel	

Nays—2

Garcia	Negron

Vote after roll call:

Nay to Yea—Garcia

RECESS

On motion by Senator Gaetz, the Senate recessed at 3:09 p.m. to reconvene at 3:45 p.m.

EVENING SESSION

The Senate was called to order by President Gaetz at 3:55 p.m. A quorum present—40:

Mr. President	Flores	Negron
Abruzzo	Galvano	Richter
Altman	Garcia	Ring
Bean	Gardiner	Sachs
Benacquisto	Gibson	Simmons
Bradley	Grimsley	Simpson
Brandes	Hays	Smith
Braynon	Hukill	Sobel
Bullard	Joyner	Soto
Clemens	Latvala	Stargel
Dean	Lee	Thompson
Detert	Legg	Thrasher
Diaz de la Portilla	Margolis	
Evers	Montford	

SPECIAL ORDER CALENDAR

On motion by Senator Brandes, the Senate resumed consideration of—

CS for HB 7029—A bill to be entitled An act relating to digital learning; amending s. 1001.42, F.S.; revising district school board duties relating to virtual instruction; amending s. 1002.321, F.S.; requiring the Department of Education to develop an online catalog of digital learning courses; amending s. 1002.37, F.S.; revising and clarifying the requirements for reporting and funding a full-time equivalent student in the Florida Virtual School; providing requirements for funding a home education student enrolled in the Florida Virtual School; providing reporting requirements relating to Florida Virtual School Global; requiring the Auditor General to conduct an operational audit of the Florida Virtual School; amending s. 1002.45, F.S.; authorizing a school district to provide part-time virtual instruction for K-12 students in all courses; revising requirements for the use of virtual instruction in core-curricula courses for the purpose of meeting class size requirements; revising requirements for approval as a provider of virtual instruction programs or courses; providing requirements for conditional approval; revising and clarifying the requirements for reporting and funding a full-time equivalent student enrolled in a virtual instruction program; creating s. 1002.451, F.S.; authorizing a district school board to operate a district innovation school as a pilot program; providing delivery models for implementation of a schoolwide blended learning program; providing funding requirements; providing exemption from statutes and rules; amending s. 1003.01, F.S.; removing blended learning courses provided by a traditional public school, a charter school, or a district innovation school from the definition of core curricular courses for purposes of class size requirements; amending s. 1003.498, F.S.; requiring the Department of Education to provide identifiers for courses to designate their use for blended learning courses; removing restrictions on students taking online courses across district lines; clarifying the requirements for reporting a full-time student; prohibiting a school district from requiring a public school student to take an online course at certain times or places; amending s. 1007.01, F.S.; requiring the Articulation Coordinating Committee to recommend a funding model and financial ac-

countability mechanism for providers of online courses; amending s. 1007.24, F.S.; including online courses provided by providers in the statewide course numbering system; amending s. 1011.61, F.S.; revising and clarifying the definition of a full-time equivalent student; revising provisions relating to funding based on student completion of end-of-course examinations; revising provisions relating to the maximum value for funding a student; creating s. 1011.622, F.S.; providing for funding adjustments for students without a common student identifier; providing an effective date.

—which was previously considered and amended this day.

RECONSIDERATION OF AMENDMENT

Senator Brandes moved that the Senate reconsider the vote by which **Amendment 1 (317092)** was adopted.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Brandes moved the following amendment to **Amendment 1** which was adopted:

Amendment 1D (556616) (with title amendment)—Delete lines 5-15.

And the title is amended as follows:

Delete lines 398-400 and insert: An act relating to education; amending s. 1002.321, F.S.;

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for HB 7029** as amended was placed on the calendar of Bills on Third Reading.

SPECIAL GUESTS

The President recognized former Representative and former Congressman, Adam Putnam, Commissioner of Agriculture, who was present in the chamber.

CS for CS for SB 1024—A bill to be entitled An act relating to the Department of Economic Opportunity; establishing the Economic Development Programs Evaluation; requiring the Office of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability to present the evaluation; requiring the offices to develop and submit a work plan for completing the evaluation by a certain date; requiring the offices to provide an analysis of certain economic development programs and specifying a schedule; requiring the Office of Economic and Demographic Research to make certain evaluations in its analysis; limiting the office's evaluation for the purposes of tax credits, tax refunds, sales tax exemptions, cash grants, and similar programs; requiring the office to use a certain model to evaluate each program; requiring the Office of Program Policy Analysis and Government Accountability to make certain evaluations in its analysis; providing the offices access to all data necessary to complete the evaluation; amending s. 20.60, F.S.; revising the date on which the Department of Economic Opportunity and Enterprise Florida, Inc., are required to report on the business climate and economic development in the state; specifying reports and information that must be included; amending s. 201.15, F.S.; revising the distribution of funds in the Grants and Donations Trust Fund; amending s. 212.08, F.S.; revising definitions; clarifying the application of certain amendments; amending s. 213.053, F.S.; authorizing the Department of Revenue to make certain information available to the director of the Office of Program Policy Analysis and Government Accountability and the coordinator of the Office of Economic and Demographic Research; authorizing the offices to share certain information; amending s. 220.194, F.S.; requiring the annual report for the Florida Space Business Incentives Act to be included in the annual incentives report; deleting certain reporting requirements; amending s. 288.001, F.S.; providing a network purpose; providing definitions; requiring the statewide director and the network to operate the program in compliance with federal laws and regulations and a Board of Governors regulation; requiring the statewide director to consult with the Board of Governors, the Department of Economic Opportunity, and the network's statewide advisory board to establish certain policies and goals; requiring the network to maintain a statewide advisory board; providing for advisory board membership; providing for terms of membership; providing for certain member reimbursement; requiring the director to develop support services; specifying support service requirements; requiring businesses that receive support services to participate in certain assessments; requiring the network to provide a match equal to certain state funding; providing criteria for the match; requiring the statewide director to coordinate with the host institution to establish a pay-per-performance incentive; providing for pay-per-performance incentive funding and distribution; providing a distribution formula requirement; requiring the statewide director to coordinate with the advisory board to distribute funds for certain purposes and develop programs to distribute funds for those purposes; requiring the network to announce available funding, performance expectations, and other requirements; requiring the statewide director to present applications and recommendations to the advisory board; requiring applications approved by the advisory board to be publicly posted; providing minimum requirements for a program; prohibiting certain regional small business development centers from receiving funds; providing that match funding may not be reduced for regional small business development centers receiving additional funds; requiring the statewide director to regularly update the Board of Governors, the department, and the advisory board with certain information; requiring the statewide director, in coordination with the advisory board, to annually report certain information to the President of the Senate and the Speaker of the House of Representatives; amending s. 288.005, F.S.; providing a definition; amending s. 288.012, F.S.; requiring each State of Florida international office to submit a report to Enterprise Florida, Inc., for inclusion in its annual report; deleting a reporting date; amending s. 288.061, F.S.; requiring the Department of Economic Opportunity to analyze each economic development incentive application; requiring an applicant to provide a surety bond to the Department of Economic Opportunity before the applicant receives incentive awards through the Quick Action Closing Fund or the Innovation Incentive Program; requiring the contract or agreement to provide that the bond remain in effect until all conditions have been satisfied; providing that the department may require the bond to cover the entire contracted amount or allow for bonds to be renewed upon completion of certain performance measures; requiring the contract or agreement to provide that funds are contingent upon receipt of the surety bond; requiring the contract or agreement to provide that up to half of the premium payment on the bond may be paid from the award up to a certain amount; requiring an applicant to notify the department of premium payments; providing for certain notice requirements upon cancellation or nonrenewal by an insurer; providing that the cancellation of the surety bond violates the contract or agreement; providing an exception; providing for a waiver if certain information is provided; providing that if the department grants a waiver, the contract or agreement must provide for securing the award in a certain form; requiring the contract or agreement to provide that the release of funds is contingent upon satisfying certain requirements; requiring the irrevocable letter of credit, trust, or security agreement to remain in effect until certain conditions have been satisfied; providing for a waiver of the surety bond or other security if certain information is provided and the department determines it to be in the best interest of the state; providing that the waiver of the surety bond or other security, for funding in excess of $5 million, must be approved by the Legislative Budget Commission; providing that the state may bring suit upon default or upon a violation of this section; providing that the department may adopt rules to implement this section; amending s. 288.0656, F.S.; requiring the Rural Economic Development Initiative to submit a report to supplement the Department of Economic Opportunity's annual report; deleting certain reporting requirements; amending s. 288.076, F.S.; providing definitions; requiring the Department of Economic Opportunity to publish on a website specified information concerning state investment in economic development programs; requiring the department to use methodology and formulas established by the Office of Economic and Demographic Research for specified calculations; requiring the Office of Economic and Demographic Research to provide a description of specified methodology and formulas to the department and the department to publish the description on its website within a specified period; providing procedures and requirements for reviewing, updating, and supplementing specified published information; requiring the department to annually publish information relating to the progress of Quick Action Closing Fund projects; requiring the department to publish certain confidential information pertaining to participant businesses upon expiration of a specified confidentiality period; requiring the department

to publish certain reports concerning businesses that fail to complete tax refund agreements under the tax refund program for qualified target industry businesses; providing for construction and legislative intent; authorizing the department to adopt rules; repealing s. 288.095(3)(c), F.S., relating to the annual report by Enterprise Florida, Inc., of programs funded by the Economic Development Incentives Account; amending s. 288.106, F.S.; deleting and adding provisions relating to the application and approval process of the tax refund program for qualified target industry businesses; requiring the Department of Economic Opportunity to include information on qualified target industry businesses in the annual incentives report; deleting certain reporting requirements; amending 288.107, F.S.; revising definitions; revising provisions to conform to changes made by the act; revising the minimum criteria for participation in the brownfield redevelopment bonus refund; amending s. 288.1081, F.S.; requiring the use of loan funds from the Economic Gardening Business Loan Pilot Program to be included in the department's annual report; deleting certain reporting requirements; amending s. 288.1082, F.S.; requiring the progress of the Economic Gardening Technical Assistance Pilot Program to be included in the department's annual report; deleting certain reporting requirements; amending s. 288.1088, F.S.; requiring the department to validate contractor performance for the Quick Action Closing Fund and include the performance validation in the annual incentives report; deleting certain reporting requirements; amending s. 288.1089, F.S.; requiring that certain projects in the Innovation Incentive Program provide a cumulative breakeven economic benefit; requiring the department to report information relating to the Innovation Incentive Program in the annual incentives report; deleting certain reporting requirements; deleting provisions that require the Office of Program Policy Analysis and Government Accountability and the Auditor General's Office to report on the Innovation Incentive Program; amending s. 288.1253, F.S.; revising a reporting date; requiring expenditures of the Office of Film and Entertainment to be included in the annual entertainment industry financial incentive program report; amending s. 288.1254, F.S.; revising a reporting date; requiring the annual entertainment industry financial incentive program report to include certain information; amending s. 288.1258, F.S.; revising a reporting date; requiring the report detailing the relationship between tax exemptions and incentives to industry growth to be included in the annual entertainment industry financial incentive program report; amending s. 288.714, F.S.; requiring the Department of Economic Opportunity's annual report to include a report on the Black Business Loan Program; deleting certain reporting requirements; amending s. 288.7771, F.S.; requiring the Florida Export Finance Corporation to submit a report to Enterprise Florida, Inc.; amending s. 288.903, F.S.; requiring Enterprise Florida, Inc., with the Department of Economic Opportunity, to prepare an annual incentives report; repealing s. 288.904(6), F.S., relating to Enterprise Florida, Inc., which requires the department to report the return on the public's investment; amending s. 288.906, F.S.; requiring certain reports to be included in the Enterprise Florida, Inc., annual report; amending s. 288.907, F.S.; requiring Enterprise Florida, Inc., with the Department of Economic Opportunity, to prepare the annual incentives report; requiring the annual incentives report to include certain information; deleting a provision requiring the Division of Strategic Business Development to assist Enterprise Florida, Inc., with the report; 288.92, F.S.; requiring each division of Enterprise Florida, Inc., to submit a report; amending s. 288.95155, F.S.; requiring the financial status of the Florida Small Business Technology Growth Program to be included in the annual incentives report; amending s. 288.9918, F.S.; revising reporting requirements related to community development entities; amending s. 290.0055, F.S.; providing for the expansion of the boundaries of enterprise zones that meet certain requirements; providing an application deadline; amending s. 290.0056, F.S.; revising a reporting date; requiring the enterprise zone development agency to submit certain information for the Department of Economic Opportunity's annual report; amending s. 290.014, F.S.; revising a reporting date; requiring certain reports on enterprise zones to be included in the Department of Economic Opportunity's annual report; amending s. 290.0455, F.S.; providing for the state's guarantee of certain federal loans to local governments; requiring applicants for such loans to pledge a specified amount of revenues to guarantee the loans; revising requirements for the department to submit recommendations to the Federal Government for such loans; revising the maximum amount of the loan guarantee commitment that a local government may receive and providing exceptions; providing for reduction of a local government's future community development block grants if the local government defaults on the federal loan; providing procedures if a local government is granted entitlement community status; amending ss. 331.3051 and 331.310, F.S.; revising requirements for annual reports by Space Florida; amending s. 443.036, F.S.; providing examples of misconduct; amending s. 443.091, F.S.; providing for online work registration and providing exceptions; limiting a claimant's use of the same prospective employer to meet work search requirements; providing an exception; providing that work search requirements do not apply to individuals required to participate in reemployment services; amending s. 443.101, F.S.; providing for disqualification in any week with respect to which the department finds that his or her unemployment is due to failure without good cause to maintain a license, registration, or certification required by applicable law necessary for the employee to perform her or his assigned job duties; providing examples of "good cause"; amending s. 443.1113, F.S., relating to the Reemployment Assistance Claims and Benefits Information System; revising timeframe for deployment of a certain Internet portal as part of such system; amending s. 443.131, F.S.; requiring the tax collection service provider to calculate a certain additional rate; providing for when an assessment may not be made; requiring assessments to be available to pay interest on federal advances; requiring certain excess funds to be transferred to the Unemployment Compensation Trust Fund after a certain time period; deleting the provision referring to crediting employer accounts; providing an expiration date; amending s. 443.151 F.S.; revising provisions to conform to changes made to benefit eligibility; providing that an employer or its agent may not be relieved of benefit charges for failure to timely and adequately respond to notice of claim or request for information; requiring the department to impose a penalty against a claimant who is overpaid reemployment assistance benefits due to fraud by the claimant; requiring an appeals referee to be an attorney in good standing with the Florida Bar or successfully admitted within 8 months of hire; requiring the Department of Economic Opportunity to meet the requirements of the bill through attrition after January 1, 2014; amending s. 443.1715, F.S.; prohibiting the unlawful disclosure of certain confidential information relating to employing units and individuals under the Reemployment Assistance Program Law; providing criminal penalties; amending 443.191, F.S.; providing for the deposit of moneys recovered and penalties collected due to fraud in the Unemployment Compensation Trust Fund; amending s. 446.50, F.S.; requiring the Department of Economic Opportunity's annual report to include a plan for the displaced homemaker program; deleting certain reporting requirements; creating s. 288.80, F.S.; providing a short title; creating s. 288.801, F.S.; providing Legislative intent; creating s. 288.81, F.S.; providing definitions; creating s. 288.82, F.S.; creating Triumph Gulf Coast, Inc., as nonprofit corporation; requiring the Triumph Gulf Coast, Inc., to create and administer the Recovery Fund for the benefit of disproportionately affected counties; providing for principal of the fund; providing for payment of administrative costs from the earnings of the fund; providing any remaining funds after 30 years revert to the State Treasury; authorizing investment of the principal of the fund; requiring an investment policy; requiring competitive procurement of money managers; requiring annual audits; requiring biannual reports; creating s. 288.83, F.S.; providing for application of public records and meetings laws; providing for governance by a 5 member board of directors; providing membership; providing for terms; providing for appointment for vacancies; providing limitations on board members; limiting post-employment activities; providing for a misdemeanor for violations; requiring financial disclosures; providing travel and per diem expenses; providing for removal; requiring quarterly meetings; providing for staffing; creating s. 288.831, F.S.; providing the powers and duties of the board of directors; creating s. 288.832, F.S.; providing the duties of Triumph Gulf Coast, Inc.; creating s. 288.84, F.S.; permitting awards for projects or programs from available earnings and principal; proscribing the award categories; proscribing the award categories for certain funds; establishing priority ranking for applications; prohibiting award from financing 100 percent of a project or program; permitting Triumph Gulf Coast, Inc., to requiring a one-to-one match; prohibiting an awardee from receiving all available funds; requiring a contract for an award; requiring regular reporting; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1024**, on motion by Senator Detert, by two-thirds vote **CS for CS for HB 7007** was withdrawn from the Committees on Community Affairs; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Appropriations.

On motion by Senator Detert—

CS for CS for HB 7007—A bill to be entitled An act relating to economic development; amending s. 20.60, F.S.; revising the date on which the Department of Economic Opportunity and Enterprise Florida, Inc., are required to report on the business climate and economic development in the state; specifying reports and information that must be included; amending s. 201.15, F.S.; revising the distribution of funds in the Grants and Donations Trust Fund; amending s. 212.08, F.S.; revising definitions; amending s. 213.053, F.S.; authorizing the Department of Revenue to make certain information available to the director of the Office of Program Policy Analysis and Government Accountability and the coordinator of the Office of Economic and Demographic Research; authorizing the offices to share certain information; amending s. 220.194, F.S.; requiring the annual report for the Florida Space Business Incentives Act to be included in the annual incentives report; deleting certain reporting requirements; amending s. 288.001, F.S.; providing a network purpose; providing definitions; requiring the statewide director and the network to operate the program in compliance with federal laws and regulations and a Board of Governors regulation; requiring the statewide director to consult with the Board of Governors, the Department of Economic Opportunity, and the network's statewide advisory board to establish certain policies and goals; requiring the network to maintain a statewide advisory board; providing for advisory board membership; providing for terms of membership; providing for certain member reimbursement; requiring the director to develop support services; specifying support service requirements; requiring businesses that receive support services to participate in certain assessments; requiring the network to provide a match equal to certain state funding; providing criteria for the match; requiring the statewide director to coordinate with the host institution to establish a pay-per-performance incentive; providing for pay-per-performance incentive funding and distribution; providing a distribution formula requirement; requiring the statewide director to coordinate with the advisory board to distribute funds for certain purposes and develop programs to distribute funds for those purposes; requiring the network to announce available funding, performance expectations, and other requirements; requiring the statewide director to present applications and recommendations to the advisory board; requiring applications approved by the advisory board to be publicly posted; providing minimum requirements for a program; prohibiting certain regional small business development centers from receiving funds; providing that match funding may not be reduced for regional small business development centers receiving additional funds; requiring the statewide director to regularly update the Board of Governors, the department, and the advisory board with certain information; requiring the statewide director, in coordination with the advisory board, to annually report certain information to the President of the Senate and the Speaker of the House of Representatives; amending s. 288.005, F.S.; revising definitions; amending s. 288.012, F.S.; requiring each State of Florida international office to submit a report to Enterprise Florida, Inc., for inclusion in its annual report; deleting a reporting date; amending s. 288.0656, F.S.; requiring the Rural Economic Development Initiative to submit a report to supplement the department's annual report; deleting certain reporting requirements; amending s. 288.061, F.S.; providing for the evaluation of economic development incentive applications; requiring an applicant to provide a surety bond to the department before the applicant receives incentive awards through the Quick Action Closing Fund or the Innovation Incentive Program; requiring the contract or agreement to provide that the bond remain in effect until all conditions have been satisfied; providing that the department may require the bond to cover the entire contracted amount or allow for bonds to be renewed upon completion of certain performance measures; requiring the contract or agreement to provide that funds are contingent upon receipt of the surety bond; requiring the contract or agreement to provide that up to half of the premium payment on the bond may be paid from the award up to a certain amount; requiring an applicant to notify the department of premium payments; providing for certain notice requirements upon cancellation or nonrenewal by an insurer; providing that the cancellation of the surety bond violates the contract or agreement; providing an exception; providing for a waiver if certain information is provided; providing that if the department grants a waiver, the contract or agreement must provide for securing the award in a certain form; requiring the contract or agreement to provide that the release of funds is contingent upon satisfying certain requirements; requiring the irrevocable letter of credit, trust, or security agreement to remain in effect until certain conditions have been satisfied; providing for a waiver of the surety bond or other security if certain information is provided and the department determines it to be in the best interest of the state; providing that the waiver of the surety bond or other security, for funding in excess of $5 million, must be approved by the Legislative Budget Commission; prohibiting the executive director from approving an economic development incentive application unless a specified written declaration is received; requiring an awardee to provide a signed written declaration in specified years; providing that the state may bring suit upon default or upon a violation of this section; providing that the department may adopt rules to implement this section; creating s. 288.076, F.S.; providing definitions; requiring the department to publish on a website specified information concerning state investment in economic development programs; requiring the department to work with the Office of Economic and Demographic Research to provide a description of specified methodology and requiring the department to publish such description on its website; providing procedures and requirements for reviewing, updating, and supplementing specified published information; requiring the department to annually publish information relating to the progress of Quick Action Closing Fund projects; requiring the department to publish certain confidential information pertaining to participant businesses upon expiration of a specified confidentiality period; requiring the department to publish certain reports concerning businesses that fail to complete tax refund agreements under the tax refund program for qualified target industry businesses; providing for construction and legislative intent; authorizing the department to adopt rules; creating s. 288.0761, F.S.; establishing the Economic Development Programs Evaluation; requiring the Office of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability to present the evaluation; requiring the offices to develop and submit a work plan for completing the evaluation by a certain date; requiring the offices to provide an analysis of certain economic development programs and specifying a schedule; requiring the Office of Economic and Demographic Research to make certain evaluations in its analysis; limiting the office's evaluation for the purposes of tax credits, tax refunds, sales tax exemptions, cash grants, and similar programs; requiring the office to use a certain model to evaluate each program; requiring the Office of Program Policy Analysis and Government Accountability to make certain evaluations in its analysis; providing the offices access to all data necessary to complete the evaluation; repealing s. 288.095(3)(c), F.S., relating to the annual report by Enterprise Florida, Inc., of programs funded by the Economic Development Incentives Account; amending s. 288.106, F.S.; revising provisions relating to the application and approval process of the tax refund program for qualified target industry businesses; requiring the department to include information on qualified target industry businesses in the annual incentives report; deleting certain reporting requirements; amending s. 288.107, F.S.; revising definitions; revising provisions to conform to changes made by the act; revising the minimum criteria for participation in the brownfield redevelopment bonus refund; amending s. 288.1081, F.S.; requiring the use of loan funds from the Economic Gardening Business Loan Pilot Program to be included in the department's annual report; deleting certain reporting requirements; amending s. 288.1082, F.S.; requiring the progress of the Economic Gardening Technical Assistance Pilot Program to be included in the department's annual report; deleting certain reporting requirements; amending s. 288.1088, F.S.; requiring the department to validate contractor performance for the Quick Action Closing Fund and include the performance validation in the annual incentives report; deleting certain reporting requirements; amending s. 288.1089, F.S.; requiring that certain projects in the Innovation Incentive Program provide a cumulative break-even economic benefit; requiring the department to report information relating to the Innovation Incentive Program in the annual incentives report; deleting certain reporting requirements; deleting provisions that require the Office of Program Policy Analysis and Government Accountability and the Auditor General's Office to report on the Innovation Incentive Program; amending s. 288.1253, F.S.; revising a reporting date; requiring expenditures of the Office of Film and Entertainment to be included in the annual entertainment industry financial incentive program report; amending s. 288.1254, F.S.; revising a reporting date; requiring the annual entertainment industry financial incentive program report to include certain information; amending s. 288.1258, F.S.; revising a reporting date; requiring the report detailing the relationship between tax exemptions and incentives to industry growth to be included in the annual entertainment industry financial incentive program report; amending s. 288.714, F.S.; requiring the department's annual report to include a report on the Black Business Loan Program; deleting certain reporting requirements; amending s. 288.7771, F.S.; requiring the Florida Export Finance Corporation to submit a report to Enterprise Florida, Inc.; amending s. 288.903, F.S.; requiring Enterprise Florida, Inc., with the department, to prepare an

annual incentives report; repealing s. 288.904(6), F.S., relating to Enterprise Florida, Inc., which requires the department to report the return on the public's investment; amending s. 288.906, F.S.; requiring certain reports to be included in the Enterprise Florida, Inc., annual report; amending s. 288.907, F.S.; requiring Enterprise Florida, Inc., in conjunction with the department, to prepare the annual incentives report; requiring the report to include certain information; deleting a provision requiring the Division of Strategic Business Development to assist Enterprise Florida, Inc., with the report; amending s. 288.92, F.S.; requiring each division of Enterprise Florida, Inc., to submit a report; amending s. 288.95155, F.S.; requiring the financial status of the Florida Small Business Technology Growth Program to be included in the annual incentives report; amending 288.9918, F.S.; revising reporting requirements related to community development entities, amending 290.0055, F.S.; providing for the expansion of the boundaries of enterprise zones that meet certain requirements; providing an application deadline; amending s. 290.0056, F.S.; revising a reporting date; requiring the enterprise zone development agency to submit certain information for the department's annual report; amending s. 290.014, F.S.; revising a reporting date; requiring certain reports on enterprise zones to be included in the department's annual report; amending s. 290.0455, F.S.; providing for the state's guarantee of certain federal loans to local governments; requiring applicants for such loans to pledge a specified amount of revenues to guarantee the loans; revising requirements for the department to submit recommendations to the Federal Government for such loans; revising the maximum amount of the loan guarantee commitment that a local government may receive and providing exceptions; providing for reduction of a local government's future community development block grants if the local government defaults on the federal loan; providing procedures if a local government is granted entitlement community status; amending s. 331.3051, F.S.; revising a reporting date; requiring Space Florida's annual report to include certain information; amending s. 331.310, F.S.; requiring the Board of Directors of Space Florida to supplement Space Florida's annual report with operations information; deleting certain reporting requirements; amending s. 376.78, F.S.; revising legislative intent with regard to community revitalization in certain areas; amending s. 376.80, F.S.; revising procedures for designation of brownfield areas by local governments; authorizing local governments to use a term other than "brownfield area" when naming such areas; amending s. 376.82, F.S.; providing relief of liability for property damages for entities that execute and implement certain brownfield site rehabilitation agreements; providing for applicability; amending s. 443.036, F.S.; providing examples of misconduct; amending s. 443.091, F.S.; providing for online work registration and providing exceptions; limiting a claimant's use of the same prospective employer to meet work search requirements; providing an exception, providing that work search requirements do not apply to individuals required to participate in reemployment services; amending s. 443.101, F.S.; providing for disqualification in any week with respect to which the department finds that his or her unemployment is due to failure without good cause to maintain a license, registration, or certification required by applicable law necessary for the employee to perform her or his assigned job duties; providing examples of "good cause"; amending s. 443.1113, F.S., relating to the Reemployment Assistance Claims and Benefits Information System; revising timeframe for deployment of a certain Internet portal as part of such system; amending s. 443.131, F.S.; revising requirements for the estimate of interest due on advances received from the Federal Government to the Unemployment Compensation Trust Fund; revising the calculation of additional assessments to contributing employers to repay the interest; providing an exemption from such additional assessments; amending s. 443.151 F.S.; revising provisions to conform to changes made to benefit eligibility; providing that an employer or its agent may not be relieved of benefit charges for failure to timely and adequately respond to notice of claim or request for information; imposing a penalty against a claimant who is overpaid reemployment assistance benefits due to fraud by the claimant; requiring appeals referees appointed on or after a specified date to be attorneys in good standing or admitted to The Florida Bar within a specified period after appointment; amending s. 443.1715, F.S.; prohibiting the unlawful disclosure of certain confidential information relating to employing units and individuals under the Reemployment Assistance Program Law; providing penalties; amending s. 443.191, F.S.; providing for deposit of moneys collected for certain penalties in the Unemployment Compensation Trust Fund; amending s. 446.50, F.S.; requiring the department's annual report to include a plan for the displaced homemaker program; deleting certain reporting requirements; providing for applicability; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 1024** and read the second time by title.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Detert moved the following amendment:

Amendment 1 (969426) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Economic Development Programs Evaluation.—The Office of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability (OPPAGA) shall develop and present to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees the Economic Development Programs Evaluation.*

(1) The Office of Economic and Demographic Research and OPPAGA shall coordinate the development of a work plan for completing the Economic Development Programs Evaluation and shall submit the work plan to the President of the Senate and the Speaker of the House of Representatives by July 1, 2013.

(2) The Office of Economic and Demographic Research and OPPAGA shall provide a detailed analysis of economic development programs as provided in the following schedule:

(a) By January 1, 2014, and every 3 years thereafter, an analysis of the following:

1. The capital investment tax credit established under s. 220.191, Florida Statutes.

2. The qualified target industry tax refund established under s. 288.106, Florida Statutes.

3. The brownfield redevelopment bonus refund established under s. 288.107, Florida Statutes.

4. High-impact business performance grants established under s. 288.108, Florida Statutes.

5. The Quick Action Closing Fund established under s. 288.1088, Florida Statutes.

6. The Innovation Incentive Program established under s. 288.1089, Florida Statutes.

7. Enterprise Zone Program incentives established under ss. 212.08(5), 212.08(15), 212.096, 220.181, and 220.182, Florida Statutes.

(b) By January 1, 2015, and every 3 years thereafter, an analysis of the following:

1. The entertainment industry financial incentive program established under s. 288.1254, Florida Statutes.

2. The entertainment industry sales tax exemption program established under s. 288.1258, Florida Statutes.

3. VISIT Florida and its programs established or funded under ss. 288.122, 288.1226, 288.12265, and 288.124, Florida Statutes.

4. The Florida Sports Foundation and related programs established under ss. 288.1162, 288.11621, 288.1166, 288.1167, 288.1168, 288.1169, and 288.1171, Florida Statutes.

(c) By January 1, 2016, and every 3 years thereafter, an analysis of the following:

1. The qualified defense contractor and space flight business tax refund program established under s. 288.1045, Florida Statutes.

2. The tax exemption for semiconductor, defense, or space technology sales established under s. 212.08(5)(j), Florida Statutes.

3. The Military Base Protection Program established under s. 288.980, Florida Statutes.

4. The Manufacturing and Spaceport Investment Incentive Program established under s. 288.1083, Florida Statutes.

5. The Quick Response Training Program established under s. 288.047, Florida Statutes.

6. The Incumbent Worker Training Program established under s. 445.003, Florida Statutes.

7. International trade and business development programs established or funded under s. 288.826, Florida Statutes.

(3) Pursuant to the schedule established in subsection (2), the Office of Economic and Demographic Research shall evaluate and determine the economic benefits, as defined in s. 288.005, Florida Statutes, of each program over the previous 3 years. The analysis must also evaluate the number of jobs created, the increase or decrease in personal income, and the impact on state gross domestic product from the direct, indirect, and induced effects of the state's investment in each program over the previous 3 years.

(a) For the purpose of evaluating tax credits, tax refunds, sales tax exemptions, cash grants, and similar programs, the Office of Economic and Demographic Research shall evaluate data only from those projects in which businesses received state funds during the evaluation period. Such projects may be fully completed, partially completed with future fund disbursal possible pending performance measures, or partially completed with no future fund disbursal possible as a result of a business's inability to meet performance measures.

(b) The analysis must use the model developed by the Office of Economic and Demographic Research, as required in s. 216.138, Florida Statutes, to evaluate each program. The office shall provide a written explanation of the key assumptions of the model and how it is used. If the office finds that another evaluation model is more appropriate to evaluate a program, it may use another model, but it must provide an explanation as to why the selected model was more appropriate.

(4) Pursuant to the schedule established in subsection (2), OPPAGA shall evaluate each program over the previous 3 years for its effectiveness and value to the taxpayers of this state and include recommendations on each program for consideration by the Legislature. The analysis may include relevant economic development reports or analyses prepared by the Department of Economic Opportunity, Enterprise Florida, Inc., or local or regional economic development organizations; interviews with the parties involved; or any other relevant data.

(5) The Office of Economic and Demographic Research and OPPAGA must be given access to all data necessary to complete the Economic Development Programs Evaluation, including any confidential data. The offices may collaborate on data collection and analysis.

Section 2. Subsection (10) of section 20.60, Florida Statutes, is amended to read:

20.60 Department of Economic Opportunity; creation; powers and duties.—

(10) The department, with assistance from Enterprise Florida, Inc., shall, by *November 1* ~~January 1~~ of each year, submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the condition of the business climate and economic development in the state.

(a) The report *must* ~~shall~~ include the identification of problems and a prioritized list of recommendations.

(b) The report must incorporate annual reports of other programs, including:

1. The displaced homemaker program established under s. 446.50.

2. Information provided by the Department of Revenue under s. 290.014.

3. Information provided by enterprise zone development agencies under s. 290.0056 and an analysis of the activities and accomplishments of each enterprise zone.

4. The Economic Gardening Business Loan Pilot Program established under s. 288.1081 and the Economic Gardening Technical Assistance Pilot Program established under s. 288.1082.

5. A detailed report of the performance of the Black Business Loan Program and a cumulative summary of quarterly report data required under s. 288.714.

6. The Rural Economic Development Initiative established under s. 288.0656.

Section 3. Paragraph (c) of subsection (1) of section 201.15, Florida Statutes, is amended to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter are subject to the service charge imposed in s. 215.20(1). Prior to distribution under this section, the Department of Revenue shall deduct amounts necessary to pay the costs of the collection and enforcement of the tax levied by this chapter. Such costs and the service charge may not be levied against any portion of taxes pledged to debt service on bonds to the extent that the costs and service charge are required to pay any amounts relating to the bonds. After distributions are made pursuant to subsection (1), all of the costs of the collection and enforcement of the tax levied by this chapter and the service charge shall be available and transferred to the extent necessary to pay debt service and any other amounts payable with respect to bonds authorized before January 1, 2013, secured by revenues distributed pursuant to subsection (1). All taxes remaining after deduction of costs and the service charge shall be distributed as follows:

(1) Sixty-three and thirty-one hundredths percent of the remaining taxes shall be used for the following purposes:

(c) After the required payments under paragraphs (a) and (b), the remainder shall be paid into the State Treasury to the credit of:

1. The State Transportation Trust Fund in the Department of Transportation in the amount of the lesser of 38.2 percent of the remainder or $541.75 million in each fiscal year. Out of such funds, the first $50 million for the 2012-2013 fiscal year; $65 million for the 2013-2014 fiscal year; and $75 million for the 2014-2015 fiscal year and all subsequent years, shall be transferred to the State Economic Enhancement and Development Trust Fund within the Department of Economic Opportunity. The remainder is to be used for the following specified purposes, notwithstanding any other law to the contrary:

a. For the purposes of capital funding for the New Starts Transit Program, authorized by Title 49, U.S.C. s. 5309 and specified in s. 341.051, 10 percent of these funds;

b. For the purposes of the Small County Outreach Program specified in s. 339.2818, 5 percent of these funds. Effective July 1, 2014, the percentage allocated under this sub-subparagraph shall be increased to 10 percent;

c. For the purposes of the Strategic Intermodal System specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent of these funds after allocating for the New Starts Transit Program described in sub-subparagraph a. and the Small County Outreach Program described in sub-subparagraph b.; and

d. For the purposes of the Transportation Regional Incentive Program specified in s. 339.2819, 25 percent of these funds after allocating for the New Starts Transit Program described in sub-subparagraph a. and the Small County Outreach Program described in sub-subparagraph b. Effective July 1, 2014, the first $60 million of the funds allocated pursuant to this sub-subparagraph shall be allocated annually to the Florida Rail Enterprise for the purposes established in s. 341.303(5).

2. The Grants and Donations Trust Fund in the Department of Economic Opportunity in the amount of the lesser of .23 percent of the remainder or $3.25 million in each fiscal year to fund technical assistance to local governments ~~and school boards on the requirements and implementation of this act~~.

3. The Ecosystem Management and Restoration Trust Fund in the amount of the lesser of 2.12 percent of the remainder or $30 million in each fiscal year, to be used for the preservation and repair of the state's beaches as provided in ss. 161.091-161.212.

4. General Inspection Trust Fund in the amount of the lesser of .02 percent of the remainder or $300,000 in each fiscal year to be used to fund oyster management and restoration programs as provided in s. 379.362(3).

Moneys distributed pursuant to this paragraph may not be pledged for debt service unless such pledge is approved by referendum of the voters.

Section 4. Paragraph (o) of subsection (5) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(o) *Building materials in redevelopment projects.*—

1. As used in this paragraph, the term:

a. "Building materials" means tangible personal property that becomes a component part of a housing project or a mixed-use project.

b. "Housing project" means the conversion of an existing manufacturing or industrial building to *a* housing *unit which is* ~~units~~ in an urban high-crime area, *an* enterprise zone, *an* empowerment zone, *a* Front Porch Community, *a* designated *brownfield site for which a rehabilitation agreement with the Department of Environmental Protection or a local government delegated by the Department of Environmental Protection has been executed under s. 376.80 and any abutting real property parcel within a* brownfield area, or *an* urban infill area*;* and in which the developer agrees to set aside at least 20 percent of the housing units in the project for low-income and moderate-income persons or the construction in a designated brownfield area of affordable housing for persons described in s. 420.0004(9), (11), (12), or (17) or in s. 159.603(7).

c. "Mixed-use project" means the conversion of an existing manufacturing or industrial building to mixed-use units that include artists' studios, art and entertainment services, or other compatible uses. A mixed-use project must be located in an urban high-crime area, *an* enterprise zone, *an* empowerment zone, *a* Front Porch Community, *a* designated *brownfield site for which a rehabilitation agreement with the Department of Environmental Protection or a local government delegated by the Department of Environmental Protection has been executed under s. 376.80 and any abutting real property parcel within a* brownfield area, or *an* urban infill area*;* ~~,~~ and the developer must agree to set aside at least 20 percent of the square footage of the project for low-income and moderate-income housing.

d. "Substantially completed" has the same meaning as provided in s. 192.042(1).

2. Building materials used in the construction of a housing project or mixed-use project are exempt from the tax imposed by this chapter upon an affirmative showing to the satisfaction of the department that the requirements of this paragraph have been met. This exemption inures to the owner through a refund of previously paid taxes. To receive this refund, the owner must file an application under oath with the department which includes:

a. The name and address of the owner.

b. The address and assessment roll parcel number of the project for which a refund is sought.

c. A copy of the building permit issued for the project.

d. A certification by the local building code inspector that the project is substantially completed.

e. A sworn statement, under penalty of perjury, from the general contractor licensed in this state with whom the owner contracted to construct the project, which statement lists the building materials used in the construction of the project and the actual cost thereof, and the amount of sales tax paid on these materials. If a general contractor was not used, the owner shall provide this information in a sworn statement, under penalty of perjury. Copies of invoices evidencing payment of sales tax must be attached to the sworn statement.

3. An application for a refund under this paragraph must be submitted to the department within 6 months after the date the project is deemed to be substantially completed by the local building code inspector. Within 30 working days after receipt of the application, the department shall determine if it meets the requirements of this paragraph. A refund approved pursuant to this paragraph shall be made within 30 days after formal approval of the application by the department.

4. The department shall establish by rule an application form and criteria for establishing eligibility for exemption under this paragraph.

5. The exemption shall apply to purchases of materials on or after July 1, 2000.

Section 5. *The amendments to section 212.08, Florida Statutes, made by this act do not apply to any housing project or mixed-use project where site development or construction work was initiated prior to the effective date of this act.*

Section 6. Paragraph (bb) is added to subsection (8) of section 213.053, Florida Statutes, to read:

213.053 Confidentiality and information sharing.—

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

(bb) Information to the director of the Office of Program Policy Analysis and Government Accountability or his or her authorized agent, and to the coordinator of the Office of Economic and Demographic Research or his or her authorized agent, for purposes of completing the Economic Development Programs Evaluation. Information obtained from the department pursuant to this paragraph may be shared by the director and the coordinator, or the director's or coordinator's authorized agent, for purposes of completing the Economic Development Programs Evaluation.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 7. Subsection (9) of section 220.194, Florida Statutes, is amended to read:

220.194 Corporate income tax credits for spaceflight projects.—

(9) ANNUAL REPORT.—Beginning in 2014, the Department of Economic Opportunity, in cooperation with Space Florida and the department, shall *include in the* ~~submit an~~ annual *incentives* report *required under s. 288.907 a summary of* ~~summarizing~~ activities relating to the Florida Space Business Incentives Act established under this section ~~to the Governor, the President of the Senate, and the Speaker of the House of Representatives by each November 30~~.

Section 8. Section 288.001, Florida Statutes, is amended to read:

288.001 The Florida Small Business Development Center Network~~; purpose~~.—

(1) PURPOSE.—The Florida Small Business Development Center Network is the principal business assistance organization for small businesses in the state. *The purpose of the network is to serve emerging and established for-profit, privately held businesses that maintain a place of business in the state.*

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

(a) "Board of Governors" is the Board of Governors of the State University System.

(b) "Host institution" is the university designated by the Board of Governors to be the recipient organization in accordance with 13 C.F.R. s. 130.200.

(c) "Network" means the Florida Small Business Development Center Network.

(3) OPERATION; POLICIES AND PROGRAMS.—

(a) The network's statewide director shall operate the network in compliance with the federal laws and regulations governing the network and the Board of Governors Regulation 10.015.

(b) The network's statewide director shall consult with the Board of Governors, the department, and the network's statewide advisory board to ensure that the network's policies and programs align with the statewide goals of the State University System and the statewide strategic economic development plan as provided under s. 20.60.

(4) STATEWIDE ADVISORY BOARD.—

(a) The network shall maintain a statewide advisory board to advise, counsel, and confer with the statewide director on matters pertaining to the operation of the network.

(b) The statewide advisory board shall consist of 19 members from across the state. At least 12 members must be representatives of the private sector who are knowledgeable of the needs and challenges of small businesses. The members must represent various segments and industries of the economy in this state and must bring knowledge and skills to the statewide advisory board which would enhance the board's collective knowledge of small business assistance needs and challenges. Minority and gender representation must be considered when making appointments to the board. The board must include the following members:

1. Three members appointed from the private sector by the President of the Senate.

2. Three members appointed from the private sector by the Speaker of the House of Representatives.

3. Three members appointed from the private sector by the Governor.

4. Three members appointed from the private sector by the network's statewide director.

5. One member appointed by the host institution.

6. The President of Enterprise Florida, Inc., or his or her designee.

7. The Chief Financial Officer or his or her designee.

8. The President of the Florida Chamber of Commerce or his or her designee.

9. The Small Business Development Center Project Officer from the U.S. Small Business Administration at the South Florida District Office or his or her designee.

10. The executive director of the National Federation of Independent Businesses, Florida, or his or her designee.

11. The executive director of the Florida United Business Association or his or her designee.

(c) The term of an appointed member shall be for 4 years, beginning August 1, 2013, except that at the time of initial appointments, two members appointed by the Governor, one member appointed by the President of the Senate, one member appointed by the Speaker of the House of Representatives, and one member appointed by the network's statewide director shall be appointed for 2 years. An appointed member may be reappointed to a subsequent term. Members of the statewide advisory board may not receive compensation but may be reimbursed for per diem and travel expenses in accordance with s. 112.061.

(5) SMALL BUSINESS SUPPORT SERVICES; AGREEMENT.—

(a) The statewide director, in consultation with the advisory board, shall develop support services that are delivered through regional small business development centers. Support services must target the needs of businesses that employ fewer than 100 persons and demonstrate an assessed capacity to grow in employment or revenue.

(b) Support services must include, but need not be limited to, providing information or research, consulting, educating, or assisting businesses in the following activities:

1. Planning related to the start-up, operation, or expansion of a small business enterprise in this state. Such activities include providing guidance on business formation, structure, management, registration, regulation, and taxes.

2. Developing and implementing strategic or business plans. Such activities include analyzing a business's mission, vision, strategies, and goals; critiquing the overall plan; and creating performance measures.

3. Developing the financial literacy of existing businesses related to their business cash flow and financial management plans. Such activities include conducting financial analysis health checks, assessing cost control management techniques, and building financial management strategies and solutions.

4. Developing and implementing plans for existing businesses to access or expand to new or existing markets. Such activities include conducting market research, researching and identifying expansion opportunities in international markets, and identifying opportunities in selling to units of government.

5. Supporting access to capital for business investment and expansion. Such activities include providing technical assistance relating to obtaining surety bonds; identifying and assessing potential debt or equity investors or other financing opportunities; assisting in the preparation of applications, projections, or pro forma or other support documentation for surety bond, loan, financing, or investment requests; and facilitating conferences with lenders or investors.

6. Assisting existing businesses to plan for a natural or man-made disaster, and assisting businesses when such an event occurs. Such activities include creating business continuity and disaster plans, preparing disaster and bridge loan applications, and carrying out other emergency support functions.

(c) A business receiving support services must agree to participate in assessments of such services. The agreement, at a minimum, must request the business to report demographic characteristics, changes in employment and sales, debt and equity capital attained, and government contracts acquired. The host institution may require additional reporting requirements for funding described in subsection (7).

(6) REQUIRED MATCH.—The network must provide a match equal to the total amount of any direct legislative appropriation which is received directly by the host institution and is specifically designated for the network. The match may include funds from federal or other nonstate funding sources designated for the network. At least 50 percent of the match must be cash. The remaining 50 percent may be provided through any allowable combination of additional cash, in-kind contributions, or indirect costs.

(7) ADDITIONAL STATE FUNDS; USES; PAY-PER-PERFORMANCE INCENTIVES; STATEWIDE SERVICE; SERVICE ENHANCEMENTS; BEST PRACTICES; ELIGIBILITY.—

(a) The statewide director, in coordination with the host institution, shall establish a pay-per-performance incentive for regional small business development centers. Such incentive shall be funded from half of any state appropriation received directly by the host institution, which appropriation is specifically designated for the network. These funds shall be distributed to the regional small business development centers based upon data collected from the businesses as provided under paragraph (5)(c). The distribution formula must provide for the distribution of funds in part on the gross number of jobs created annually by each center and in part on the number of jobs created per support service hour. The pay-per-performance incentive must supplement the operations and support services of each regional small business development center.

(b) Half of any state funds received directly by the host institution which are specifically designated for the network shall be distributed by the statewide director, in coordination with the advisory board, for the following purposes:

1. Ensuring that support services are available statewide, especially in underserved and rural areas of the state, to assist eligible businesses;

2. Enhancing participation in the network among state universities and colleges; and

3. Facilitating the adoption of innovative small business assistance best practices by the regional small business development centers.

(c) The statewide director, in coordination with the advisory board, shall develop annual programs to distribute funds for each of the purposes described in paragraph (b). The network shall announce the annual amount of available funds for each program, performance expectations, and other requirements. For each program, the statewide director shall present applications and recommendations to the advisory board. The advisory board shall make the final approval of applications. Approved applications must be publicly posted. At a minimum, programs must include:

1. New regional small business development centers; and

2. Awards for the top six regional small business development centers that adopt best practices, as determined by the advisory board. Detailed information about best practices must be made available to regional small business development centers for voluntary implementation.

(d) A regional small business development center that has been found by the statewide director to perform poorly, to engage in improper activity affecting the operation and integrity of the network, or to fail to follow the rules and procedures set forth in the laws, regulations, and policies governing the network, is not eligible for funds under this subsection.

(e) Funds awarded under this subsection may not reduce matching funds dedicated to the regional small business development centers.

(8) REPORTING.—

(a) The statewide director shall quarterly update the Board of Governors, the department, and the advisory board on the network's progress and outcomes, including aggregate information on businesses assisted by the network.

(b) The statewide director, in coordination with the advisory board, shall annually report, on October 1, to the President of the Senate and the Speaker of the House of Representatives on the network's progress and outcomes for the previous fiscal year. The report must include aggregate information on businesses assisted by the network; network services and programs; the use of all federal, state, local, and private funds received by the network and the regional small business development centers, including any additional funds specifically appropriated by the Legislature for the purposes described in subsection (7); and the network's economic benefit to the state. The report must contain specific information on performance-based metrics and contain the methodology used to calculate the network's economic benefit to the state.

Section 9. Subsection (4) is added to section 288.005, Florida Statutes, to read:

288.005 Definitions.—As used in this chapter, the term:

(4) "Jobs" means full-time equivalent positions, including, but not limited to, positions obtained from a temporary employment agency or employee leasing company or through a union agreement or coemployment under a professional employer organization agreement, which result directly from a project in this state. This number does not include temporary construction jobs involved with the construction of facilities for the project.

Section 10. Subsection (3) of section 288.012, Florida Statutes, is amended to read:

288.012 State of Florida international offices; state protocol officer; protocol manual.—The Legislature finds that the expansion of international trade and tourism is vital to the overall health and growth of the economy of this state. This expansion is hampered by the lack of technical and business assistance, financial assistance, and information services for businesses in this state. The Legislature finds that these businesses could be assisted by providing these services at State of Florida international offices. The Legislature further finds that the accessibility and provision of services at these offices can be enhanced through cooperative agreements or strategic alliances between private businesses and state, local, and international governmental entities.

(3) ~~By October 1 of each year,~~ Each international office shall *annually* submit to *Enterprise Florida, Inc.,* ~~the department~~ a complete and detailed report on its activities and accomplishments during the *previous* ~~preceding~~ fiscal year *for inclusion in the annual report required under s. 288.906*. In *the* ~~a~~ format *and by the annual date prescribed* ~~provided~~ by Enterprise Florida, Inc., the report must set forth information on:

(a) The number of Florida companies assisted.

(b) The number of inquiries received about investment opportunities in this state.

(c) The number of trade leads generated.

(d) The number of investment projects announced.

(e) The estimated U.S. dollar value of sales confirmations.

(f) The number of representation agreements.

(g) The number of company consultations.

(h) Barriers or other issues affecting the effective operation of the office.

(i) Changes in office operations which are planned for the current fiscal year.

(j) Marketing activities conducted.

(k) Strategic alliances formed with organizations in the country in which the office is located.

(l) Activities conducted with Florida's other international offices.

(m) Any other information that the office believes would contribute to an understanding of its activities.

Section 11. Section 288.061, Florida Statutes, is amended to read:

288.061 Economic development incentive application process.—

(1) Upon receiving a submitted economic development incentive application, the Division of Strategic Business Development of the Department of Economic Opportunity and designated staff of Enterprise Florida, Inc., shall review the application to ensure that the application is complete, whether and what type of state and local permits may be necessary for the applicant's project, whether it is possible to waive such permits, and what state incentives and amounts of such incentives may be available to the applicant. The department shall recommend to the executive director to approve or disapprove an applicant business. If review of the application demonstrates that the application is incomplete, the executive director shall notify the applicant business within the first 5 business days after receiving the application.

(2) Beginning July 1, 2013, the department shall review and evaluate each economic development incentive application for the economic benefits of the proposed award of state incentives proposed for the project. The term "economic benefits" has the same meaning as in s. 288.005. The Office of Economic and Demographic Research shall establish the methodology and model used to calculate the economic benefits. For purposes of this requirement, an amended definition of "economic benefits" may be developed by the Office of Economic and Demographic Research.

(3)~~(2)~~ Within 10 business days after the department receives the submitted economic development incentive application, the executive director shall approve or disapprove the application and issue a letter of certification to the applicant which includes a justification of that decision, unless the business requests an extension of that time.

(a) The contract or agreement with the applicant *must* ~~shall~~ specify the total amount of the award, the performance conditions that must be met to obtain the award, the schedule for payment, and sanctions that would apply for failure to meet performance conditions. The department may enter into one agreement or contract covering all of the state incentives that are being provided to the applicant. The contract must provide that release of funds is contingent upon sufficient appropriation of funds by the Legislature.

(b) The release of funds for the incentive or incentives awarded to the applicant depends upon the statutory requirements of the particular incentive program*, except as provided in subsection (4)*.

(4)~~(3)~~ The department shall validate contractor performance *and report*~~.~~ *such* ~~Such~~ validation ~~shall be reported~~ in the annual *incentives* ~~incentive~~ report required under s. 288.907.

(5)(a) The executive director may not approve an economic development incentive application unless the application includes a signed written declaration by the applicant which states that the applicant has read the information in the application and that the information is true, correct, and complete to the best of the applicant's knowledge and belief.

(b) After an economic development incentive application is approved, the awardee shall provide, in each year that the department is required to validate contractor performance, a signed written declaration. The written declaration must state that the awardee has reviewed the information and that the information is true, correct, and complete to the best of the awardee's knowledge and belief.

(6) The department is authorized to adopt rules to implement this section.

Section 12. Subsection (8) of section 288.0656, Florida Statutes, is amended to read:

288.0656 Rural Economic Development Initiative.—

(8) REDI shall submit a report to the *department* ~~Governor, the President of the Senate, and the Speaker of the House of Representatives each year on or before September 1~~ on all REDI activities for the *previous* ~~prior~~ fiscal year *as a supplement to the department's annual report required under s. 20.60*. This *supplementary* report *must* ~~shall~~ include*:*

(a) A status report on all projects currently being coordinated through REDI, the number of preferential awards and allowances made pursuant to this section, the dollar amount of such awards, and the names of the recipients.

(b) ~~The report shall also include~~ A description of all waivers of program requirements granted.

(c) ~~The report shall also include~~ Information as to the economic impact of the projects coordinated by REDI.~~, and~~

(d) Recommendations based on the review and evaluation of statutes and rules having an adverse impact on rural communities~~,~~ and proposals to mitigate such adverse impacts.

Section 13. Effective October 1, 2013, section 288.076, Florida Statutes, is created to read:

288.076 Return on investment reporting for economic development programs.—

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

(a) "Jobs" has the same meaning as provided in s. 288.106(2)(i).

(b) "Participant business" means an employing unit, as defined in s. 443.036, that has entered into an agreement with the department to receive a state investment.

(c) "Project" has the same meaning as provided in s. 288.106(2)(m).

(d) "Project award date" means the date a participant business enters into an agreement with the department to receive a state investment.

(e) "State investment" means any state grants, tax exemptions, tax refunds, tax credits, or other state incentives provided to a business under a program administered by the department, including the capital investment tax credit under s. 220.191.

(2) The department shall maintain a website for the purpose of publishing the information described in this section. The information required to be published under this section must be provided in a format accessible to the public which enables users to search for and sort specific data and to easily view and retrieve all data at once.

(3) Within 48 hours after expiration of the period of confidentiality for project information deemed confidential and exempt pursuant to s. 288.075, the department shall publish the following information pertaining to each project:

(a) Projected economic benefits.—The projected economic benefits at the time of the initial project award date.

(b) Project information.—

1. The program or programs through which state investment is being made.

2. The maximum potential cumulative state investment in the project.

3. The target industry or industries, and any high impact sectors implicated by the project.

4. The county or counties that will be impacted by the project.

5. For a project that requires local commitment, the total cumulative local financial commitment and in-kind support for the project.

(c) Participant business information.—

1. The location of the headquarters of the participant business or, if a subsidiary, the headquarters of the parent company.

2. The firm size class of the participant business, or where owned by a parent company the firm size class of the participant business's parent company, using the firm size classes established by the United States Department of Labor Bureau of Labor Statistics, and whether the participant business qualifies as a small business as defined in s. 288.703.

3. The date of the project award.

4. The expected duration of the contract.

5. The anticipated dates when the participant business will claim the last state investment.

(d) Project evaluation criteria.—Economic benefits generated by the project.

(e) Project performance goals.—

1. The incremental direct jobs attributable to the project, identifying the number of jobs generated and the number of jobs retained.

2. The number of jobs generated and the number of jobs retained by the project, and for projects commencing after October 1, 2013, the average annual wage of persons holding such jobs.

3. The incremental direct capital investment in the state generated by the project.

(f) Total state investment to date.—The total amount of state investment disbursed to the participant business to date under the terms of the contract, itemized by incentive program.

(4) The department shall calculate and publish on its website the economic benefits of each project within 48 hours after the conclusion of the agreement between each participant business and the department. The department shall work with the Office of Economic and Demographic Research to provide a description of the methodology used to calculate the economic benefits of a project, and the department must publish the information on its website.

(5) At least annually, from the project award date, the department shall:

(a) Publish verified results to update the information described in paragraphs (3)(b)-(f) to accurately reflect any changes in the published information since the project award date.

(b) Publish on its website the date on which the information collected and published for each project was last updated.

(6) Annually, the department shall publish information relating to the progress of Quick Action Closing Fund projects, including the average number of days between the date the department receives a completed application and the date on which the application is approved.

(7)(a) Within 48 hours after expiration of the period of confidentiality provided under s. 288.075, the department shall publish the contract or agreement described in s. 288.061, redacted to protect the participant business from disclosure of information that remains confidential or exempt by law.

(b) Within 48 hours after submitting any report of findings and recommendations made pursuant to s. 288.106(7)(d) concerning a business's failure to complete a tax refund agreement pursuant to the tax refund program for qualified target industry businesses, the department shall publish such report.

(8) For projects completed before October 1, 2013, the department shall compile and, by October 1, 2014, shall publish the information described in subsections (3), (4), and (5), to the extent such information is available and applicable.

(9) The provisions of this section that restrict the department's publication of information are intended only to limit the information that the department may publish on its website and shall not be construed to create an exemption from public records requirements under s. 119.07(1) or s. 24(a), Art. I of the State Constitution.

(10) The department may adopt rules to administer this section.

Section 14. *Paragraph (c) of subsection (3) of section 288.095, Florida Statutes, is repealed.*

Section 15. Paragraph (c) of subsection (4) and paragraph (d) of subsection (7) of section 288.106, Florida Statutes, are amended to read:

288.106 Tax refund program for qualified target industry businesses.—

(4) APPLICATION AND APPROVAL PROCESS.—

(c) Each application meeting the requirements of paragraph (b) must be submitted to the department for determination of eligibility. The department shall review and evaluate each application based on, but not limited to, the following criteria:

1. Expected contributions to the state's economy, consistent with the state strategic economic development plan prepared by the department.

2. The economic benefits of the proposed award of tax refunds under this section ~~and the economic benefits of state incentives proposed for the project~~. ~~The term "economic benefits" has the same meaning as in s. 288.005. The Office of Economic and Demographic Research shall review and evaluate the methodology and model used to calculate the economic benefits and shall report its findings by September 1 of every 3rd year, to the President of the Senate and the Speaker of the House of Representatives.~~

3. The amount of capital investment to be made by the applicant in this state.

4. The local financial commitment and support for the project.

5. The *expected* effect of the project on the *unemployed and underemployed* ~~unemployment rate~~ in the county where the project will be located.

6. The *expected* effect of the award on the viability of the project and the probability that the project would be undertaken in this state if such tax refunds are granted to the applicant.

~~7. The expected long term commitment of the applicant to economic growth and employment in this state resulting from the project.~~

7.~~8.~~ A review of the business's past activities in this state or other states, including whether *the* ~~such~~ business has been subjected to criminal or civil fines and penalties. This subparagraph does not require the disclosure of confidential information.

(7) ADMINISTRATION.—

(d) Beginning with tax refund agreements signed after July 1, 2010, the department shall attempt to ascertain the causes for any business's failure to complete its agreement and ~~shall report~~ its findings and recommendations *must be included in the annual incentives report under s. 288.907* ~~to the Governor, the President of the Senate, and the Speaker of the House of Representatives~~. ~~The report shall be submitted by December 1 of each year beginning in 2011.~~

Section 16. Paragraphs (c) and (d) of subsection (1), subsections (2) and (3), and paragraphs (a), (b), and (f) of subsection (4) of section 288.107, Florida Statutes, are amended to read:

288.107 Brownfield redevelopment bonus refunds.—

(1) DEFINITIONS.—As used in this section:

(c) "Brownfield area *eligible for bonus refunds*" means a *brownfield site for which a rehabilitation agreement with the Department of Environmental Protection or a local government delegated by the Department of Environmental Protection has been executed under s. 376.80 and any abutting real property parcel within a brownfield* ~~contiguous~~ area ~~of one or more brownfield sites, some of which may not be contaminated, and~~ which has been designated by a local government by resolution *under s. 376.80*. ~~Such areas may include all or portions of community redevelopment areas, enterprise zones, empowerment zones, other such designated economically deprived communities and areas, and Environmental Protection Agency designated brownfield pilot projects.~~

(d) "Eligible business" means:

1. A qualified target industry business as defined in s. 288.106(2); or

2. A business that can demonstrate a fixed capital investment of at least $2 million in mixed-use business activities, including multiunit housing, commercial, retail, and industrial in brownfield areas *eligible for bonus refunds*, ~~or at least $500,000 in brownfield areas that do not require site cleanup,~~ and that provides benefits to its employees.

(2) BROWNFIELD REDEVELOPMENT BONUS REFUND.—Bonus refunds shall be approved by the department as specified in the final order and allowed from the account as follows:

(a) A bonus refund of $2,500 shall be allowed to any qualified target industry business as defined in s. 288.106 for each new Florida job created in a brownfield area *eligible for bonus refunds which* ~~that~~ is claimed on the qualified target industry business's annual refund claim authorized in s. 288.106(6).

(b) A bonus refund of up to $2,500 shall be allowed to any other eligible business as defined in subparagraph (1)(d)2. for each new Florida job created in a brownfield area *eligible for bonus refunds which* ~~that~~ is claimed under an annual claim procedure similar to the annual refund claim authorized in s. 288.106(6). The amount of the refund shall be equal to 20 percent of the average annual wage for the jobs created.

(3) CRITERIA.—The minimum criteria for participation in the brownfield redevelopment bonus refund are:

(a) The creation of at least 10 new full-time permanent jobs. Such jobs shall not include construction or site rehabilitation jobs associated with the implementation of a brownfield site agreement as described in s. 376.80(5).

(b) The completion of a fixed capital investment of at least $2 million in mixed-use business activities, including multiunit housing, commercial, retail, and industrial in brownfield areas *eligible for bonus refunds*, ~~or at least $500,000 in brownfield areas that do not require site cleanup,~~ by an eligible business applying for a refund under paragraph (2)(b) which provides benefits to its employees.

~~(c) That the designation as a brownfield will diversify and strengthen the economy of the area surrounding the site.~~

~~(d) That the designation as a brownfield will promote capital investment in the area beyond that contemplated for the rehabilitation of the site.~~

~~(c) A resolution adopted by the governing board of the county or municipality in which the project will be located that recommends that certain types of businesses be approved.~~

(4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—

(a) To be eligible to receive a bonus refund for new Florida jobs created in a brownfield area *eligible for bonus refunds*, a business must have been certified as a qualified target industry business under s. 288.106 or eligible business as defined in paragraph (1)(d) and must have indicated on the qualified target industry business tax refund application form submitted in accordance with s. 288.106(4) or other similar agreement for other eligible business as defined in paragraph (1)(d) that the project for which the application is submitted is or will be located in a brownfield area *eligible for bonus refunds* and that the business is applying for certification as a qualified brownfield business under this section, and must have signed a qualified target industry business tax refund agreement with the department that indicates that the business has been certified as a qualified target industry business located in a brownfield area *eligible for bonus refunds* and specifies the schedule of brownfield redevelopment bonus refunds that the business may be eligible to receive in each fiscal year.

(b) To be considered to receive an eligible brownfield redevelopment bonus refund payment, the business meeting the requirements of paragraph (a) must submit a claim once each fiscal year on a claim form approved by the department which indicates the location of the brownfield *site for which a rehabilitation agreement with the Department of Environmental Protection or a local government delegated by the Department of Environmental Protection has been executed under s. 376.80*, the address of the business facility's brownfield location, the name of the brownfield in which it is located, the number of jobs created, and the average wage of the jobs created by the business within the brownfield as defined in s. 288.106 or other eligible business as defined in paragraph (1)(d) and the administrative rules and policies for that section.

(f) Applications shall be reviewed and certified pursuant to s. 288.061. The department shall review all applications submitted under s. 288.106 or other similar application forms for other eligible businesses as defined in paragraph (1)(d) which indicate that the proposed project will be located in a brownfield *area eligible for bonus refunds* and determine, with the assistance of the Department of Environmental Protection, that the project location is within a brownfield *area eligible for bonus refunds* as provided in this act.

Section 17. *The amendments to s. 288.107, Florida Statutes, made by this act do not apply to any party seeking a brownfield redevelopment bonus refund where, before the effective date of this act:*

(1) A resolution endorsing the refund was approved by the local government;

(2) Any such party seeking the refund filed a notice of intent to seek a refund or filed an application for the refund with the Department of Economic Opportunity or Enterprise Florida, Inc.; or

(3) Any such party seeking the refund executed an actual tax refund agreement with the Department of Economic Opportunity.

Section 18. Subsection (8) of section 288.1081, Florida Statutes, is amended to read:

288.1081 Economic Gardening Business Loan Pilot Program.—

(8) *The annual report required under s. 20.60 must describe* ~~On June 30 and December 31 of each year, the department shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which describes~~ in detail the use of the loan funds. The report must include, at a minimum, the number of businesses receiving loans, the number of full-time equivalent jobs created as a result of the loans, the amount of wages paid to employees in the newly created jobs, the locations and types of economic activity undertaken by the borrowers, the amounts of loan repayments made to date, and the default rate of borrowers.

Section 19. Subsection (8) of section 288.1082, Florida Statutes, is amended to read:

288.1082 Economic Gardening Technical Assistance Pilot Program.—

(8) *The annual report required under s. 20.60 must describe* ~~On December 31 of each year, the department shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which describes~~ in detail the progress of the pilot program. The report must include, at a minimum, the number of businesses receiving assistance, the number of full-time equivalent jobs created as a result of the assistance, if any, the amount of wages paid to employees in the newly created jobs, and the locations and types of economic activity undertaken by the businesses.

Section 20. Paragraph (e) of subsection (3) of section 288.1088, Florida Statutes, is amended to read:

288.1088 Quick Action Closing Fund.—

(3)

(e) *The department* ~~Enterprise Florida, Inc.,~~ shall validate contractor performance *and report*~~.~~ such validation *in the annual incentives report required under s. 288.907* ~~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~~.

Section 21. Paragraphs (b) and (d) of subsection (4), and subsections (9) and (11) of section 288.1089, Florida Statutes, are amended to read:

288.1089 Innovation Incentive Program.—

(4) To qualify for review by the department, the applicant must, at a minimum, establish the following to the satisfaction of the department:

(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 *cumulative* break-even *economic benefit* ~~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 of critical economic concern or reduced in rural areas, brownfield areas, and enterprise zones.

(d) For an alternative and renewable energy project in this state, the project must:

1. Demonstrate a plan for significant collaboration with an institution of higher education;

2. Provide the state, at a minimum, a *cumulative* break-even *economic benefit* ~~return on investment~~ within a 20-year period;

3. Include matching funds provided by the applicant or other available sources. The match requirement may be reduced or waived in rural areas of critical economic concern or reduced in rural areas, brownfield areas, and enterprise zones;

4. Be located in this state; and

5. Provide at least 35 direct, new jobs that pay an estimated annual average wage that equals at least 130 percent of the average private sector wage.

(9) The department shall validate the performance of an innovation business, a research and development facility, or an alternative and renewable energy business that has received an award. At the conclusion of the innovation incentive award agreement, or its earlier termination, the department shall *include in the annual incentives report required under s. 288.907 a detailed description of*~~, within 90 days, submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives detailing~~ whether the recipient of the innovation incentive grant achieved its specified outcomes.

(11)~~(a)~~ The department shall *include in* ~~submit to the Governor, the President of the Senate, and the Speaker of the House of Re-~~

~~presentatives, as part of~~ the annual *incentives* report *required under s. 288.907*~~,~~ a report summarizing the activities and accomplishments of the recipients of grants from the Innovation Incentive Program during the previous 12 months and an evaluation of whether the recipients are catalysts for additional direct and indirect economic development in Florida.

~~(b) Beginning March 1, 2010, and every third year thereafter, the Office of Program Policy Analysis and Government Accountability, in consultation with the Auditor General's Office, shall release a report evaluating the Innovation Incentive Program's progress toward creating clusters of high wage, high skilled, complementary industries that serve as catalysts for economic growth specifically in the regions in which they are located, and generally for the state as a whole. Such report should include critical analyses of quarterly and annual reports, annual audits, and other documents prepared by the Innovation Incentive Program awardees; relevant economic development reports prepared by the department, Enterprise Florida, Inc., and local or regional economic development organizations; interviews with the parties involved; and any other relevant data. Such report should also include legislative recommendations, if necessary, on how to improve the Innovation Incentive Program so that the program reaches its anticipated potential as a catalyst for direct and indirect economic development in this state.~~

Section 22. Subsection (3) of section 288.1253, Florida Statutes, is amended to read:

288.1253 Travel and entertainment expenses.—

(3) The *Office of Film and Entertainment* ~~department~~ shall *include in the annual report for the entertainment industry financial incentive program required under s. 288.1254(10) a* ~~prepare an annual~~ report of the *office's* expenditures ~~of the Office of Film and Entertainment and provide such report to the Legislature no later than December 30 of each year~~ for ~~the expenditures of~~ the previous fiscal year. The report *must* ~~shall~~ consist of a summary of all travel, entertainment, and incidental expenses incurred within the United States and all travel, entertainment, and incidental expenses incurred outside the United States, as well as a summary of all successful projects that developed from such travel.

Section 23. Subsection (10) of section 288.1254, Florida Statutes, is amended to read:

288.1254 Entertainment industry financial incentive program.—

(10) ANNUAL REPORT.—Each *November 1* ~~October 1~~, the Office of Film and Entertainment shall *submit* ~~provide~~ an annual report for the previous fiscal year to the Governor, the President of the Senate, and the Speaker of the House of Representatives which outlines the *incentive program's* return on investment and economic benefits to the state. The report *must* ~~shall~~ also include an estimate of the full-time equivalent positions created by each production that received tax credits under this section and information relating to the distribution of productions receiving credits by geographic region and type of production. *The report must also include the expenditures report required under s. 288.1253(3) and the information describing the relationship between tax exemptions and incentives to industry growth required under s. 288.1258(5).*

Section 24. Subsection (5) of section 288.1258, Florida Statutes, is amended to read:

288.1258 Entertainment industry qualified production companies; application procedure; categories; duties of the Department of Revenue; records and reports.—

(5) RELATIONSHIP OF TAX EXEMPTIONS AND INCENTIVES TO INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—The Office of Film and Entertainment shall keep annual records from the information provided on taxpayer applications for tax exemption certificates beginning January 1, 2001. These records also *must* ~~shall~~ reflect a ratio of the annual amount of sales and use tax exemptions under this section, plus the incentives awarded pursuant to s. 288.1254 to the estimated amount of funds expended by certified productions. In addition, the office shall maintain data showing annual growth in Florida-based entertainment industry companies and entertainment industry employment and wages. The employment information *must* ~~shall~~ include an estimate of the full-time equivalent positions created by each production that received tax credits pursuant to s. 288.1254. The Office of Film and Entertainment shall *include* ~~report~~ this information *in the annual report for the entertainment industry financial incentive program required under s. 288.1254(10)* ~~to the Legislature no later than December 1 of each year~~.

Section 25. Subsection (3) of section 288.714, Florida Statutes, is amended to read:

288.714 Quarterly and annual reports.—

(3) ~~By August 31 of each year,~~ The department shall *include in its annual report required under s. 20.60* ~~provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives~~ a detailed report of the performance of the Black Business Loan Program. The report must include a cumulative summary of *the* quarterly report data *compiled pursuant to* ~~required by~~ subsection *(2)* ~~(1)~~.

Section 26. Section 288.7771, Florida Statutes, is amended to read:

288.7771 Annual report of Florida Export Finance Corporation.—The corporation shall annually prepare and submit to *Enterprise Florida, Inc.,* ~~the department~~ for inclusion in its annual report required *under s. 288.906* ~~by s. 288.095~~ a complete and detailed report setting forth:

(1) The report required in s. 288.776(3).

(2) Its assets and liabilities at the end of its most recent fiscal year.

Section 27. Subsections (3), (4), and (5) of section 288.903, Florida Statutes, are amended to read:

288.903 Duties of Enterprise Florida, Inc.—Enterprise Florida, Inc., shall have the following duties:

(3) Prepare an annual report pursuant to s. 288.906.

(4) Prepare, in conjunction with the department, ~~and~~ an annual incentives report pursuant to s. 288.907.

(5)~~(4)~~ Assist the department with the development of an annual and a long-range strategic business blueprint for economic development required in s. 20.60.

(6)~~(5)~~ In coordination with Workforce Florida, Inc., identify education and training programs that will ensure Florida businesses have access to a skilled and competent workforce necessary to compete successfully in the domestic and global marketplace.

Section 28. *Subsection (6) of section 288.904, Florida Statutes, is repealed.*

Section 29. Subsection (3) is added to section 288.906, Florida Statutes, to read:

288.906 Annual report of Enterprise Florida, Inc., and its divisions; audits.—

(3) The following reports must be included as supplements to the detailed report required by this section:

(a) The annual report of the Florida Export Finance Corporation required under s. 288.7771.

(b) The report on international offices required under s. 288.012.

Section 30. Section 288.907, Florida Statutes, is amended to read:

288.907 Annual incentives report.—

~~(1)~~ *By December 30 of each year,* ~~In addition to the annual report required under s. 288.906,~~ Enterprise Florida, Inc., *in conjunction with the department,* ~~by December 30 of each year,~~ shall provide the Governor, the President of the Senate, and the Speaker of the House of Representatives a detailed incentives report quantifying the economic benefits for all of the economic development incentive programs marketed by Enterprise Florida, Inc.

~~(a)~~ The annual incentives report must include*:*

(1) For each incentive program:

(a)~~1.~~ A brief description of the incentive program.

(b)~~2.~~ The amount of awards granted, by year, since inception *and the annual amount actually transferred from the state treasury to businesses or for the benefit of businesses for each of the previous 3 years*.

~~3. The economic benefits, as defined in s. 288.005, based on the actual amount of private capital invested, actual number of jobs created, and actual wages paid for incentive agreements completed during the previous 3 years.~~

(c)~~4.~~ ~~The report shall also include~~ The actual amount of private capital invested, actual number of jobs created, and actual wages paid for incentive agreements completed during the previous 3 years for each target industry sector.

(2)~~(b)~~ For projects completed during the previous state fiscal year~~, the report must include~~:

(a)~~1.~~ The number of economic development incentive applications received.

(b)~~2.~~ The number of recommendations made to the department by Enterprise Florida, Inc., including the number recommended for approval and the number recommended for denial.

(c)~~3.~~ The number of final decisions issued by the department for approval and for denial.

(d)~~4.~~ The projects for which a tax refund, tax credit, or cash grant agreement was executed, identifying *for each project*:

1.~~a.~~ The number of jobs committed to be created.

2.~~b.~~ The amount of capital investments committed to be made.

3.~~c.~~ The annual average wage committed to be paid.

4.~~d.~~ The amount of state economic development incentives committed to the project from each incentive program under the project's terms of agreement with the Department of Economic Opportunity.

5.~~e.~~ The amount and type of local matching funds committed to the project.

(e) Tax refunds paid or other payments made funded out of the Economic Development Incentives Account for each project.

(f) The types of projects supported.

(3)~~(e)~~ For economic development projects that received tax refunds, tax credits, or cash grants under the terms of an agreement for incentives~~, the report must identify~~:

(a)~~1.~~ The number of jobs actually created.

(b)~~2.~~ The amount of capital investments actually made.

(c)~~3.~~ The annual average wage paid.

(4)~~(d)~~ For a project receiving economic development incentives approved by the department and receiving federal or local incentives, ~~the report must include~~ a description of the federal or local incentives, if available.

(5)~~(e)~~ The ~~report must state the~~ number of withdrawn or terminated projects that did not fulfill the terms of their agreements with the department and*,* consequently*,* are not receiving incentives.

(6) For any agreements signed after July 1, 2010, findings and recommendations on the efforts of the department to ascertain the causes of any business's inability to complete its agreement made under s. 288.106.

(7)~~(f)~~ The *amount* ~~report must include an analysis of the economic benefits, as defined in s. 288.005,~~ of tax refunds, tax credits, or other payments made to projects locating or expanding in state enterprise zones, rural communities, brownfield areas, or distressed urban communities. *The report must include a separate analysis of the impact of such tax refunds on state enterprise zones designated under s. 290.0065, rural communities, brownfield areas, and distressed urban communities.*

(8) The name of and tax refund amount for each business that has received a tax refund under s. 288.1045 or s. 288.106 during the preceding fiscal year.

(9)~~(g)~~ *An identification of* ~~The report must identify~~ the target industry businesses and high-impact businesses.

(10)~~(h)~~ *A description of* ~~The report must describe~~ the trends relating to business interest in, and usage of, the various incentives, and the number of minority-owned or woman-owned businesses receiving incentives.

(11)~~(i)~~ *An identification of* ~~The report must identify~~ incentive programs not *used and recommendations for program changes or program elimination* ~~utilized~~.

(12) Information related to the validation of contractor performance required under s. 288.061.

(13) Beginning in 2014, a summation of the activities related to the Florida Space Business Incentives Act.

~~(2) The Division of Strategic Business Development within the department shall assist Enterprise Florida, Inc., in the preparation of the annual incentives report.~~

Section 31. Subsection (3) of section 288.92, Florida Statutes, is amended to read:

288.92 Divisions of Enterprise Florida, Inc.—

(3) ~~By October 15 each year,~~ Each division shall draft and submit an annual report *for inclusion in the report required under s. 288.906* which details the division's activities during the *previous* ~~prior~~ fiscal year and includes ~~any~~ recommendations for improving current statutes related to the division's ~~related~~ area *of responsibility*.

Section 32. Subsection (5) of section 288.95155, Florida Statutes, is amended to read:

288.95155 Florida Small Business Technology Growth Program.—

(5) Enterprise Florida, Inc., shall prepare for inclusion in the annual report ~~of the department~~ required *under s. 288.907* ~~by s. 288.095~~ a report on the financial status of the program. The report must specify the assets and liabilities of the program within the current fiscal year and must include a portfolio update that lists all of the businesses assisted, the private dollars leveraged by each business assisted, and the growth in sales and in employment of each business assisted.

Section 33. Section 288.9918, Florida Statutes, is amended to read:

288.9918 Annual reporting by a community development entity.—

(1) A community development entity that has issued a qualified investment shall submit an annual report to the department by *January 31* ~~April 30~~ after the end of each year which includes a credit allowance date. The report shall include *information on investments made in the preceding calendar year to include but not limited to the following*:

~~(1) The entity's annual financial statements for the preceding tax year, audited by an independent certified public accountant.~~

(a)~~(2)~~ The identity of the types of industries, identified by the North American Industry Classification System Code, in which qualified low-income community investments were made.

(b)~~(3)~~ The names of the counties in which the qualified active low-income businesses are located which received qualified low-income community investments.

(c)~~(4)~~ The number of jobs created and retained by qualified active low-income community businesses receiving qualified low-income community investments, including verification that the average wages paid meet or exceed 115 percent of the federal poverty income guidelines for a family of four.

(d)~~(5)~~ A description of the relationships that the entity has established with community-based organizations and local community development offices and organizations and a summary of the outcomes resulting from those relationships.

(e)~~(6)~~ Other information and documentation required by the department to verify continued certification as a qualified community development entity under 26 U.S.C. s. 45D.

(2) By April 30 after the end of each year which includes a credit allowance date, a community development entity shall submit annual financial statements for the preceding tax year, audited by an independent certified public accountant.

Section 34. Subsection (6) of section 290.0055, Florida Statutes, is amended to read:

290.0055 Local nominating procedure.—

(6)(a) The department may approve a change in the boundary of any enterprise zone which was designated pursuant to s. 290.0065. A boundary change must continue to satisfy the requirements of subsections (3), (4), and (5).

(b) Upon a recommendation by the enterprise zone development agency, the governing body of the jurisdiction which authorized the application for an enterprise zone may apply to the department for a change in boundary once every 3 years by adopting a resolution that:

1. States with particularity the reasons for the change; and

2. Describes specifically and, to the extent required by the department, the boundary change to be made.

(c) At least 90 days before adopting a resolution seeking a change in the boundary of an enterprise zone, the governing body shall include in a notice of the meeting at which the resolution will be considered an explanation that a change in the boundary of an enterprise zone will be considered and that the change may result in loss of enterprise zone eligibility for the area affected by the boundary change.

(d)1. The governing body of a jurisdiction which has nominated an application for an enterprise zone that is *at least 15 square miles and less than 20 square miles* ~~no larger than 12 square miles~~ and includes a portion of the state designated as a rural area of critical economic concern under s. 288.0656(7) may apply to the department to expand the boundary of the *existing* enterprise zone by not more than 3 square miles. ~~An application to expand the boundary of an enterprise zone under this paragraph must be submitted by December 31, 2012.~~

2. The governing body of a jurisdiction which has nominated an application for an enterprise zone that is at least 20 square miles and includes a portion of the state designated as a rural area of critical economic concern under s. 288.0656(7) may apply to the department to expand the boundary of the existing enterprise zone by not more than 5 square miles.

3. An application to expand the boundary of an enterprise zone under this paragraph must be submitted by December 31, 2013.

4.~~2.~~ Notwithstanding the area limitations specified in subsection (4), the department may approve the request for a boundary amendment if the area continues to satisfy the remaining requirements of this section.

5.~~3.~~ The department shall establish the initial effective date of an enterprise zone designated under this paragraph.

Section 35. Subsection (11) of section 290.0056, Florida Statutes, is amended to read:

290.0056 Enterprise zone development agency.—

(11) Before *October 1* ~~December 1~~ of each year, the agency shall submit to the department *for inclusion in the annual report required under s. 20.60* a complete and detailed written report setting forth:

(a) Its operations and accomplishments during the fiscal year.

(b) The accomplishments and progress concerning the implementation of the strategic plan or measurable goals, and any updates to the strategic plan or measurable goals.

(c) The number and type of businesses assisted by the agency during the fiscal year.

(d) The number of jobs created within the enterprise zone during the fiscal year.

(e) The usage and revenue impact of state and local incentives granted during the calendar year.

(f) Any other information required by the department.

Section 36. Section 290.014, Florida Statutes, is amended to read:

290.014 Annual reports on enterprise zones.—

(1) By *October 1* ~~February 1~~ of each year, the Department of Revenue shall submit an annual report to the department detailing the usage and revenue impact by county of the state incentives listed in s. 290.007.

(2) ~~By March 1 of each year, the department shall submit an annual report to the Governor, the Speaker of the House of Representatives, and the President of the Senate.~~ The *annual* report *required under s. 20.60* shall include the information provided by the Department of Revenue pursuant to subsection (1) and the information provided by enterprise zone development agencies pursuant to s. 290.0056. In addition, the report shall include an analysis of the activities and accomplishments of each enterprise zone.

Section 37. Section 290.0455, Florida Statutes, is amended to read:

290.0455 Small Cities Community Development Block Grant Loan Guarantee Program*; Section 108 loan guarantees*.—

(1) The Small Cities Community Development Block Grant Loan Guarantee Program is created. The department shall administer the loan guarantee program pursuant to *Section 108* ~~s. 108~~ of Title I of the Housing and Community Development Act of 1974, as amended, and as further amended by s. 910 of the Cranston-Gonzalez National Affordable Housing Act. The purpose of the Small Cities Community Development Block Grant Loan Guarantee Program is to guarantee, or to make commitments to guarantee, notes or other obligations issued by public entities for the purposes of financing activities enumerated in 24 C.F.R. s. 570.703.

(2) Activities assisted under the loan guarantee program must meet the requirements contained in 24 C.F.R. ss. 570.700-570.710 and may not otherwise be financed in whole or in part from the Florida Small Cities Community Development Block Grant Program.

(3) The department may pledge existing revenues on deposit or future revenues projected to be available for deposit in the Florida Small Cities Community Development Block Grant Program in order to guarantee~~, in whole or in part,~~ the payment of principal and interest on a *Section 108* loan ~~made under the loan guarantee program~~.

(4) *An applicant approved by the United States Department of Housing and Urban Development to receive a Section 108 loan shall enter into an agreement with the Department of Economic Opportunity which requires the applicant to pledge half of the amount necessary to guarantee the loan in the event of default.*

(5) The department *shall review all Section 108 loan applications that it receives from local governments. The department shall review the applications* ~~must submit all applications it receives to the United States Department of Housing and Urban Development for loan approval,~~ in the order received, subject to *a determination by* the department ~~determining~~ that *each* ~~the~~ application meets all eligibility requirements contained in 24 C.F.R. ss. 570.700-570.710~~,~~ and *has been deemed financially feasible by a loan underwriter approved by the department. If the statewide maximum available for loan guarantee commitments established in subsection (6) has not been committed, the department may submit the Section 108 loan application to the United States Department of Housing and Urban Development with a recommendation that the loan be approved, with or without conditions, or be denied* ~~provided that the~~

~~applicant has submitted the proposed activity to a loan underwriter to document its financial feasibility~~.

(6)~~(5)~~ The maximum amount of *an individual* loan guarantee *commitment that an* ~~commitments that any~~ eligible local government may receive *is* ~~may be~~ limited to *$5* ~~$7~~ million ~~pursuant to 24 C.F.R. s. 570.705,~~ and the maximum amount of loan guarantee commitments statewide may not exceed an amount equal to *two* ~~five~~ times the amount of the most recent grant received by the department under the Florida Small Cities Community Development Block Grant Program. *The $5 million loan guarantee limit does not apply to loans guaranteed prior to July 1, 2013, that may be refinanced.*

(7)~~(6)~~ *Section 108* loans guaranteed by the *Small Cities Community Development Block Grant Program* ~~loan guarantee program~~ must be repaid within 20 years.

(8)~~(7)~~ *Section 108* loan *applicants must demonstrate* ~~guarantees may be used for an activity only if the local government provides evidence~~ to the department that *the applicant investigated* alternative financing services ~~were investigated~~ and *the services* were unavailable or insufficient to meet the financing needs of the *proposed* activity.

(9) If a local government defaults on a Section 108 loan received from the United States Department of Housing and Urban Development and guaranteed through the Florida Small Cities Community Development Block Grant Program, thereby requiring the department to reduce its annual grant award in order to pay the annual debt service on the loan, any future community development block grants that the local government receives must be reduced in an amount equal to the amount of the state's grant award used in payment of debt service on the loan.

(10) If a local government receives a Section 108 loan guaranteed through the Florida Small Cities Community Development Block Grant Program and is granted entitlement community status as defined in subpart D of 24 C.F.R. part 570 by the United States Department of Housing and Urban Development before paying the loan in full, the local government must pledge its community development block grant entitlement allocation as a guarantee of its previous loan and request that the United States Department of Housing and Urban Development release the department as guarantor of the loan.

~~(8) The department must, before approving an application for a loan, evaluate the applicant's prior administration of block grant funds for community development. The evaluation of past performance must take into account the procedural aspects of previous grants or loans as well as substantive results. If the department finds that any applicant has failed to substantially accomplish the results proposed in the applicant's last previously funded application, the department may prohibit the applicant from receiving a loan or may penalize the applicant in the rating of the current application.~~

Section 38. Subsection (11) of section 331.3051, Florida Statutes, is amended to read:

331.3051 Duties of Space Florida.—Space Florida shall:

(11) Annually report on its performance with respect to its business plan, to include finance, spaceport operations, research and development, workforce development, and education. *Space Florida shall submit* the report ~~shall be submitted~~ to the Governor, the President of the Senate, and the Speaker of the House of Representatives *by November 30* ~~no later than September 1~~ for the *previous* ~~prior~~ fiscal year. *The annual report must include operations information as required under s. 331.310(2)(e).*

Section 39. Paragraph (e) of subsection (2) of section 331.310, Florida Statutes, is amended to read:

331.310 Powers and duties of the board of directors.—

(2) The board of directors shall:

(e) Prepare an annual report of operations *as a supplement to the annual report required under s. 331.3051(11).* The report *must* ~~shall~~ include, but not be limited to, a balance sheet, an income statement, a statement of changes in financial position, a reconciliation of changes in equity accounts, a summary of significant accounting principles, the auditor's report, a summary of the status of existing and proposed bonding projects, comments from management about the year's business, and prospects for the next year~~, which shall be submitted each year by November 30 to the Governor, the President of the Senate, the Speaker of the House of Representatives, the minority leader of the Senate, and the minority leader of the House of Representatives~~.

Section 40. Paragraphs (a) and (e) of subsection (30) of section 443.036, Florida Statutes, is amended to read:

443.036 Definitions.—As used in this chapter, the term:

(30) "Misconduct," irrespective of whether the misconduct occurs at the workplace or during working hours, includes, but is not limited to, the following, which may not be construed in pari materia with each other:

(a) Conduct demonstrating conscious disregard of an employer's interests and found to be a deliberate violation or disregard of the reasonable standards of behavior which the employer expects of his or her employee. *Such conduct may include, but is not limited to, willful damage to an employer's property that results in damage of more than $50; or theft of employer property or property of a customer or invitee of the employer.*

(e)*1.* A violation of an employer's rule, unless the claimant can demonstrate that:

a.~~1.~~ He or she did not know, and could not reasonably know, of the rule's requirements;

b.~~2.~~ The rule is not lawful or not reasonably related to the job environment and performance; or

c.~~3.~~ The rule is not fairly or consistently enforced.

2. Such conduct may include, but is not limited to, committing criminal assault or battery on another employee, or on a customer or invitee of the employer; or committing abuse or neglect of a patient, resident, disabled person, elderly person, or child in her or his professional care.

Section 41. Paragraphs (b), (c), and (d) of subsection (1) of section 443.091, Florida Statutes, are amended to read:

443.091 Benefit eligibility conditions.—

(1) An unemployed individual is eligible to receive benefits for any week only if the Department of Economic Opportunity finds that:

(b) She or he has *completed the department's online work registration* ~~registered with the department for work~~ and subsequently reports to the one-stop career center as directed by the regional workforce board for reemployment services. This requirement does not apply to persons who are:

1. Non-Florida residents;

2. On a temporary layoff;

3. Union members who customarily obtain employment through a union hiring hall; ~~or~~

4. Claiming benefits under an approved short-time compensation plan as provided in s. 443.1116*; or*

5. Unable to complete the online work registration due to illiteracy, physical or mental impairment, a legal prohibition from using a computer, or a language impediment. If a person is exempted from the online work registration under this subparagraph, then the filing of his or her claim constitutes registration for work.

(c) To make continued claims for benefits, she or he is reporting to the department in accordance with this paragraph and department rules, and participating in an initial skills review, as directed by the department. Department rules may not conflict with s. 443.111(1)(b), which requires that each claimant continue to report regardless of any pending appeal relating to her or his eligibility or disqualification for benefits.

1. For each week of unemployment claimed, each report must, at a minimum, include the name, address, and telephone number of each prospective employer contacted, or the date the claimant reported to a one-stop career center, pursuant to paragraph (d).

2. The administrator or operator of the initial skills review shall notify the department when the individual completes the initial skills review and report the results of the review to the regional workforce board or the one-stop career center as directed by the workforce board. The department shall prescribe a numeric score on the initial skills review that demonstrates a minimal proficiency in workforce skills. The department, workforce board, or one-stop career center shall use the initial skills review to develop a plan for referring individuals to training and employment opportunities. The failure of the individual to comply with this requirement will result in the individual being determined ineligible for benefits for the week in which the noncompliance occurred and for any subsequent week of unemployment until the requirement is satisfied. However, this requirement does not apply if the individual ~~is able to affirmatively attest to being unable to complete such review due to illiteracy or a language impediment or~~ is exempt from the work registration requirement as set forth in paragraph (b).

3. Any individual who falls below the minimal proficiency score prescribed by the department in subparagraph 2. on the initial skills review shall be offered training opportunities and encouraged to participate in such training at no cost to the individual in order to improve his or her workforce skills to the minimal proficiency level.

4. The department shall coordinate with Workforce Florida, Inc., the workforce boards, and the one-stop career centers to identify, develop, and utilize best practices for improving the skills of individuals who choose to participate in training opportunities and who have a minimal proficiency score below the score prescribed in subparagraph 2.

5. The department, in coordination with Workforce Florida, Inc., the workforce boards, and the one-stop career centers, shall evaluate the use, effectiveness, and costs associated with the training prescribed in subparagraph 3. and report its findings and recommendations for training and the use of best practices to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2013.

(d) She or he is able to work and is available for work. In order to assess eligibility for a claimed week of unemployment, the department shall develop criteria to determine a claimant's ability to work and availability for work. A claimant must be actively seeking work in order to be considered available for work. This means engaging in systematic and sustained efforts to find work, including contacting at least five prospective employers for each week of unemployment claimed. The department may require the claimant to provide proof of such efforts to the one-stop career center as part of reemployment services. *A claimant's proof of work search efforts may not include the same prospective employer at the same location in three consecutive weeks, unless the employer has indicated since the time of the initial contact that the employer is hiring.* The department shall conduct random reviews of work search information provided by claimants. As an alternative to contacting at least five prospective employers for any week of unemployment claimed, a claimant may, for that same week, report in person to a one-stop career center to meet with a representative of the center and access reemployment services of the center. The center shall keep a record of the services or information provided to the claimant and shall provide the records to the department upon request by the department. However:

1. Notwithstanding any other provision of this paragraph or paragraphs (b) and (e), an otherwise eligible individual may not be denied benefits for any week because she or he is in training with the approval of the department, or by reason of s. 443.101(2) relating to failure to apply for, or refusal to accept, suitable work. Training may be approved by the department in accordance with criteria prescribed by rule. A claimant's eligibility during approved training is contingent upon satisfying eligibility conditions prescribed by rule.

2. Notwithstanding any other provision of this chapter, an otherwise eligible individual who is in training approved under s. 236(a)(1) of the Trade Act of 1974, as amended, may not be determined ineligible or disqualified for benefits due to enrollment in such training or because of leaving work that is not suitable employment to enter such training. As used in this subparagraph, the term "suitable employment" means work of a substantially equal or higher skill level than the worker's past adversely affected employment, as defined for purposes of the Trade Act of 1974, as amended, the wages for which are at least 80 percent of the worker's average weekly wage as determined for purposes of the Trade Act of 1974, as amended.

3. Notwithstanding any other provision of this section, an otherwise eligible individual may not be denied benefits for any week because she or he is before any state or federal court pursuant to a lawfully issued summons to appear for jury duty.

4. Union members who customarily obtain employment through a union hiring hall may satisfy the work search requirements of this paragraph by reporting daily to their union hall.

5. The work search requirements of this paragraph do not apply to persons who are unemployed as a result of a temporary layoff or who are claiming benefits under an approved short-time compensation plan as provided in s. 443.1116.

6. In small counties as defined in s. 120.52(19), a claimant engaging in systematic and sustained efforts to find work must contact at least three prospective employers for each week of unemployment claimed.

7. The work search requirements of this paragraph do not apply to persons required to participate in reemployment services under paragraph (e).

Section 42. Subsection (13) is added to section 443.101, Florida Statutes, to read:

443.101 Disqualification for benefits.—An individual shall be disqualified for benefits:

(13) For any week with respect to which the department finds that his or her unemployment is due to a discharge from employment for failure without good cause to maintain a license, registration, or certification required by applicable law necessary for the employee to perform her or his assigned job duties. For purposes of this paragraph, the term "good cause" includes, but is not limited to, failure of the employer to submit information required for a license, registration, or certification; short-term physical injury which prevents the employee from completing or taking a required test; and inability to take or complete a required test that is outside the employee's control.

Section 43. Paragraph (b) of subsection (4) of section 443.1113, Florida Statutes, is amended to read:

443.1113 Reemployment Assistance Claims and Benefits Information System.—

(4) The project to implement the Reemployment Assistance Claims and Benefits Information System *is* ~~shall be~~ comprised of the following phases and corresponding implementation timeframes:

(b) The Reemployment Assistance Claims and Benefits Internet portal that replaces the Florida Unemployment Internet Direct and the Florida Continued Claims Internet Directory systems, the Call Center Interactive Voice Response System, the Benefit Overpayment Screening System, the Internet and Intranet Appeals System, and the Claims and Benefits Mainframe System shall be deployed to full operational status no later than the end of fiscal year *2013-2014* ~~2012-2013~~.

Section 44. Subsection (5) of section 443.131, Florida Statutes, is amended to read:

443.131 Contributions.—

(5) ADDITIONAL RATE FOR INTEREST ON FEDERAL ADVANCES.—

(a) When the Unemployment Compensation Trust Fund has received advances from the Federal Government under the provisions of 42 U.S.C. s. 1321, each contributing employer shall be assessed an additional rate solely for the purpose of paying interest due on such federal advances. The additional rate shall be assessed no later than February 1 in each calendar year in which an interest payment is due.

(b) The Revenue Estimating Conference shall estimate the amount of ~~such~~ interest *due on federal advances by* ~~no later than~~ December 1 of the calendar year *before* ~~preceding~~ the calendar year in which an interest payment is due. The Revenue Estimating Conference shall, at a minimum, consider the following as the basis for the estimate:

1. The amounts actually advanced to the trust fund.

2. Amounts expected to be advanced to the trust fund based on current and projected unemployment patterns and employer contributions.

3. The interest payment due date.

4. The interest rate that will be applied by the Federal Government to any accrued outstanding balances.

(c)~~(b)~~ *The tax collection service provider shall calculate the additional rate to be assessed against contributing employers.* The additional rate assessed for a calendar year *is* ~~shall be~~ determined by dividing the estimated amount of interest to be paid in that year by 95 percent of the taxable wages as described in s. 443.1217 paid by all employers for the year ending June 30 of the *previous* ~~immediately preceding~~ calendar year. The amount to be paid by each employer *is* ~~shall be~~ the product obtained by multiplying such employer's taxable wages as described in s. 443.1217 for the year ending June 30 of the *previous* ~~immediately preceding~~ calendar year by the rate as determined by this subsection. *An assessment may not be made if the amount of assessments on deposit from previous years, plus any earned interest, is at least 80 percent of the estimated amount of interest.*

(d) The tax collection service provider shall make a separate collection of such assessment, which may be collected at the time of employer contributions and subject to the same penalties for failure to file a report, imposition of the standard rate pursuant to paragraph (3)(h), and interest if the assessment is not received on or before June 30. Section 443.141(1)(d) and (e) does not apply to this separately collected assessment. The tax collection service provider shall maintain those funds in the tax collection service provider's Audit and Warrant Clearing Trust Fund until the provider is directed by the Governor or the Governor's designee to make the interest payment to the Federal Government. *Assessments on deposit must be available to pay the interest on advances received from the Federal Government under 42 U.S.C. s. 1321.* Assessments on deposit may be invested and any interest earned shall be part of the balance available to pay the interest on advances received from the Federal Government under 42 U.S.C. s. 1321.

(e) Four months after ~~In the calendar year that~~ all advances from the Federal Government under 42 U.S.C. s. 1321 and associated interest are repaid, ~~if there are assessment funds in excess of the amount required to meet the final interest payment,~~ any ~~such~~ excess assessed funds *in the Audit and Warrant Clearing Trust Fund, including associated interest,* shall be *transferred to* ~~credited to employer accounts in~~ the Unemployment Compensation Trust Fund*. Any assessment amounts subsequently collected shall also be transferred to the Unemployment Compensation Trust Fund* ~~in an amount equal to the employer's contribution to the assessment for that year divided by the total amount of the assessment for that year, the result of which is multiplied by the amount of excess assessed funds~~.

(f) If ~~However, if~~ the state is permitted to defer interest payments due during a calendar year under 42 U.S.C. s. 1322, payment of the interest assessment *is* ~~shall~~ not ~~be~~ due. If a deferral of interest expires or is subsequently disallowed by the Federal Government, either prospectively or retroactively, the interest assessment shall be immediately due and payable. Notwithstanding any other provision of this section, if interest due during a calendar year on federal advances is forgiven or postponed under federal law and is no longer due during that calendar year, no interest assessment shall be assessed against an employer for that calendar year, and any assessment already assessed and collected against an employer before the forgiveness or postponement of the interest for that calendar year shall be credited to such employer's account in the Unemployment Compensation Trust Fund. However, such funds may be used only to pay benefits or refunds of erroneous contributions.

(g) This subsection expires July 1, 2014.

Section 45. Paragraph (b) of subsection (2), paragraph (a) of subsection (3), and paragraph (a) of subsection (6) of section 443.151, Florida Statutes, are amended to read:

443.151 Procedure concerning claims.—

(2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF CLAIMANTS AND EMPLOYERS.—

(b) *Process.*—When the Reemployment Assistance Claims and Benefits Information System described in s. 443.1113 is fully operational, the process for filing claims must incorporate the process for registering for work with the workforce information systems established pursuant to s. 445.011. *Unless exempted under s. 443.091(1)(b)5.,* a claim for benefits may not be processed until the work registration requirement is satisfied. The department may adopt rules as necessary to administer the work registration requirement set forth in this paragraph.

(3) DETERMINATION OF ELIGIBILITY.—

(a) *Notices of claim.*—The Department of Economic Opportunity shall promptly provide a notice of claim to the claimant's most recent employing unit and all employers whose employment records are liable for benefits under the monetary determination. The employer must respond to the notice of claim within 20 days after the mailing date of the notice, or in lieu of mailing, within 20 days after the delivery of the notice. If a contributing employer *or its agent* fails to timely *or adequately* respond to the notice of claim *or request for information*, the employer's account may not be relieved of benefit charges as provided in s. 443.131(3)(a), notwithstanding paragraph (5)(b). The department may adopt rules as necessary to implement the processes described in this paragraph relating to notices of claim.

(6) RECOVERY AND RECOUPMENT.—

(a) Any person who, by reason of her or his fraud, receives benefits under this chapter to which she or he is not entitled is liable for repaying those benefits to the Department of Economic Opportunity on behalf of the trust fund or, in the discretion of the department, to have those benefits deducted from future benefits payable to her or him under this chapter. *In addition, the department shall impose upon the claimant a penalty equal to 15 percent of the amount overpaid.* To enforce this paragraph, the department must find the existence of fraud through a redetermination or decision under this section within 2 years after the fraud was committed. Any recovery or recoupment of benefits must be commenced within 7 years after the redetermination or decision.

Section 46. Effective January 1, 2014, paragraph (a) of subsection (4) of section 443.151, Florida Statutes, is amended to read:

(4) APPEALS.—

(a) *Appeals referees.*—

1. The Department of Economic Opportunity shall appoint one or more impartial salaried appeals referees in accordance with s. 443.171(3) to hear and decide appealed claims.

2. An appeals referee must be an attorney in good standing with the Florida Bar or be successfully admitted to the Florida Bar within 8 months after his or her date of employment. This subparagraph does not apply to an appeals referee appointed before January 1, 2014.

3. A person may not participate on behalf of the department as an appeals referee in any case in which she or he is an interested party.

4. The department may designate alternates to serve in the absence or disqualification of any appeals referee on a temporary basis. These alternates must have the same qualifications required of appeals referees.

5. The department shall provide the commission and the appeals referees with proper facilities and assistance for the execution of their functions.

Section 47. Subsection (1) of section 443.1715, Florida Statutes, is amended to read:

443.1715 Disclosure of information; confidentiality.—

(1) RECORDS AND REPORTS.—Information revealing an employing unit's or individual's identity obtained from the employing unit or any individual under the administration of this chapter, and any determination revealing that information, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This confidential information may be released in accordance with the provisions in 20 C.F.R. part 603. *A person receiving confidential information who violates this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.* The Department of Economic Opportunity or its tax collection service provider may, however, furnish to any employer copies of any report submitted by that employer upon the request of the employer and may furnish to any claimant copies of any report submitted by that claimant upon the request of the claimant. The department or its tax collection service provider may charge a reasonable fee for copies of these reports as prescribed by rule, which may not exceed the actual reasonable cost of the preparation of the copies. Fees received for copies under this subsection must be deposited in the Employment Security Administration Trust Fund.

Section 48. Subsection (1) of section 443.191, Florida Statutes, is amended to read:

443.191 Unemployment Compensation Trust Fund; establishment and control.—

(1) There is established, as a separate trust fund apart from all other public funds of this state, an Unemployment Compensation Trust Fund, which shall be administered by the Department of Economic Opportunity exclusively for the purposes of this chapter. The fund *must* ~~shall~~ consist of:

(a) All contributions and reimbursements collected under this chapter;

(b) Interest earned on any moneys in the fund;

(c) Any property or securities acquired through the use of moneys belonging to the fund;

(d) All earnings of these properties or securities;

(e) All money credited to this state's account in the federal Unemployment Compensation Trust Fund under 42 U.S.C. s. 1103; ~~and~~

(f) *All money collected for penalties imposed pursuant to s. 443.151(6)(a); and*

(g) Advances on the amount in the federal Unemployment Compensation Trust Fund credited to the state under 42 U.S.C. s. 1321, as requested by the Governor or the Governor's designee.

Except as otherwise provided in s. 443.1313(4), all moneys in the fund *must* ~~shall~~ be mingled and undivided.

Section 49. Paragraph (b) of subsection (3) and subsection (4) of section 446.50, Florida Statutes, are amended to read:

446.50 Displaced homemakers; multiservice programs; report to the Legislature; Displaced Homemaker Trust Fund created.—

(3) POWERS AND DUTIES OF THE DEPARTMENT OF ECONOMIC OPPORTUNITY.—

(b)1. The department shall enter into contracts with, and make grants to, public and nonprofit private entities for purposes of establishing multipurpose service programs for displaced homemakers under this section. Such grants and contracts *must* ~~shall~~ be awarded pursuant to chapter 287 and based on criteria established in the *program* ~~state~~ plan *as provided in subsection (4)* ~~developed pursuant to this section~~. The department shall designate catchment areas that together, *must* ~~shall~~ compose the entire state, and, to the extent possible from revenues in the Displaced Homemaker Trust Fund, the department shall contract with, and make grants to, entities that will serve entire catchment areas so that displaced homemaker service programs are available statewide. These catchment areas *must* ~~shall~~ be coterminous with the state's workforce development regions. The department may give priority to existing displaced homemaker programs when evaluating bid responses to the request for proposals.

2. In order to receive funds under this section, and unless specifically prohibited by law from doing so, an entity that provides displaced homemaker service programs must receive at least 25 percent of its funding from one or more local, municipal, or county sources or nonprofit private sources. In-kind contributions may be evaluated by the department and counted as part of the required local funding.

3. The department shall require an entity that receives funds under this section to maintain appropriate data to be compiled in an annual report to the department. Such data *must* ~~shall~~ include, but *is* ~~shall~~ not ~~be~~ limited to, the number of clients served, the units of services provided, designated client-specific information including intake and outcome information specific to each client, costs associated with specific services and program administration, total program revenues by source and other appropriate financial data, and client followup information at specified intervals after the placement of a displaced homemaker in a job.

(4) *DISPLACED HOMEMAKER PROGRAM* ~~STATE~~ PLAN.—

~~(a)~~ The Department of Economic Opportunity shall *include in its annual report required under s. 20.60 a* ~~develop a 3-year state~~ plan for the displaced homemaker program ~~which shall be updated annually~~. The plan must address, at a minimum, the need for programs specifically designed to serve displaced homemakers, any necessary service components for such programs in addition to those *described* ~~enumerated~~ in this section, goals of the displaced homemaker program with an analysis of the extent to which those goals are being met, and recommendations for ways to address any unmet program goals. Any request for funds for program expansion must be based on the ~~state~~ plan.

~~(b)~~ *The displaced homemaker program* ~~Each annual update must address any changes in the components of the 3-year state~~ plan ~~and a report that~~ must include, but need not be limited to, the following:

(a)~~1.~~ The scope of the incidence of displaced homemakers;

(b)~~2.~~ A compilation and report, by program, of data submitted to the department pursuant to *subparagraph (3)(b)3.* ~~subparagraph 3.~~ by funded displaced homemaker service programs;

(c)~~3.~~ An identification and description of the programs in the state which receive funding from the department, including funding information; and

(d)~~4.~~ An assessment of the effectiveness of each displaced homemaker service program based on outcome criteria established by rule of the department.

~~(c) The 3-year state plan must be submitted to the President of the Senate, the Speaker of the House of Representatives, and the Governor on or before January 1, 2001, and annual updates of the plan must be submitted by January 1 of each subsequent year.~~

Section 50. Section 288.80, Florida Statutes, is created to read:

288.80 Short title.—Sections 288.80-288.84 may be cited as the "Gulf Coast Economic Corridor Act."

Section 51. Section 288.801, Florida Statutes, is created to read:

288.801 Gulf Coast Economic Corridor; Legislative Intent.—The Legislature recognizes that fully supporting areas affected by the Deepwater Horizon disaster to ensure goals for economic recovery and diversification are achieved is in the best interest of the citizens of the state. The Legislature intends to provide a long-term source of funding for efforts of economic recovery and enhancement in the gulf coast region. The Legislature finds that it is important to help businesses, individuals, and local governments in the Gulf Coast region recover.

Section 52. Section 288.81, Florida Statutes, is created to read:

288.81 Definitions.—As used in ss. 288.80-288.84, the term:

(1) "Awardee" means a person, organization, or local government granted an award of funds from the Recovery Fund for a project or program.

(2) "Disproportionately affected county" means Bay County, Escambia County, Franklin County, Gulf County, Okaloosa County, Santa Rosa County, Walton County, or Wakulla County.

(3) "Earnings" means all the income generated by investments and interest.

(4) "Recovery Fund" means a trust account established by Triumph Gulf Coast, Inc., for the benefit of the disproportionately affected counties.

Section 53. Section 288.82, Florida Statutes, is created to read:

288.82 Triumph Gulf Coast, Inc.; Recovery Fund; Creation; Investment.—

(1) There is created within the Department of Economic Opportunity a nonprofit corporation, to be known as Triumph Gulf Coast, Inc., which shall be registered, incorporated, organized, and operated in compliance with chapter 617, and which is not a unit or entity of state government. Triumph Gulf Coast, Inc., may receive, hold, invest, and administer the Recovery Fund in support of this act. Triumph Gulf Coast, Inc., is a separate budget entity and is not subject to control, supervision, or direction by the Department of Economic Opportunity in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters.

(2) Triumph Gulf Coast, Inc., must create and administer the Recovery Fund for the benefit of the disproportionately affected counties. The principal of the fund shall derive from 75 percent of all funds recovered by the Attorney General for economic damage to the state resulting from the Deepwater Horizon disaster, after payment of reasonable and necessary attorney fees, costs, and expenses, including such attorney fees, costs, and expenses pursuant to s. 16.0155.

(3) The Recovery Fund must be maintained as a long-term and stable source of revenue, which shall decline over a 30-year period in equal amounts each year. Triumph Gulf Coast, Inc., shall establish a trust account at a federally insured financial institution to hold funds and make deposits and payments. Earnings generated by investments and interest of the fund, plus the amount of principal available each year, shall be available to make awards pursuant to this act and pay administrative costs. Earnings shall be accounted for separately from principal funds set forth in subsection (2). Administrative costs are limited to 2.25 percent of the earnings in a calendar year. Administrative costs include payment of investment fees, travel and per diem expenses of board members, audits, salary or other costs for employed or contracted staff, including required staff under s. 288.83(9), and other allowable costs. Any funds remaining in the Recovery Fund after 30 years shall revert to the State Treasury.

(4) Triumph Gulf Coast, Inc., shall invest and reinvest the principal of the Recovery Fund in accordance with s. 617.2104, in such a manner not to subject the funds to state or federal taxes, and consistent with an investment policy statement adopted by the corporation.

(a) The board of directors shall formulate an investment policy governing the investment of the principal of the Recovery Fund. The policy shall pertain to the types, kinds or nature of investment of any of the funds, and any limitations, conditions or restrictions upon the methods, practices or procedures for investment, reinvestments, purchases, sales or exchange transactions, provided such policies shall not conflict with nor be in derogation of any state constitutional provision or law. The policy shall be formulated with the advice of the financial advisor in consultation with the State Board of Administration

(b) Triumph Gulf Coast, Inc., must competitively procure one or more money managers, under the advice of the financial advisor in consultation with the State Board of Administration, to invest the principal of the Recovery Fund. The applicant manager or managers may not include representatives from the financial institution housing the trust account for the Recovery Fund. The applicant manager or managers must present a plan to invest the Recovery Fund to maximize earnings while prioritizing the preservation of Recovery Fund principal. Any agreement with a money manager must be reviewed by Triumph Gulf Coast, Inc., for continuance at least every 5 years. Plans should include investment in technology and growth businesses domiciled in, or that will be domiciled in, this state or businesses whose principal address is in this state.

(c) Costs and fees for investment services shall be deducted from the earnings as administrative costs. Fees for investment services shall be no greater than 150 basis points.

(d) Annually, Triumph Gulf Coast, Inc., shall cause an audit to be conducted of the investment of the Recovery Fund by the independent certified public accountant retained in s. 288.83. The expense of such audit shall be paid from earnings for administrative purposes.

(5) Triumph Gulf Coast, Inc., shall report on June 30 and December 30 each year to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the financial status of the Recovery Fund and its investments, the established priorities, the project and program selection process, including a list of all submitted projects and reasons for approval or denial, and the status of all approved awards.

(6) The Auditor General shall conduct an audit of the Recovery Fund and Triumph Gulf Coast, Inc., annually. Triumph Gulf Coast, Inc., shall provide to the Auditor General any detail or supplemental data required.

Section 54. Section 288.83, Florida Statutes, is created to read:

288.83 Triumph Gulf Coast, Inc.; Organization; Board of Directors.—

(1) Triumph Gulf Coast, Inc., is subject to the provisions of chapter 119 relating to public records and those provisions of chapter 286 relating to public meetings and records.

(2) Triumph Gulf Coast, Inc., shall be governed by a 5-member board of directors. Each of the Trustees of the State Board of Administration, the President of the Senate, and the Speaker of the House of Representatives shall each appoint one member from the private sector. The board of directors shall annually elect a chairperson from among the board's members. The chairperson may be removed by a majority vote of the members. His or her successor shall be elected to serve for the balance of the removed chairperson's term. The chairperson is responsible to ensure records are kept of the proceedings of the board of directors and is the custodian of all books, documents, and papers filed with the board; the minutes of meetings of the board; and the official seal of Triumph Gulf Coast, Inc.

(3) Each member of the board of directors shall serve for a term of 4 years, except that initially the appointments of the President of the Senate and the Speaker of the House of Representatives each shall serve a term of 2 years to achieve staggered terms among the members of the board. A member is not eligible for reappointment to the board, except, however, any member appointed to a term of 2 years or less may be reappointed for an additional term of 4 years. The initial appointments to the board must be made by November 15, 2013. Vacancies on the board of directors shall be filled by the officer who originally appointed the member. A vacancy that occurs before the scheduled expiration of the term of the member shall be filled for the remainder of the unexpired term.

(4) The Legislature determines that it is in the public interest for the members of the board of directors to be subject to the requirements of ss. 112.3135, 112.3143, and 112.313, notwithstanding the fact that the board members are not public officers or employees. For purposes of those sections, the board members shall be considered to be public officers or employees. In addition to the postemployment restrictions of s. 112.313(9), a person appointed to the board of directors must agree to refrain from having any direct interest in any contract, franchise, privilege, project, program, or other benefit arising from an award by Triumph Gulf Coast, Inc., during the term of his or her appointment and for 2 years after the termination of such appointment. It is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, for a person to accept appointment to the board of directors in violation of this subsection or to accept a direct interest in any contract, franchise, privilege, project, program, or other benefit granted by Triumph Gulf Coast, Inc., to an awardee within 2 years after the termination of his or her service on the board. Further, each member of the board of directors who is not otherwise required to file financial disclosure under s. 8, Art. II of the State Constitution or s. 112.3144 shall file disclosure of financial interests under s. 112.3145.

(5) Each member of the board of directors shall serve without compensation, but shall receive travel and per diem expenses as provided in s. 112.061 while in the performance of his or her duties.

(6) Each member of the board of directors is accountable for the proper performance of the duties of office, and each member owes a fiduciary duty to the people of the state to ensure that awards provided are disbursed and used, and investments are made, as prescribed by law and contract. An appointed member of the board of directors may be removed by the officer that appointed the member for malfeasance, misfeasance, neglect of duty, incompetence, permanent inability to perform official duties, unexcused absence from three consecutive meetings of the board, arrest or indictment for a crime that is a felony or a misdemeanor involving theft or a crime of dishonesty, or pleading nolo contendere to, or being found guilty of, any crime.

(7) The board of directors shall meet at least quarterly, upon the call of the chairperson or at the request of a majority of the membership, to review the Recovery Fund, establish and review priorities for economic recovery in disproportionately affected counties, and determine use of the earnings available. A majority of the members of the board of directors constitutes a quorum. Members may not vote by proxy.

(8) The executive director of the Department of Economic Opportunity, or his or her designee, the secretary of the Department of Environmental Protection, or his or her designee, and the chair of the Committee of 8 Disproportionally Affected Counties, or his or her designee, shall be available to consult with the board of directors and may be requested to attend meetings of the board of directors. These individuals shall not be permitted to vote on any matter before the board.

(9)(a) Triumph Gulf Coast, Inc., is permitted to hire or contract for all staff necessary to the proper execution of its powers and duties to implement this act. The corporation is required to retain:

1. An independent certified public accountant licensed in this state pursuant to chapter 473 to inspect the records of and to audit the expenditure of the earnings and available principal disbursed by Triumph Gulf Coast, Inc.

2. An independent financial advisor to assist Triumph Gulf Coast, Inc., in the development and implementation of a strategic plan consistent with the requirements of this act.

3. An economic advisor who will assist in the award process, including the development of priorities, allocation decisions, and the application and process; will assist the board in determining eligibility of award applications and the evaluation and scoring of applications; and will assist in the development of award documentation.

4. A legal advisor with expertise in not-for-profit investing and contracting and who is a member of the Florida Bar to assist with contracting and carrying out the intent of this act.

(b) Triumph Gulf Coast, Inc., shall require all employees of the corporation to comply with the code of ethics for public employees under part III of chapter 112. Retained staff under paragraph (a) must agree to refrain from having any direct interest in any contract, franchise, privilege, project, program, or other benefit arising from an award by Triumph Gulf Coast, Inc., during the term of his or her appointment and for 2 years after the termination of such appointment.

(c) Retained staff under paragraph (a) shall be available to consult with the board of directors and shall attend meetings of the board of directors. These individuals shall not be permitted to vote on any matter before the board.

Section 55. Section 288.831, Florida Statutes, is created to read:

288.831 Board of Directors; Powers.—In addition to the powers and duties prescribed in chapter 617 and the articles and bylaws adopted in compliance with that chapter, the board of directors may:

(1) Make and enter into contracts and other instruments necessary or convenient for the exercise of its powers and functions.

(2) Make expenditures including any necessary administrative expenditure from earnings consistent with its powers.

(3) Adopt, use, and alter a common corporate seal. Notwithstanding any provision of chapter 617 to the contrary, this seal is not required to contain the words "corporation not for profit."

(4) Adopt, amend, and repeal bylaws, not inconsistent with the powers granted to it or the articles of incorporation, for the administration of the activities of Triumph Gulf Coast, Inc., and the exercise of its corporate powers.

(5) Use the state seal, notwithstanding the provisions of s. 15.03, when appropriate, for standard corporate identity applications. Use of the state seal is not intended to replace use of a corporate seal as provided in this section.

Under no circumstances may the credit of the State of Florida be pledged on behalf of Triumph Gulf Coast, Inc.

Section 56. Section 288.832, Florida Statutes, is created to read:

288.832 Triumph Gulf Coast, Inc.; Duties.—Triumph Gulf Coast, Inc., shall have the following duties:

(1) Manage responsibly and prudently all funds received, and ensure that the use of such funds is in accordance with all applicable laws, bylaws, or contractual requirements.

(2) Administer the program created under this act.

(3) Monitor, review, and annually evaluate awardees and their projects or programs to determine whether an award should be continued, terminated, reduced, or increased.

(4) Operate in a transparent manner, providing public access to information, notice of meetings, awards, and the status of projects and programs. To this end, Triumph Gulf Coast, Inc., shall maintain a website that provides public access to this information.

Section 57. Section 288.84, Florida Statutes, is created to read:

288.84 Awards.—

(1) Triumph Gulf Coast, Inc., shall make awards from available earnings and principal derived under s. 288.82(2) to projects or programs that meet the priorities for economic recovery, diversification, and enhancement of the disproportionately affected counties, notwithstanding s. 377.43. Awards may be provided for:

(a) Ad valorem tax reduction within disproportionately affected counties;

(b) Payment of impact fees adopted pursuant to s. 163.31801 and imposed within disproportionately affected counties;

(c) Administrative funding for economic development organizations located within the disproportionately affected counties;

(d) Local match requirements of ss. 288.0655, 288.0659, 288.1045, and 288.106 for projects in the disproportionately affected counties;

(e) Economic development projects in the disproportionately affected counties;

(f) Infrastructure projects that are shown to enhance economic development in the disproportionately affected counties;

(g) Grants to local governments in the disproportionately affected counties to establish and maintain equipment and trained personnel for local action plans of response to respond to disasters, such as plans created for the Coastal Impacts Assistance Program;

(h) Grants to support programs of excellence that prepare students for future occupations and careers at K-20 institutions that have home campuses in the disproportionately affected counties. Eligible programs include those that increase students' technology skills and knowledge; encourage industry certifications; provide rigorous, alternative pathways for students to meet high school graduation requirements; strengthen career readiness initiatives; fund high-demand programs of emphasis at the bachelor's and master's level designated by the Board of Governors; and, similar to or the same as talent retention programs created by the Chancellor of the State University System and the Commission of Education, encourage students with interest or aptitude for science, technology, engineering, mathematics, and medical disciplines to pursue post-

secondary education at a state university within the disproportionately affected counties; and

(i) Grants to the tourism entity created under s. 288.1226 for the purpose of advertising and promoting tourism, Fresh From Florida, or related content on behalf of one or all of the disproportionately affected counties.

(2) Triumph Gulf Coast, Inc., shall establish an application procedure for awards and a scoring process for the selection of projects and programs that have the potential to generate increased economic activity in the disproportionately affected counties, giving priority to projects and programs that:

(a) Generate maximum estimated economic benefits, based on tools and models not generally employed by economic input-output analyses, including cost-benefit, return-on-investment, or dynamic scoring techniques to determine how the long-term economic growth potential of the disproportionately affected counties may be enhanced by the investment.

(b) Increase household income in the disproportionately affected counties above national average household income.

(c) Expand high growth industries or establish new high growth industries in the region.

1. Industries that are supported must have strong growth potential in the disproportionately affected counties.

2. An industry's growth potential is defined based on a detailed review of the current industry trends nationally and the necessary supporting asset base for that industry in the disproportionately affected counties region.

(d) Leverage or further enhance key regional assets, including educational institutions, research facilities, and military bases.

(e) Partner with local governments to provide funds, infrastructure, land, or other assistance for the project.

(f) Have investment commitments from private equity or private venture capital funds.

(g) Provide or encourage seed stage investments in start-up companies.

(h) Provide advice and technical assistance to companies on restructuring existing management, operations, or production to attract advantageous business opportunities.

(i) Benefit the environment in addition to the economy.

(j) Provide outcome measures for programs of excellence support, including terms of intent and metrics.

(k) Partner with K-20 educational institutions or school districts located within the disproportionately affected counties.

(l) Partner with convention and visitor bureaus, tourist development councils, or chambers of commerce located within the disproportionately affected counties.

(3) Triumph Gulf Coast, Inc., may make awards as applications are received or may establish application periods for selection. Awards may not be used to finance 100 percent of any project or program. Triumph Gulf Coast, Inc., may require a one-to-one private-sector match or higher for an award, if applicable and deemed prudent by the board of directors. An awardee may not receive all of the earnings or available principal in any given year.

(4) A contract executed by Triumph Gulf Coast, Inc., with an awardee must include provisions requiring a performance report on the contracted activities, must account for the proper use of funds provided under the contract, and must include provisions for recovery of awards in the event the award was based upon fraudulent information or the awardee is not meeting the performance requirements of the award. Awardees must regularly report to Triumph Gulf Coast, Inc., the status of the project or program on a schedule determined by the corporation.

Section 58. *Gulf Coast Audits.—*

(1) The scope of a financial audit conducted pursuant to s. 218.39, Florida Statutes, shall include funds related to the Deepwater Horizon oil spill for any year in which a local government entity receives or expends funds related to the Deepwater Horizon oil spill, including any funds under s. 288.84, Florida Statutes, or under 33 U.S.C. 1321(t). The scope of review for these funds shall include, but is not limited to, compliance with state and federal laws related to the receipt and expenditure of these funds.

(2) Every 2 years, the Auditor General shall conduct an operational audit, as defined in s. 11.45, Florida Statutes, of a local government entity's funds related to the Deepwater Horizon oil spill to evaluate the local government entity's performance in administering laws, policies, and procedures governing the expenditure of funds related to the Deepwater Horizon oil spill in an efficient and effective manner. The scope of review shall include, but is not limited to, evaluating internal controls, internal audit functions, reporting and performance requirements required for use of the funds, and compliance with state and federal law. The audit shall include any funds the local government entity receives or expends related to the Deepwater Horizon oil spill, including any funds under s. 288.84, Florida Statutes, or under 33 U.S.C. 1321(t).

(3) In addition to the rules of the Auditor General adopted under s. 11.45(8), Florida Statutes, the Auditor General shall adopt rules for the form and conduct of all financial audits performed by independent certified public accountants and for audits of local government entities conducted under this section for funds received under 33 U.S.C. 1321(t). Such rules shall take into account the rules for such audits set forth by the Secretary of the Treasury pursuant to 33 U.S.C 1321(t).

(4) The Auditor General may report findings to the Secretary of the Treasury of the United States in addition to the reporting requirements under state law.

Section 59. 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 economic development; establishing the Economic Development Programs Evaluation; requiring the Office of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability to present the evaluation; requiring the offices to develop and submit a work plan for completing the evaluation by a certain date; requiring the offices to provide an analysis of certain economic development programs and specifying a schedule; requiring the Office of Economic and Demographic Research to make certain evaluations in its analysis; limiting the office's evaluation for the purposes of tax credits, tax refunds, sales tax exemptions, cash grants, and similar programs; requiring the office to use a certain model to evaluate each program; requiring the Office of Program Policy Analysis and Government Accountability to make certain evaluations in its analysis; providing the offices access to all data necessary to complete the evaluation; amending s. 20.60, F.S.; revising the date on which the Department of Economic Opportunity and Enterprise Florida, Inc., are required to report on the business climate and economic development in the state; specifying reports and information that must be included; amending s. 201.15, F.S.; revising the distribution of funds in the Grants and Donations Trust Fund; amending s. 212.08, F.S.; revising definitions; clarifying the application of certain amendments; amending s. 213.053, F.S.; authorizing the Department of Revenue to make certain information available to the director of the Office of Program Policy Analysis and Government Accountability and the coordinator of the Office of Economic and Demographic Research; authorizing the offices to share certain information; amending s. 220.194, F.S.; requiring the annual report for the Florida Space Business Incentives Act to be included in the annual incentives report; deleting certain reporting requirements; amending s. 288.001, F.S.; providing a network purpose; providing definitions; requiring the statewide director and the network to operate the program in compliance with federal laws and regulations and a Board of Governors regulation; requiring the statewide director to consult with the Board of Governors, the Department of Economic Opportunity, and the network's statewide advisory board to establish certain policies and goals; requiring the network to maintain a statewide advisory board;

providing for advisory board membership; providing for terms of membership; providing for certain member reimbursement; requiring the director to develop support services; specifying support service requirements; requiring businesses that receive support services to participate in certain assessments; requiring the network to provide a match equal to certain state funding; providing criteria for the match; requiring the statewide director to coordinate with the host institution to establish a pay-per-performance incentive; providing for pay-per-performance incentive funding and distribution; providing a distribution formula requirement; requiring the statewide director to coordinate with the advisory board to distribute funds for certain purposes and develop programs to distribute funds for those purposes; requiring the network to announce available funding, performance expectations, and other requirements; requiring the statewide director to present applications and recommendations to the advisory board; requiring applications approved by the advisory board to be publicly posted; providing minimum requirements for a program; prohibiting certain regional small business development centers from receiving funds; providing that match funding may not be reduced for regional small business development centers receiving additional funds; requiring the statewide director to regularly update the Board of Governors, the department, and the advisory board with certain information; requiring the statewide director, in coordination with the advisory board, to annually report certain information to the President of the Senate and the Speaker of the House of Representatives; amending s. 288.005, F.S.; providing a definition; amending s. 288.012, F.S.; requiring each State of Florida international office to submit a report to Enterprise Florida, Inc., for inclusion in its annual report; deleting a reporting date; amending s. 288.061, F.S.; requiring the Department of Economic Opportunity to analyze each economic development incentive application; prohibiting the executive director from approving an economic development incentive application unless a specified written declaration is received; requiring an awardee to provide a signed written declaration in specified years; providing that the department may adopt rules to implement this section; amending s. 288.0656, F.S.; requiring the Rural Economic Development Initiative to submit a report to supplement the Department of Economic Opportunity's annual report; deleting certain reporting requirements; amending s. 288.076, F.S.; providing definitions; requiring the Department of Economic Opportunity to publish on a website specified information concerning state investment in economic development programs; requiring the department to work with the Office of Economic and Demographic Research to provide a description of specified methodology and requiring the department to publish such description on its website; providing procedures and requirements for reviewing, updating, and supplementing specified published information; requiring the department to annually publish information relating to the progress of Quick Action Closing Fund projects; requiring the department to publish certain confidential information pertaining to participant businesses upon expiration of a specified confidentiality period; requiring the department to publish certain reports concerning businesses that fail to complete tax refund agreements under the tax refund program for qualified target industry businesses; providing for construction and legislative intent; authorizing the department to adopt rules; repealing s. 288.095(3)(c), F.S., relating to the annual report by Enterprise Florida, Inc., of programs funded by the Economic Development Incentives Account; amending s. 288.106, F.S.; deleting and adding provisions relating to the application and approval process of the tax refund program for qualified target industry businesses; requiring the Department of Economic Opportunity to include information on qualified target industry businesses in the annual incentives report; deleting certain reporting requirements; amending 288.107, F.S.; revising definitions; revising provisions to conform to changes made by the act; revising the minimum criteria for participation in the brownfield redevelopment bonus refund; clarifying the application of certain amendments; amending s. 288.1081, F.S.; requiring the use of loan funds from the Economic Gardening Business Loan Pilot Program to be included in the department's annual report; deleting certain reporting requirements; amending s. 288.1082, F.S.; requiring the progress of the Economic Gardening Technical Assistance Pilot Program to be included in the department's annual report; deleting certain reporting requirements; amending s. 288.1088, F.S.; requiring the department to validate contractor performance for the Quick Action Closing Fund and include the performance validation in the annual incentives report; deleting certain reporting requirements; amending s. 288.1089, F.S.; requiring that certain projects in the Innovation Incentive Program provide a cumulative break-even economic benefit; requiring the department to report information relating to the Innovation Incentive Program in the annual incentives report; deleting certain reporting requirements; deleting provisions that require the Office of Program Policy Analysis and Government Accountability and the Auditor General's Office to report on the Innovation Incentive Program; amending s. 288.1253, F.S.; revising a reporting date; requiring expenditures of the Office of Film and Entertainment to be included in the annual entertainment industry financial incentive program report; amending s. 288.1254, F.S.; revising a reporting date; requiring the annual entertainment industry financial incentive program report to include certain information; amending s. 288.1258, F.S.; revising a reporting date; requiring the report detailing the relationship between tax exemptions and incentives to industry growth to be included in the annual entertainment industry financial incentive program report; amending s. 288.714, F.S.; requiring the Department of Economic Opportunity's annual report to include a report on the Black Business Loan Program; deleting certain reporting requirements; amending s. 288.7771, F.S.; requiring the Florida Export Finance Corporation to submit a report to Enterprise Florida, Inc.; amending s. 288.903, F.S.; requiring Enterprise Florida, Inc., with the Department of Economic Opportunity, to prepare an annual incentives report; repealing s. 288.904(6), F.S., relating to Enterprise Florida, Inc., which requires the department to report the return on the public's investment; amending s. 288.906, F.S.; requiring certain reports to be included in the Enterprise Florida, Inc., annual report; amending s. 288.907, F.S.; requiring Enterprise Florida, Inc., with the Department of Economic Opportunity, to prepare the annual incentives report; requiring the annual incentives report to include certain information; deleting a provision requiring the Division of Strategic Business Development to assist Enterprise Florida, Inc., with the report; 288.92, F.S.; requiring each division of Enterprise Florida, Inc., to submit a report; amending s. 288.95155, F.S.; requiring the financial status of the Florida Small Business Technology Growth Program to be included in the annual incentives report; amending s. 288.9918, F.S.; revising reporting requirements related to community development entities; amending s. 290.0055, F.S.; providing for the expansion of the boundaries of enterprise zones that meet certain requirements; providing an application deadline; amending s. 290.0056, F.S.; revising a reporting date; requiring the enterprise zone development agency to submit certain information for the Department of Economic Opportunity's annual report; amending s. 290.014, F.S.; revising a reporting date; requiring certain reports on enterprise zones to be included in the Department of Economic Opportunity's annual report; amending s. 290.0455, F.S.; providing for the state's guarantee of certain federal loans to local governments; requiring applicants for such loans to pledge a specified amount of revenues to guarantee the loans; revising requirements for the department to submit recommendations to the Federal Government for such loans; revising the maximum amount of the loan guarantee commitment that a local government may receive and providing exceptions; providing for reduction of a local government's future community development block grants if the local government defaults on the federal loan; providing procedures if a local government is granted entitlement community status; amending ss. 331.3051 and 331.310, F.S.; revising requirements for annual reports by Space Florida; amending s. 443.036, F.S.; providing examples of misconduct; amending s. 443.091, F.S.; providing for online work registration and providing exceptions; limiting a claimant's use of the same prospective employer to meet work search requirements; providing an exception; providing that work search requirements do not apply to individuals required to participate in reemployment services; amending s. 443.101, F.S.; providing for disqualification in any week with respect to which the department finds that his or her unemployment is due to failure without good cause to maintain a license, registration, or certification required by applicable law necessary for the employee to perform her or his assigned job duties; providing examples of "good cause"; amending s. 443.1113, F.S., relating to the Reemployment Assistance Claims and Benefits Information System; revising timeframe for deployment of a certain Internet portal as part of such system; amending s. 443.131, F.S.; requiring the tax collection service provider to calculate a certain additional rate; providing for when an assessment may not be made; requiring assessments to be available to pay interest on federal advances; requiring certain excess funds to be transferred to the Unemployment Compensation Trust Fund after a certain time period; deleting the provision referring to crediting employer accounts; providing an expiration date; amending s. 443.151 F.S.; revising provisions to conform to changes made to benefit eligibility; providing that an employer or its agent may not be relieved of

benefit charges for failure to timely and adequately respond to notice of claim or request for information; requiring the department to impose a penalty against a claimant who is overpaid reemployment assistance benefits due to fraud by the claimant; requiring an appeals referee to be an attorney in good standing with the Florida Bar or successfully admitted within 8 months of hire; providing an exception; amending s. 443.1715, F.S.; prohibiting the unlawful disclosure of certain confidential information relating to employing units and individuals under the Reemployment Assistance Program Law; providing criminal penalties; amending s. 443.191, F.S.; providing for the deposit of moneys recovered and penalties collected due to fraud in the Unemployment Compensation Trust Fund; amending s. 446.50, F.S.; requiring the Department of Economic Opportunity's annual report to include a plan for the displaced homemaker program; deleting certain reporting requirements; creating s. 288.80, F.S.; providing a short title; creating s. 288.801, F.S.; providing Legislative intent; creating s. 288.81, F.S.; providing definitions; creating s. 288.82, F.S.; creating Triumph Gulf Coast, Inc., as nonprofit corporation; requiring the Triumph Gulf Coast, Inc., to create and administer the Recovery Fund for the benefit of disproportionately affected counties; providing for principal of the fund; providing for payment of administrative costs from the earnings of the fund; providing any remaining funds after 30 years revert to the State Treasury; authorizing investment of the principal of the fund; requiring an investment policy; requiring competitive procurement of money managers; requiring annual audits; requiring biannual reports; creating s. 288.83, F.S.; providing for application of public records and meetings laws; providing for governance by a 5 member board of directors; providing membership; providing for terms; providing for appointment for vacancies; providing limitations on board members; limiting post-employment activities; providing for a misdemeanor for violations; requiring financial disclosures; providing travel and per diem expenses; providing for removal; requiring quarterly meetings; providing for staffing; creating s. 288.831, F.S.; providing the powers and duties of the board of directors; creating s. 288.832, F.S.; providing the duties of Triumph Gulf Coast, Inc.; creating s. 288.84, F.S.; permitting awards for projects or programs from available earnings and principal; providing the award categories; providing the award categories for certain funds; establishing priority ranking for applications; prohibiting award from financing 100 percent of a project or program; permitting Triumph Gulf Coast, Inc., to requiring a one-to-one match; prohibiting an awardee from receiving all available funds; requiring a contract for an award; requiring regular reporting; requiring the scope of a financial audit for a local government entity to include funds related to Deepwater Horizon oil spill; requiring the Auditor General to conduct an operational audit of a local government entity's performance in the expenditure of funds related to the Deepwater Horizon oil spill; requiring the Auditor General to adopt rules for such audits; permitting the Auditor General to report to the Secretary of the Treasury of the United States; providing effective dates.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Hukill moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (735928) (with title amendment)—Between lines 291 and 292 insert:

Section 6. Effective April 30, 2014, paragraph (kkk) is added to subsection (7) of section 212.08, Florida Statutes, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any entity by this chapter do not inure to any transaction that is otherwise taxable under this chapter when payment is made by a representative or employee of the entity by any means, including, but not limited to, cash, check, or credit card, even when that representative or employee is subsequently reimbursed by the entity. In addition, exemptions provided to any entity by this subsection do not inure to any transaction that is otherwise taxable under this chapter unless the entity has obtained a sales tax exemption certificate from the department or the entity obtains or provides other documentation as required by the department. Eligible purchases or leases made with such a certificate must be in strict compliance with this subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the rules is liable for and shall pay the tax. The department may adopt rules to administer this subsection.

(kkk) Certain machinery and equipment.–

1. Industrial machinery and equipment purchased by eligible manufacturing businesses which is used at a fixed location within this state for the manufacture, processing, compounding, or production of items of tangible personal property for sale shall be exempt from the tax imposed by this chapter. If at the time of purchase the purchaser furnishes the seller with a signed certificate certifying the purchaser's entitlement to exemption pursuant to this paragraph, the seller is relieved of the responsibility for collecting the tax on the sale of such items, and the department shall look solely to the purchaser for recovery of the tax if it determines that the purchaser was not entitled to the exemption.

2. For purposes of this paragraph, the term:

a. "Eligible manufacturing business" means any business whose primary business activity at the location where the industrial machinery and equipment is located is within the industries classified under NAICS codes 31, 32, and 33. As used in this subparagraph, "NAICS" means those classifications contained in the North American Industry Classification System, as published in 2007 by the Office of Management and Budget, Executive Office of the President.

b. "Primary business activity" means an activity representing more than fifty percent of the activities conducted at the location where the industrial machinery and equipment is located.

c. "Industrial machinery and equipment" means tangible personal property or other property that has a depreciable life of 3 years or more and that is used as an integral part in the manufacturing, processing, compounding, or production of tangible personal property for sale. A building and its structural components are not industrial machinery and equipment unless the building or structural component is so closely related to the industrial machinery and equipment that it houses or supports that the building or structural component can be expected to be replaced when the machinery and equipment are replaced. Heating and air conditioning systems are not industrial machinery and equipment unless the sole justification for their installation is to meet the requirements of the production process, even though the system may provide incidental comfort to employees or serve, to an insubstantial degree, nonproduction activities. The term includes parts and accessories for industrial machinery and equipment only to the extent that the parts and accessories are purchased prior to the date the machinery and equipment are placed in service.

3. This paragraph is repealed effective April 30, 2017.

And the title is amended as follows:

Delete line 2459 and insert: amendments; providing for an exemption from the tax imposed under ch. 212, F.S., for certain machinery and equipment; providing for repeal; amending s. 213.053, F.S.; authorizing the

Amendment 1 (969426) as amended was adopted.

On motion by Senator Detert, by two-thirds vote **CS for CS for HB 7007** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Bradley	Detert
Abruzzo	Brandes	Diaz de la Portilla
Altman	Braynon	Evers
Bean	Bullard	Flores
Benacquisto	Dean	Galvano

Garcia	Legg	Simpson
Gardiner	Margolis	Sobel
Gibson	Montford	Soto
Grimsley	Negron	Stargel
Hays	Richter	Thompson
Hukill	Ring	Thrasher
Latvala	Sachs	
Lee	Simmons	

Nays—3

Clemens	Joyner	Smith

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Montford, by two-thirds vote **SB 1608** was withdrawn from the committees of reference and further consideration.

MOTIONS

On motion by Senator Thrasher, the rules were waived and a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Thursday, May 2.

On motion by Senator Thrasher, by two-thirds vote, all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Thursday, May 2.

REPORTS OF COMMITTEES

Pursuant to Rule 4.17(1), the Rules Chair, Majority Leader, and Minority Leader submit the following bills to be placed on the Special Order Calendar for Wednesday, May 1, 2013: CS for SB 952, CS for CS for SB 1686, CS for CS for SB 446.

Respectfully submitted,
John Thrasher, Rules Chair
Lizbeth Benacquisto, Majority Leader
Christopher L. Smith, Minority Leader

Pursuant to Rule 4.18 the Rules Chair submits the following bills to be placed on the Local Bill Calendar for Wednesday, May 1, 2013: HB 533, CS for HB 1007, CS for HB 1009, HB 1285, CS for HB 1421.

Respectfully submitted,
John Thrasher, Rules Chair

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

RETURNING MESSAGES — FINAL ACTION

The Honorable Don Gaetz, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 50, CS for CS for SB 62, CS for CS for SB 120, CS for CS for SB 160, SB 244, SB 282, SB 326, CS for CS for SB 336, SB 342, CS for CS for SB 372, CS for CS for CS for SB 390, SB 452, CS for CS for SB 492, CS for SB 530, CS for CS for CS for SB 534, CS for CS for CS for SB 556, CS for SB 606, CS for SB 662, CS for SB 948, SB 954, CS for SB 1036, CS for CS for SB 1094, CS for SB 1108, CS for CS for CS for SB 1122, CS for CS for SB 1664, SB 1700, SB 1792, SB 1806, CS for SB 1808, SB 1830 and CS for SB 1844.

Robert L. "Bob" Ward, Clerk

The bills contained in the foregoing messages were ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 30 was corrected and approved.

CO-INTRODUCERS

Senators Evers—CS for CS for SB 1132, CS for CS for SB 1458; Sachs—CS for CS for CS for SB 390

ADJOURNMENT

On motion by Senator Thrasher, the Senate adjourned at 4:49 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Thursday, May 2 or upon call of the President.