



Journal of the Senate

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CALL TO ORDER

The Senate was called to order by President Gaetz at 9:00 a.m. A quorum present—39:

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

Excused: Senator Bullard; Senator Negron periodically for the purpose of working on Appropriations

PRAYER

The following prayer was offered by Rev. B. Kyle Peddie, Pastor, Corinth Baptist Church, Hosford:

Dear Heavenly Father, we come to you this morning thanking you for your mercies that your word says are new each and every morning. We truly thank you for the breath of life that sustains us. We thank you for our families who allow us to do what we do each day. We thank you for the great State of Florida which has been blessed beyond measure.

Lord, I pray right now for each and every great leader in this room. I pray that you give each one the wisdom needed to make decisions that reflect a servant who is truly worthy of their hire. I pray for each Senator's family, each Senator's spouse, and each Senator's home while they are here in Tallahassee working. Never let the devil get a foothold in a marriage, situation, or opportunity that would compromise their ability to make clear and concise decisions for our state.

As this session is winding down, Lord, I pray that all our leaders on both sides of the aisle would be able to work out differences, make compromises, and ultimately make the best decisions for all our citizens. I pray that morality never takes a back seat to immorality, that politics

never trump integrity, and that the work done in this chamber today would be something that would be pleasing in thy sight. Lord, I pray for our state during this tough economy right now. I pray that we would continue to keep our eyes focused on you through these tough times. Help us through these times to always find ways to help those who are less fortunate than us and find ways to be a blessing to them. Truly help us to love our neighbor as ourselves, and may that command that Jesus gave us be the foundation to everything that is done here today.

Lord, bless President Gaetz as he leads today; bless all our Senators—especially mine, Senator Montford. Thank you for the Bible, thank you for salvation in your Son, and thank you for the Cross. Lead today, we pray in Jesus name. Amen.

PLEDGE

Senate Pages Charles VanCamp of Apopka; Isaiah Beaton of Bradenton; Laura Stargel of Lakeland, daughter of Senator Stargel; and Erica Taylor of Chattahoochee led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

On motion by Senator Lee—

By Senators Lee and Joyner—

SR 1902—A resolution remembering the life of Tampa's own, the Honorable James "Jim" Albaugh Lenfestey.

WHEREAS, Jim Lenfestey was a second-generation Tampa native, born into one of Tampa's pioneer families, and attended Gorrie Elementary, Wilson Junior High, and Plant High School, and

WHEREAS, Jim Lenfestey received his B.A. degree from George Washington University in Washington, D.C., and his J.D. degree from the College of Law, where he became a member of Phi Delta Phi, an international legal honorary society, and

WHEREAS, after 16 years of general law practice in Tampa in the firm he established, Jim Lenfestey was elected to the 13th Judicial Circuit Court in 1966 following a hotly contested three-way race and served for 24 years on the bench before "retiring" to pursue more than a decade of active service as a mediator, and

WHEREAS, during his tenure as a circuit judge, Jim Lenfestey was elected chairman of the Florida Conference of Circuit Judges and served two terms as chief judge of the 13th Judicial Circuit, receiving the Robert W. Patton Outstanding Jurist Award from the Hillsborough County Bar Association, Young Lawyers Section, and

WHEREAS, after 10 years on the bench, Jim Lenfestey was pleased to receive the highest approval rating of any judge in a Hillsborough County Bar Association lawyer opinion survey, and

WHEREAS, for many years, Jim Lenfestey's favorite pastime was teaching college classes in business and constitutional law at the University of South Florida, the University of Tampa, Hillsborough Community College, and other local campuses, and

WHEREAS, Jim Lenfestey was a veteran of and attained the rank of colonel in the United States Army Reserve, and served as a member of the Fort Stewart/Hunter Army Airfield Retiree Council, and

WHEREAS, Jim Lenfestey led and was active in a variety of legal, professional, civic, and charitable organizations and endeavors, and he and his beloved wife of 54 years, Laurel White Norden Lenfestey, who predeceased him, were faithful members of First Presbyterian Church, where he served as a deacon and elder and, for decades, taught an adult Sunday School class, and

WHEREAS, Jim Lenfestey will long be remembered for his wisdom, wit, work ethic, courtesy, and interest in others, many of whom he served as a mentor to, NOW, THEREFORE,

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

That we pause to remember the life of the Honorable James “Jim” Albaugh Lenfestey, recognize his indelible mark on the Hillsborough County legal community, and extend our deepest sympathy to his family and friends.

—was introduced out of order and read by title. On motion by Senator Lee, **SR 1902** was read the second time by title and adopted.

At the request of Senator Evers—

By Senator Evers—

SR 728—A resolution honoring Colonel Graham W. Fountain for his distinguished service to state and local law enforcement.

WHEREAS, Colonel Graham Fountain began his local law enforcement career in 1980 as a deputy sheriff in Okaloosa County and went on to provide executive leadership in two Florida Panhandle counties, serving as undersheriff to Okaloosa County Sheriff Larry Gilbert and as chief of staff and director of law enforcement operations for the Walton County Sheriff’s Office, and

WHEREAS, Colonel Graham Fountain worked diligently to protect children from crime by working with the Okaloosa District School Board to implement the county’s first school resource deputy program and went on to serve in other public safety positions, including chief investigator for the State Comptroller and investigator with the Florida Division of Insurance Fraud, where he was honored for his investigative activities, and

WHEREAS, Colonel Graham Fountain has gone above and beyond the call of duty to further professionalize the field of law enforcement by encouraging public service and community involvement, serving for 6 years as a commissioner of the Florida Commission on Law Enforcement Agency Accreditation and as a two-term president of the State Law Enforcement Chiefs’ association, and

WHEREAS, Colonel Graham Fountain has been active in supporting area charities and nonprofits, including Toys for Tots, Homestead Ministries, Inc., Regenerate Student Ministries, Inc., Habitat for Humanity, the American Heart Association, and Florida Sheriff’s Boys and Girls Ranches, and currently serves on the Florida Historical Commission, and

WHEREAS, Colonel Graham Fountain has been honored with many awards and recognitions for his commitment to protecting the citizens of and visitors to this state, and

WHEREAS, Colonel Graham Fountain was appointed by Governor Jeb Bush as Director of Commercial Vehicle Enforcement for the Florida Department of Transportation where, over the course of 8 years, he brought the agency from relative obscurity to recognition as one of the top enforcement agencies in the nation, and

WHEREAS, Colonel Graham Fountain served on this state’s Domestic Security Statewide Working Group, the U.S. Department of Justice Homeland Security Advisory Council, and the State Emergency Management ESF-16 Executive Leadership Council, and

WHEREAS, Colonel Graham Fountain managed the implementation of the “Pre-Pass” system for prescreening commercial motor vehicles, reducing the regulatory downtime for trucks traveling the roadways and saving the transportation industry millions of travel hours, and

WHEREAS, Colonel Graham Fountain has honorably served Okaloosa and Walton Counties and this state for more than 28 years in the fields of public safety and law enforcement and will retire on May 10, 2013, from his position as chief of staff of the Walton County Sheriff’s Office, NOW, THEREFORE,

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

That the Senate recognizes Colonel Graham W. Fountain for his distinguished service to our state; honors him for his extensive contributions in the fields of law enforcement, public safety, and criminal justice professionalism; and wishes him well upon his retirement.

—**SR 728** was introduced, read and adopted by publication.

At the request of Senator Evers—

By Senator Evers—

SR 1414—A resolution recognizing Bay County on the occasion of its centennial celebration.

WHEREAS, Bay County was established on July 1, 1913, following the signing of its charter on April 24, 1913, and

WHEREAS, Bay County is located in the heart of Florida’s Great Northwest, with 27 miles of sugar white sandy beaches overlooking the beautiful, emerald-green waters of the Gulf of Mexico, and

WHEREAS, with 270 square miles of water, Bay County’s pristine lakes, springs, streams, and the magnificent St. Andrews Bay provide excellent fishing, water sports, and other recreational activities, as well as one of the most ecologically diverse areas in this great state, and

WHEREAS, with a total of 1,033 square miles, Bay County’s beautiful beaches and diverse inland areas attract 8 million visitors from around the globe each year and also boast an educated and enthusiastic workforce that creates a vibrant business environment, and

WHEREAS, Bay County is composed of seven incorporated municipalities, Callaway, Lynn Haven, Mexico Beach, Panama City, which is the county seat, Panama City Beach, Parker, and Springfield, and several unincorporated areas, and

WHEREAS, Bay County has experienced impressive growth in population, from 11,407 in 1920 to about 170,000 in 2010, and

WHEREAS, Bay County contributes significantly to this state’s overall economic well-being, rich history, and cultural diversity, NOW, THEREFORE,

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

That we recognize Bay County’s proud past and bright future on the occasion of its centennial celebration and honor the residents, community leaders, and elected officials of Bay County as they celebrate its rich history along beautiful St. Andrews Bay.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to the chairman of the Board of County Commissioners of Bay County as a tangible token of the sentiments expressed in this resolution.

—**SR 1414** was introduced, read and adopted by publication.

At the request of Senator Sachs—

By Senators Sachs, Abruzzo, and Soto—

SR 1836—A resolution recognizing 2013 as “The Year of Italian Culture” in Florida.

WHEREAS, 2013 has been recognized as “The Year of Italian Culture in the United States,” during which all Americans are encouraged to recognize how the bonds of friendship between Italy and the United States have been strengthened since World War II, and

WHEREAS, the historic friendship between Italy and the United States is not only based on a solid alliance between governments but on deep bonds of solidarity between our peoples, and

WHEREAS, the many events planned throughout 2013 in this and other states will highlight the contributions of Italy from the Renaissance and into the future, as Italy establishes itself in the forefront of science, technology, research, and innovation, and

WHEREAS, this celebration will promote the country of Italy, engage Americans in, and excite them about, international relations, as well as strengthen the bonds that unite us, while creating new bonds, NOW, THEREFORE,

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

That we recognize 2013 as “The Year of Italian Culture” in Florida and encourage the people of this state to join in this nationwide celebration.

—**SR 1836** was introduced, read and adopted by publication.

At the request of Senator Flores—

By Senator Flores—

SR 1854—A resolution celebrating Franco-Floridian relationships and recognizing Florida’s rich French heritage.

WHEREAS, in 2012, the celebration of the 450th anniversary of a French presence in Florida commenced, with recognition of the first French expedition, led by Jean Ribault, which landed in Florida in the spring of 1562, and

WHEREAS, the celebration will continue through 2015, as we recognize a second expedition which, with the help of the Timucuan, led to the founding of the first French settlement on American soil, Fort Caroline near what is now Jacksonville, on June 30, 1564, and

WHEREAS, in October 2012, the French-American Chamber of Commerce in Miami, in partnership with the French Consulate, organized the first Miami-Nice Jazz Festival, which highlighted the partnership between the cities of Nice and Miami, which have been sister cities since 1963, and

WHEREAS, the number of sister city relationships between Florida communities and France has grown to 15, with the signing of a sister-city agreement between Cognac and the Village of Pinecrest, which will focus on educational initiatives, and

WHEREAS, in recognition of the importance of international cooperation, public schools in Miami-Dade and Broward Counties now offer a unique bilingual curriculum in French and English, known as International Studies, which allows K-12 students to simultaneously attend both the American and the French programs and obtain respective diplomas, and

WHEREAS, the France Florida Foundation for the Arts is a nonprofit organization created to promote French art and culture in this state and to support cultural, educational, and artistic exchanges between France and Florida through exhibitions, performances, lectures, and other cultural events that reflect the quality of French artists and scholars today, thereby promoting knowledge of the French language, history, and culture among local students and citizens, and

WHEREAS, it is estimated that about 30,000 French citizens currently reside in this state, providing some 18,000 jobs and contributing significantly to the economic well-being of all Floridians, NOW, THEREFORE,

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

That we celebrate Franco-Floridian relationships and recognize Florida’s rich French heritage.

—**SR 1854** was introduced, read and adopted by publication.

At the request of Senator Legg—

By Senator Legg—

SR 1892—A resolution commending the Florida Association for Behavior Analysis on its 33rd Anniversary and recognizing the week of September 23-27, 2013, as “Florida Behavior Analysis Week” in Florida.

WHEREAS, the Florida Association for Behavior Analysis is the nation’s largest statewide organization committed to the promotion and support of behavior analysis, and

WHEREAS, for the past 33 years the Florida Association for Behavior Analysis has promoted the ethical, humane, and effective application of behavior principles in all aspects of society, including education, business, rehabilitation facilities, and government, and

WHEREAS, behavior analysis is a science-based, cost-effective approach for training teachers, parents, and caregivers to prevent and solve serious behavior problems, and

WHEREAS, behavior analysis has demonstrated its effectiveness for many applications, including the treatment of autistic individuals, teaching basic self-help skills and language to persons with developmental disabilities, and helping foster parents lovingly raise emotionally difficult children, and

WHEREAS, the behavior analysts who are members of the Florida Association for Behavior Analysis have diverse backgrounds, including consulting firms, state government programs, private therapy practices, and school administrations, and

WHEREAS, the Florida Association for Behavior Analysis holds an annual conference each fall as a forum for exchanging ideas and data-based research relating to behavior analysis, behavior therapy, performance management, and behavior management programming, NOW, THEREFORE,

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

That the Florida Association for Behavior Analysis is recognized for its 33 years of contributions to the field of behavior analysis and that the week of September 23-27, 2013, is recognized as “Florida Behavior Analysis Week” in Florida.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Florida Association for Behavior Analysis as a tangible token of the sentiments of the Florida Senate.

—**SR 1892** was introduced, read and adopted by publication.

RECONSIDERATION OF BILL

On motion by Senator Bean, the Senate reconsidered the vote by which—

SB 604—A bill to be entitled An act relating to practitioners; amending s. 401.34, F.S.; reorganizing provisions relating to license fees for certain practitioners; amending s. 456.076, F.S.; providing that the Department of Financial Services shall defend certain claims, suits, actions, or proceedings for injunctive, affirmative, or declaratory relief involving emergency interventions on behalf of the impaired practitioners; providing an effective date.

—as amended passed April 24.

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

Amendment 1 (385424) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (1) and (2) of section 401.34, Florida Statutes, are amended to read:

401.34 Fees.—

(1) Each organization ~~or person~~ subject to this part must pay to the department the following nonrefundable fees, *and these fees must be deposited into the Emergency Medical Services Trust Fund to be applied*

solely for salaries and expenses of the department incurred in implementing and enforcing this part:

(a) Basic life support service license application: \$660, to be paid biennially.

(b) Advanced life support service license application: \$1,375, to be paid biennially.

(c) Original or renewal vehicle permit application for basic or advanced life support: \$25, to be paid biennially.

(d) Air ambulance service application: \$1,375, to be paid biennially.

(e) Original or renewal aircraft permit application for air ambulance: \$25, to be paid biennially.

(2) Each person subject to this part must pay to the department the following nonrefundable fees, and these fees must be deposited into the Medical Quality Assurance Trust Fund:

(a)(4) Emergency medical technician certification examination application: \$40.

(b)(e) Emergency medical technician original certificate application: \$35.

(c)(f) Emergency medical technician renewal certificate application: \$20, to be paid biennially.

(d)(g) Paramedic certification examination application: \$40.

(e)(h) Paramedic original certificate application: \$45.

(f)(i) Paramedic renewal certificate application: \$45, to be paid biennially.

~~(j) Air ambulance service application: \$1,375, to be paid biennially.~~

~~(k) Original or renewal aircraft permit application for air ambulance: \$25, to be paid biennially.~~

~~(2) Fees collected under this section must be deposited to the credit of the Emergency Medical Services Trust Fund and must be applied solely for salaries and expenses of the department incurred in implementing and enforcing this part.~~

Section 2. Paragraph (b) of subsection (7) of section 456.076, Florida Statutes, is amended to read:

456.076 Treatment programs for impaired practitioners.—

(7)

(b) In accordance with s. 284.385, the Department of Financial Services shall defend any claim, suit, action, or proceeding, including a claim, suit, action, or proceeding for injunctive, affirmative, or declaratory relief, against the consultant, the consultant's officers or employees, or those acting at the direction of the consultant for the limited purpose of an emergency intervention on behalf of a licensee or student as described in subsection (2) when the consultant is unable to perform such intervention, which claim, suit, action, or proceeding is brought as a result of an ~~any~~ act or omission by any of the consultant's officers and employees and those acting under the direction of the consultant for the limited purpose of an emergency intervention on behalf of the a licensee or student as described in subsection (2) when the consultant is unable to perform such intervention, if the ~~when such~~ act or omission arises out of and is in the scope of the consultant's duties under its contract with the department.

Section 3. 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 practitioners; amending s. 401.34, F.S.; revising requirements for the deposit and use of license fees for certain practitioners; amending s. 456.076, F.S.; requiring the Department of Financial Services to defend certain claims, suits, actions, or proceedings for injunctive, affirmative, or declaratory relief involving emergency in-

terventions on behalf of impaired practitioners; providing an effective date.

On motion by Senator Bean, **SB 604** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Gibson

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

SPECIAL ORDER CALENDAR

CS for CS for SB 654—A bill to be entitled An act relating to agricultural storage and shipping containers; amending s. 506.19, F.S.; providing that an owner of containers used for the storage or transport of agricultural or other commercial products may adopt for his or her exclusive use a particular mark or brand to designate and distinguish ownership of the containers; making technical and grammatical changes; creating s. 506.265, F.S.; providing definitions; requiring that a person who purchases five or more plastic bulk merchandise containers from one seller obtain proof of ownership, verify the seller's identity, pay noncash, and record and maintain other information for a specified period of time; providing that prosecuting attorneys may inspect the records at any time upon reasonable notice; providing an exception for licensed waste haulers and certain tax-exempt entities; creating s. 506.266, F.S.; providing criminal and civil penalties; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 654**, on motion by Senator Montford, by two-thirds vote **CS for CS for HB 1393** was withdrawn from the Committees on Agriculture; Criminal Justice; and Appropriations.

On motion by Senator Montford—

CS for CS for HB 1393—A bill to be entitled An act relating to agricultural storage and shipping containers; amending s. 506.19, F.S.; authorizing the use of certain brands and marks on containers used for the storage and transport of agricultural and other commercial products to designate and distinguish ownership of the containers; creating s. 506.265, F.S.; providing definitions; providing requirements for the sale and purchase of a specified number of plastic bulk merchandise containers; providing that prosecuting attorneys may inspect records of purchase at any time upon reasonable notice; providing criminal and civil penalties; providing an exception for the operator of a waste management facility and certain tax-exempt entities; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 654** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1393** was placed on the calendar of Bills on Third Reading.

CS for SB 754—A bill to be entitled An act relating to water quality credit trading; reenacting s. 373.4595(1)(n), F.S., relating to water quality credit trading, to incorporate the amendments made to s. 403.067, F.S., in a reference thereto; amending s. 403.067, F.S.; authorizing the department to implement water quality credit trading in adopted basin management action plans on an ongoing basis; deleting a requirement that voluntary trading of water credits be limited to the Lower St. Johns River Basin; authorizing additional water quality protection programs to participate in water quality credit trading; revising provisions relating to rulemaking for water quality credit trading programs; eliminating a requirement that water quality credit trading be limited to the Lower St. Johns River Basin as a pilot project; deleting a required report; making technical changes; reenacting s. 403.088(2)(e), F.S., relating to water pollution operation permits, to incorporate the amendments made to s. 403.067, F.S., in a reference thereto; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 754**, on motion by Senator Grimsley, by two-thirds vote **CS for CS for HB 713** was withdrawn from the Committees on Environmental Preservation and Conservation; Community Affairs; and Appropriations.

On motion by Senator Grimsley—

CS for CS for HB 713—A bill to be entitled An act relating to water quality credit trading; reenacting s. 373.4595(1)(n), F.S., relating to water quality credit trading, to incorporate the amendments made to s. 403.067, F.S., in a reference thereto; amending s. 403.067, F.S.; authorizing the department to implement water quality credit trading in adopted basin management action plans on an ongoing basis; deleting a requirement that voluntary trading of water credits be limited to the Lower St. Johns River Basin; authorizing additional water quality protection programs to participate in water quality credit trading; revising provisions relating to rulemaking for water quality credit trading programs; eliminating a requirement that water quality credit trading be limited to the Lower St. Johns River Basin as a pilot project; deleting a required report; making technical changes; reenacting s. 403.088(2)(e), F.S., relating to water pollution operation permits, to incorporate the amendments made to s. 403.067, F.S., in a reference thereto; providing an effective date.

—a companion measure, was substituted for **CS for SB 754** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 713** was placed on the calendar of Bills on Third Reading.

On motion by Senator Gardiner—

CS for CS for SB 848—A bill to be entitled An act relating to spaceport territory; amending s. 331.304, F.S.; revising spaceport territory for purposes of the Space Florida Act to include certain property; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 848** was placed on the calendar of Bills on Third Reading.

CS for SB 864—A bill to be entitled An act relating to tied house regulation; amending s. 561.42, F.S.; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to impose administrative sanctions for certain violations relating to coupons redeemable by vendors; providing an exception; prohibiting licensees under the Beverage Law from possessing or using certain coupons involving malt beverages; conforming provisions; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 864**, on motion by Senator Thrasher, by two-thirds vote **CS for HB 695** was withdrawn from the Committees on Regulated Industries; Appropriations Subcommittee on Finance and Tax; and Appropriations.

On motion by Senator Thrasher—

CS for HB 695—A bill to be entitled An act relating to tied house regulation; amending s. 561.42, F.S.; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to impose administrative sanctions for violations of specified provisions of the Beverage Law under certain circumstances; prohibiting licensees from possessing or using certain coupons for malt beverages; removing a provision prohibiting distributors of beer from furnishing certain coupons to consumers; providing an effective date.

—a companion measure, was substituted for **CS for SB 864** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 695** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1046**, **CS for CS for CS for SB 306**, **CS for SB 1412**, **SB 1852**, **CS for CS for SB 1392**, and **CS for CS for SB 904** was deferred.

On motion by Senator Legg—

CS for CS for SB 1472—A bill to be entitled An act relating to nuclear and integrated gasification combined cycle power plants; amending s. 366.93, F.S.; modifying an alternative cost recovery mechanism for the recovery of costs for the siting, design, licensing, and construction of nuclear and integrated gasification combined cycle power plants; establishing a procedure and requirements for cost recovery based on preconstruction and construction phases; providing that a utility that elects not to complete construction of a nuclear power plant may not recover or retain any rate of return for related costs; requiring the Public Service Commission to review the circumstances surrounding a proposed nuclear power plant if the anticipated cost and completion date exceed the original cost and completion date by a certain amount or period; specifying factors to be considered and dates by which the review must commence and be completed; providing an effective date.

—was read the second time by title.

Senators Legg, Latvala, Simpson, and Brandes offered the following amendment which was moved by Senator Legg and adopted:

Amendment 1 (313776) (with title amendment)—Delete lines 93-188 and insert: *licensing or certification*.

(c) *After a utility obtains a license or certification, it must petition the commission for approval before proceeding with preconstruction work beyond those activities necessary to obtain or maintain a license or certification.*

1. *The only costs that a utility that has obtained a license or certification may recover before obtaining commission approval are those that are previously approved or necessary to maintain the license or certification.*

2. *In order for the commission to approve preconstruction work on a plant, it must determine that:*

a. *The plant remains feasible; and*

b. *The projected costs for the plant are reasonable.*

(d) *After a utility obtains approval to proceed with postlicensure or postcertification preconstruction work, it must petition the commission for approval of any preconstruction materials or equipment purchases that exceed 1 percent of the total projected cost for the project. Such petition shall be reviewed and completed in the annual Nuclear Cost Recovery Clause proceeding in which it is filed or in a separate proceeding by the utility.*

(e) A utility must petition the commission for approval before beginning the construction phase.

1. The only costs that a utility that has obtained commission approval may recover before beginning construction work are those that are previously approved or necessary to maintain the license or certification.

2. In order for the commission to approve proceeding with construction on a plant, it must determine that:

- a. The plant remains feasible; and
- b. The projected costs for the plant are reasonable.

(f)1. If a utility has not begun construction of a plant within:

a. Ten years after the date on which the utility obtains a combined license from the Nuclear Regulatory Commission for a nuclear power plant or a certification for an integrated gasification combined cycle power plant, the utility must petition the commission to preserve the opportunity for future recovery under this section for costs relating to that plant. The commission must determine whether the utility remains intent on building the plant.

(I) If the commission finds that the utility remains intent on building the plant, the utility may continue to recover costs under this section.

(II) If the commission finds a lack of such intent, it may enter an order prohibiting recovery of any future costs relating to the plant under this section.

b. Twenty years after the date on which the utility obtains a combined license from the Nuclear Regulatory Commission for a nuclear power plant or a certification for an integrated gasification combined cycle power plant, the utility may not, under this section, recover future costs relating to that plant.

2. Consistent with subsection (4), nothing in this section shall preclude a utility from recovering the full revenue requirements of the nuclear power plant or integrated gasification combined cycle power plant in base rates upon the commercial in-service date.

3. Beginning January 1, 2014, in making its determination for any cost recovery under this paragraph, the commission may find that a utility intends to construct a nuclear or integrated gasification combined cycle power plant only if the utility proves by a preponderance of the evidence that it has committed sufficient, meaningful, and available resources to enable the project to be completed and that its intent is realistic and practical.

(6) If the utility does elects not to complete or is precluded from completing construction of the nuclear power plant, including new, expanded, or relocated electrical transmission lines or facilities necessary thereto, or of the integrated gasification combined cycle power plant, the utility shall be allowed to recover all prudent preconstruction and construction costs incurred following the commission's issuance of a final order granting a determination of need for the nuclear power plant and electrical transmission lines and facilities necessary thereto or for the integrated gasification combined cycle power plant. The utility shall recover such costs through the capacity cost recovery clause over a period equal to the period during which the costs were incurred or 5 years, whichever is greater. The unrecovered balance during the recovery period will accrue interest at the utility's weighted average cost of capital as reported in the commission's earnings surveillance reporting requirement for the prior year. However, if the utility elects not to complete construction of the nuclear power plant, rather than being precluded from completing such construction, the utility may not recover or retain any rate of return under this section. Any cost recovery after the date of the decision not to complete construction of the plant may not include a rate of return. A utility that elects not to complete construction shall refund to its customers the costs recovered before the date of the decision which are attributable to a recovery of a rate of return.

Section 2. This act does not apply to costs incurred, or contracts or settlement agreements entered into, before July 1, 2013. It also does not apply if, on or before that date, the Public Service Commission receives written notice that a utility has elected not to complete construction of a power plant.

And the title is amended as follows:

Delete lines 10-19 and insert: that the commission may not determine that a utility intends to complete construction of a power plant unless the utility proves its efforts by a preponderance of the evidence; providing that a utility that elects not to complete construction of a nuclear power plant may not recover or retain any rate of return for related costs; exempting certain actions taken before this act takes effect; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for SB 1472** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Gibson—

CS for SB 606—A bill to be entitled An act relating to the Northeast Florida Regional Transportation Commission; providing a directive to the Division of Law Revision and Information; creating s. 343.1001, F.S.; providing a short title; creating s. 343.1002, F.S.; providing definitions; creating s. 343.1003, F.S.; creating the Northeast Florida Regional Transportation Commission; providing for a nine-member commission board; providing for board appointment; providing for staffing; providing for member removal; providing liability protection for members; creating s. 343.1004, F.S.; providing commission powers and duties; prohibiting the commission from pledging the state's credit; creating s. 343.1005, F.S.; providing for transportation projects of regional significance; specifying the characteristics for such projects; creating s. 343.1006, F.S.; requiring commission plans and planning activity to be coordinated with other specified entities; creating s. 343.1008, F.S.; authorizing other governmental units and the commission to contract with each other; creating s. 343.1009, F.S.; exempting the commission from taxes or assessments; creating s. 343.1010, F.S.; specifying that the powers of the commission are supplemental to other laws; creating s. 343.1011, F.S.; providing for public meetings and hearings; creating s. 343.1012, F.S.; specifying that the commission is not an authority for purposes of specified provisions relating to a discretionary tax; creating s. 343.1013, F.S.; providing for repeal; amending s. 120.52, F.S.; conforming provisions; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 606** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 448—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 327.02, F.S.; revising the definition of the term "navigation rules" for purposes of provisions relating to vessels; amending s. 328.72, F.S.; deleting the automatic adjustment of vessel registration fees every 5 years; amending s. 379.101, F.S.; revising the definition of the term "resident" or "resident of Florida" for purposes of provisions relating to recreational and non-recreational activity licenses; providing for certain evidence of residence; revising the definition of the term "resident alien" to remove a county residency requirement; amending s. 379.353, F.S.; exempting individuals participating in certain outdoor recreational events from requirements for a hunting or fishing license or permit; amending s. 379.354, F.S.; deleting a provision that provides for an automatic adjustment of recreational hunting and fishing license fees every 5 years; revising the number of days the commission may designate as free fishing days each year; amending s. 379.361, F.S.; revising requirements for a restricted species endorsement on a saltwater products license; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 448**, on motion by Senator Dean, by two-thirds vote **CS for CS for CS for HB 333** was withdrawn from the Committees on Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Dean—

CS for CS for CS for HB 333—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 327.02,

F.S.; revising the definition of the term “navigation rules” for purposes of provisions relating to vessels; amending s. 328.72, F.S.; deleting provisions for periodic adjustments of certain fees based on changes in the Consumer Price Index; amending s. 379.101, F.S.; revising the definition of the term “resident” or “resident of Florida” for purposes of provisions relating to recreational and nonrecreational activity licenses; providing for certain evidence of residence; revising the definition of the term “resident alien” to remove a county residency requirement; amending s. 379.353, F.S.; exempting specified persons participating in certain outdoor recreational events from requirements for hunting and fishing licenses and permits; amending s. 379.354, F.S.; deleting provisions for periodic adjustments of certain fees based on changes in the Consumer Price Index; revising the number of days the commission may designate as free fishing days each year; amending s. 379.361, F.S.; revising requirements for a restricted species endorsement on a saltwater products license; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 448** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for HB 333** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 642—A bill to be entitled An act relating to alcoholic beverages; amending s. 565.03, F.S.; providing definitions; revising provisions regarding a state license tax involved with the operation of distilleries; providing requirements for craft distilleries under certain conditions; prohibiting the shipment of certain distilled spirits; restricting license transferability and ownership affiliation; providing reporting requirements; providing requirements relating to the payment of taxes; providing for the adoption of rules; amending s. 561.14, F.S.; conforming a cross-reference; amending s. 567.01, F.S.; providing that a county commission may order an election on the sale of alcoholic beverages for consumption on premises; amending s. 567.06; conforming a cross-reference; amending s. 567.07, F.S.; conforming a cross-reference; declaring that the provisions of ss. 565.03 and 561.14, F.S., as amended by this act are not severable; providing a severability clause; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 642**, on motion by Senator Hays, by two-thirds vote **CS for CS for HB 347** was withdrawn from the Committees on Regulated Industries; and Appropriations.

On motion by Senator Hays—

CS for CS for HB 347—A bill to be entitled An act relating to alcoholic beverages; amending s. 565.03, F.S.; providing definitions; revising provisions with respect to the licensure and operation of distilleries; providing requirements for craft distilleries; providing for the sale of distilled spirits by licensed distilleries under certain conditions; providing reporting requirements; prohibiting the shipment of certain distilled spirits; prohibiting the transfer of a distillery license under certain conditions; prohibiting a craft distillery from having its ownership affiliated with another distillery under certain conditions; providing requirements relating to the payment of taxes; providing for applicability; providing rulemaking authority; amending s. 567.01, F.S.; providing that a county commission may order an election on the sale of alcoholic beverages for consumption on premise under certain conditions; amending ss. 561.14, 567.06, and 567.07, F.S.; conforming cross-references; providing legislative intent with respect to the severability or nonseverability of specified amendments made by the act; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 642** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 347** was placed on the calendar of Bills on Third Reading.

CS for SB 1048—A bill to be entitled An act relating to electronic benefits transfer cards; amending s. 402.82, F.S.; conforming terminology; restricting the use of electronic benefits transfer cards; providing that an electronic benefits transfer card may not be used or accepted at certain establishments licensed under the Beverage Law, an adult en-

tertainment establishment, a pari-mutuel facility, a slot machine facility, an unauthorized commercial bingo facility, a casino, a gaming facility or gambling facility, or any gaming activities authorized under part II of ch. 285; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1048**, on motion by Senator Gardiner, by two-thirds vote **CS for CS for CS for HB 701** was withdrawn from the Committees on Regulated Industries; Children, Families, and Elder Affairs; and Appropriations.

On motion by Senator Gardiner—

CS for CS for CS for HB 701—A bill to be entitled An act relating to electronic benefits transfer cards; amending s. 402.82, F.S.; conforming terminology; proving enforcement authority to the department; restricting the use of electronic benefits transfer cards; providing that an electronic benefits transfer card may not be used or accepted at certain establishments licensed under the Beverage Law, an adult entertainment establishment, a pari-mutuel facility, a slot machine facility, an unauthorized commercial bingo facility, a casino, a gaming facility or gambling facility, or any gaming activities authorized under part II of ch. 285, F.S.; providing an effective date.

—a companion measure, was substituted for **CS for SB 1048** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for HB 701** was placed on the calendar of Bills on Third Reading.

CS for CS for CS for SB 1110—A bill to be entitled An act relating to railroad police officers; amending s. 354.01, F.S.; requiring the Governor to appoint one or more persons as special officers for a railroad or other common carrier under certain circumstances; authorizing the railroad or common carrier to temporarily employ a person as a special officer; requiring the special officer to have the same training as a law enforcement officer; providing that a Class I, Class II, or Class III railroad is considered an “employing agency” for purposes of ss. 943.13 and 943.135(1), F.S.; providing responsibility of certain costs; amending s. 784.07, F.S.; defining the term “railroad special officer”; providing for reclassification of certain offenses committed against a railroad special officer; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 1110**, on motion by Senator Evers, by two-thirds vote **CS for CS for CS for HB 489** was withdrawn from the Committees on Transportation; Criminal Justice; Appropriations Subcommittee on Criminal and Civil Justice; and Appropriations.

On motion by Senator Evers—

CS for CS for CS for HB 489—A bill to be entitled An act relating to railroad police officers; amending s. 354.01, F.S.; authorizing the temporary appointment of special officers who meet certain qualifications; requiring special officers employed by a railroad or other common carrier to have specified qualifications and meet specified continuing training or education requirements; providing that a Class I, Class II, or Class III railroad shall be considered an employing agency for specified purposes and shall pay costs associated with training and continuing education; amending s. 784.07, F.S.; defining the term “railroad special officer”; providing for reclassification of certain offenses committed against a railroad special officer; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 1110** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for HB 489** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bradley—

CS for SB 1372—A bill to be entitled An act relating to pretrial detention; amending s. 907.041, F.S.; providing additional factors a court

may consider when ordering pretrial detention; providing an effective date.

—was read the second time by title.

Senator Bradley moved the following amendment which was adopted:

Amendment 1 (367648) (with title amendment)—Between lines 78 and 79 insert:

Section 2. Paragraph (m) is added to subsection (2) of section 903.046, Florida Statutes, to read:

903.046 Purpose of and criteria for bail determination.—

(2) When determining whether to release a defendant on bail or other conditions, and what that bail or those conditions may be, the court shall consider:

(m) *Whether the defendant, other than a defendant whose only criminal charge is a misdemeanor offense under chapter 316, is required to register as a sexual offender under s. 943.0435 or a sexual predator under s. 775.21; and, if so, he or she is not eligible for release on bail or surety bond until the first appearance on the case in order to ensure the full participation of the prosecutor and the protection of the public.*

And the title is amended as follows:

Delete line 5 and insert: amending s. 903.046, F.S.; requiring a court considering whether to release a defendant on bail to determine whether the defendant is subject to registration as a sexual offender or sexual predator and, if so, to hold the defendant without bail until the first appearance on the case; providing an exception; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 1372** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Sobel—

CS for SB 1420—A bill to be entitled An act relating to mental health treatment; amending s. 916.107, F.S.; authorizing forensic and civil facilities to order the continuation of psychotherapeutics for individuals receiving such medications in the jail before admission; amending s. 916.13, F.S.; providing timeframes within which competency hearings must be held; amending s. 916.145, F.S.; revising the time for dismissal of certain charges for defendants that remain incompetent to proceed to trial; amending s. 916.15, F.S.; providing a timeframe within which commitment hearings must be held; amending s. 985.19, F.S.; standardizing the protocols, procedures, diagnostic criteria, and information and findings that must be included in an expert's competency evaluation report; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1420** was placed on the calendar of Bills on Third Reading.

CS for SB 1464—A bill to be entitled An act relating to the Office of the Attorney General; amending s. 16.53, F.S.; revising the Legal Affairs Revolving Trust Fund with regard to which funds are required to be transferred to the General Revenue Fund unallocated; amending s. 409.9203, F.S.; providing that rewards for reporting Medicaid fraud shall be paid from the Operating Trust Fund; amending ss. 501.203 and 501.204, F.S.; revising obsolete dates; amending s. 681.102, F.S.; revising the definition of the term "reasonable offset for use"; amending s. 681.108, F.S.; revising duties of the Department of Legal Affairs relating to manufacturer certification of dispute-settlement procedures; providing notice requirements for certain manufacturers seeking recertification of a procedure or ceasing operation of a certified procedure; amending s. 681.109, F.S.; revising notice requirements relating to the rejection of a dispute by the department; amending s. 760.34, F.S.; authorizing, rather than requiring, the office to bring an action for complaints involving discriminatory housing practices; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1464**, on motion by Senator Lee, by two-thirds vote **CS for CS for HB 1147** was withdrawn from the Committees on Judiciary; Appropriations Subcommittee on Criminal and Civil Justice; and Appropriations.

On motion by Senator Lee—

CS for CS for HB 1147—A bill to be entitled An act relating to the Office of the Attorney General; amending s. 16.53, F.S.; revising the Legal Affairs Revolving Trust Fund with regard to which funds are required to be transferred to the General Revenue Fund unallocated; amending s. 409.9203, F.S.; providing that rewards for reporting Medicaid fraud shall be paid from the Operating Trust Fund; amending ss. 501.203 and 501.204, F.S.; revising obsolete dates; amending s. 681.102, F.S.; revising a definition; amending s. 681.108, F.S.; revising duties of the Department of Legal Affairs relating to manufacturer certification of dispute-settlement procedures; providing notice requirements for certain manufacturers seeking renewal of certification or ceasing operation of a certified procedure; amending s. 681.109, F.S.; revising notice requirements relating to the rejection of a dispute by the department; amending s. 760.34, F.S.; authorizing, rather than requiring, the office to bring an action for complaints involving discriminatory housing practices; providing an effective date.

—a companion measure, was substituted for **CS for SB 1464** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1147** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1468** was deferred.

On motion by Senator Legg—

CS for CS for SB 1664—A bill to be entitled An act relating to education; amending s. 1004.04, F.S.; revising legislative intent; revising the requirements of State Board of Education rule for uniform core curricula for state-approved teacher preparation programs; revising the process for initial approval of state-approved teacher preparation programs; revising the requirements for continued approval of state-approved teacher preparation programs; requiring the State Board of Education to adopt rules for continued approval of teacher preparation programs; requiring the Commissioner of Education to determine the continued approval of each program; providing requirements for a report that certain public and private institutions prepare regarding their teacher preparation programs; requiring the Department of Education to report to the Governor, the Legislature, the State Board of Education, the Board of Governors, the Commissioner of Education, each Florida postsecondary teacher preparation program, each district school superintendent, and the public the results of each approved program's annual progress and the current approval status of each program; revising the requirements for preservice field experience; amending s. 1004.85, F.S.; revising the definition of the term "educator preparation institute"; authorizing a qualified private provider to seek approval to offer a competency-based certification program; revising the criteria for approval of preparation programs; requiring the department to approve a certification program under certain circumstances; revising the requirements for program participants; revising the criteria for continued approval of programs; revising the requirements for personnel that participate in field experiences; providing requirements for measuring student performance in instructional personnel and school administrator performance evaluations; providing requirements for the performance evaluation of personnel for purposes of the performance salary schedule; amending s. 1008.22, F.S.; requiring each school district to establish and approve testing schedules for district-mandated assessments and publish the schedules on its website; requiring reporting of the schedules to the Department of Education; amending s. 1012.05, F.S.; conforming provisions to changes made by the act; amending s. 1012.32, F.S.; conforming cross-references and conforming provisions to changes made by the act; amending s. 1012.55, F.S.; requiring the State Board of Education to adopt rules that allow an individual who meets specified criteria to be eligible for a temporary certificate in education leadership; amending s. 1012.56, F.S.; authorizing the State Board of Education to adopt rules that allow for the acceptance of college course credits recommended by the American Council for Education; revising the acceptable means of demonstrating mastery of professional preparation

and education competence; authorizing a school district to provide a professional development certification program; specifying the components of the program; revising requirements for demonstrating mastery of professional education competence; requiring the Commissioner of Education to determine the continued approval of the programs; requiring the Department of Education to provide a review procedure for an applicant who fails a certification examination; requiring the applicant to bear the actual cost in order for the department to provide an examination review; amending s. 1012.585, F.S.; conforming a cross-reference; amending s. 1012.71, F.S.; renaming the Florida Teachers Lead Program as the Florida Teachers Classroom Supply Assistance Program; providing that the calculation of funds for each teacher includes local contributions; requiring that a teacher's proportionate share of funds be provided by any means determined appropriate, including a debit card; providing requirements for the debit card; authorizing the Department of Education and the district school boards to enter into public-private partnerships; deleting provisions relating to a pilot program established for the 2009-2010 fiscal year; amending s. 1012.98, F.S.; authorizing rather than requiring each school principal to establish and maintain an individual professional development plan for each instructional employee assigned to the school as a seamless component to the school improvement plans; providing an effective date.

—was read the second time by title.

Senator Legg moved the following amendments which were adopted:

Amendment 1 (920130)—Delete lines 445-452 and insert:

(a) All *individuals* ~~instructors~~ in postsecondary teacher preparation programs who instruct or supervise preservice field experience courses or internships *in which a candidate demonstrates his or her impact on student learning growth* shall have ~~at least one of~~ the following: *specialized training in clinical supervision; at least 3 years of successful, relevant prekindergarten through grade 12 teaching, student services, or school administration experience; and an annual demonstration of experience in a relevant prekindergarten through grade 12 school setting as defined by State Board of Education rule a valid professional teaching certificate pursuant to ss. 1012.56 and 1012.585; or at least 3 years of successful teaching experience in prekindergarten through grade 12.*

Amendment 2 (301118) (with directory and title amendments)—Delete lines 847-886.

And the directory clause is amended as follows:

Delete lines 823 and 824 and insert:

Section 8. Paragraph (c) of subsection (2), subsection (8), and paragraph (d) of subsection (9) of section 1012.56,

And the title is amended as follows:

Delete lines 57-59 and insert: the American Council for Education;

Pursuant to Rule 4.19, **CS for CS for SB 1664** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1750** was deferred.

On motion by Senator Richter—

CS for SB 1412—A bill to be entitled An act relating to expert testimony; amending s. 90.702, F.S.; providing that a witness qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise as to the facts at issue in a case under certain circumstances; providing that the elements necessary to allow a witness to testify as an expert witness are satisfied if the principles and methods on which such knowledge is based are generally accepted by the relevant expert community; providing for applicability; amending s. 90.704, F.S.; providing that facts or data that are otherwise inadmissible in evidence may not be disclosed to the jury by the proponent of the opinion or inference unless the court determines that the probative value of the facts or data in assisting the jury to evaluate the expert's opinion substantially outweighs the prejudicial effect of the facts or data; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1412**, on motion by Senator Richter, by two-thirds vote **HB 7015** was withdrawn from the Committees on Judiciary; and Rules.

On motion by Senator Richter—

HB 7015—A bill to be entitled An act relating to expert testimony; amending s. 90.702, F.S.; providing that a witness qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion as to the facts at issue in a case under certain circumstances; requiring the courts of this state to interpret and apply the principles of expert testimony in conformity with specified United States Supreme Court decisions; subjecting pure opinion testimony to such requirements; amending s. 90.704, F.S.; providing that facts or data that are otherwise inadmissible in evidence may not be disclosed to the jury by the proponent of the opinion or inference unless the court determines that the probative value of the facts or data in assisting the jury to evaluate the expert's opinion substantially outweighs the prejudicial effect of the facts or data; providing an effective date.

—a companion measure, was substituted for **CS for SB 1412** 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:

Senators Negron, Benacquisto, and Galvano offered the following amendment which was moved by Senator Negron and adopted:

Amendment 1 (768244) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 90.702, Florida Statutes, is amended to read:

90.702 Testimony by experts.—If scientific, technical, or other specialized knowledge will assist the trier of fact in understanding the evidence or in determining a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education may testify about it in the form of an opinion or otherwise, if:

(1) *The testimony is based upon sufficient facts or data;*

(2) *The testimony is the product of reliable principles and methods; and*

(3) *The witness has applied the principles and methods reliably to the facts of the case; however, the opinion is admissible only if it can be applied to evidence at trial.*

Section 2. Section 90.704, Florida Statutes, is amended to read:

90.704 Basis of opinion testimony by experts.—The facts or data upon which an expert bases an opinion or inference may be those perceived by, or made known to, the expert at or before the trial. If the facts or data are of a type reasonably relied upon by experts in the subject to support the opinion expressed, the facts or data need not be admissible in evidence. *Facts or data that are otherwise inadmissible may not be disclosed to the jury by the proponent of the opinion or inference unless the court determines that their probative value in assisting the jury to evaluate the expert's opinion substantially outweighs their prejudicial effect.*

Section 3. 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 expert testimony; amending s. 90.702, F.S.; providing that a witness qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion as to the facts at issue in a case under certain circumstances; requiring the courts of this state to interpret and apply the principles of expert testimony in conformity with specified United States Supreme Court decisions; subjecting pure opinion testimony to such requirements; amending s. 90.704, F.S.; providing that facts or data that are otherwise inadmissible in evidence may not be disclosed to the jury by the proponent of the opinion or inference unless the court determines that the probative value of the facts or data in assisting the jury to evaluate the

expert's opinion substantially outweighs the prejudicial effect of the facts or data; providing an effective date.

Pursuant to Rule 4.19, **HB 7015** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Brandes—

CS for CS for SB 1150—A bill to be entitled An act relating to governmental accountability; creating s. 119.0701, F.S.; providing definitions; providing that each public agency contract for services must meet specified requirements; requiring the public agency to enforce contract provisions if a contractor does not comply with a public records request; amending s. 119.12, F.S.; specifying what constitutes reasonable costs of enforcement in a civil action against an agency to enforce ch. 119, F.S.; amending s. 215.971, F.S.; requiring agreements funded with state or federal financial assistance to include additional provisions; authorizing the Chief Financial Officer to audit agreements before execution and providing requirements for such audits; requiring state agencies to designate a grants manager for each agreement and providing requirements and procedures for managers; requiring the Chief Financial Officer to perform audits of executed agreements and to discuss such audits with agency officials; requiring the agency head to respond to the audit; reordering and amending s. 215.985, F.S.; revising provisions relating to the Chief Financial Officer's intergovernmental contract tracking system under the Transparency Florida Act; requiring state agencies to post certain information in the tracking system and to update that information; requiring that exempt and confidential information be redacted from contracts and procurement documents posted on the system; authorizing the Chief Financial Officer to make available to the public the information posted on the system through a secure website; providing an exception; authorizing the Department of Financial to adopt rules; repealing s. 216.0111, F.S., relating to a requirement that state agencies report certain contract information to the Department of Financial Services and transferring that requirement to s. 215.985, F.S.; amending s. 287.012, F.S.; providing and revising definitions; amending s. 287.042, F.S.; revising powers, duties, and functions of the Department of Management Services; eliminating a duty of the department to maintain a vendor list; authorizing the department to lead or enter into joint agreements with governmental entities for the purchase of commodities or contractual services that can be used by multiple agencies; amending s. 287.056, F.S.; deleting provisions requiring certain inclusions in agency agreements; amending s. 287.057, F.S.; providing that contracts awarded pursuant to an invitation to bid shall be awarded to the responsible and responsive vendor that submits the lowest responsive bid; revising exceptions to the requirement that the purchase of specified commodities or contractual services be made only as a result of receiving competitive sealed bids, competitive sealed proposals, or competitive sealed replies; revising contractual services and commodities that are not subject to competitive solicitation requirements by virtue of being available only from a single source; providing that a contract for commodities or contractual services may be awarded without competition if the recipient of funds is established during the appropriations process; revising provisions relating to extension of a contract for commodities or contractual services; authorizing an agency to negotiate better pricing upon renewal of a contract; providing training requirements for contract managers responsible for contracts in excess of a specified threshold amount; providing contract manager certification for contract managers responsible for contracts in excess of a specified threshold amount; providing that the department is responsible for establishing and disseminating the requirements for certification of a contract manager; providing that training will be conducted jointly by the Department of Management Services and the Department of Financial Services; providing training guidelines and requirements; requiring the department, in consultation with the Chief Financial Officer to maintain a program for online procurement of commodities and contractual services; amending s. 287.0571, F.S.; revising nonapplicability of a business case to outsource; amending s. 287.058, F.S.; defining the term "performance measure"; revising references within provisions relating to purchase orders used in lieu of written agreements for classes of contractual services; revising terminology; authorizing the Chief Financial Officer to audit contracts before execution and providing requirements for such audits; creating s. 287.136, F.S.; requiring the Chief Financial Officer to perform audits of executed contract documents and to discuss such audits with the agency officials; requiring the agency head to respond to the audit; amending s. 287.076, F.S.; providing that Project Management

Professionals training for personnel involved in managing outsourcings and negotiations is subject to annual appropriations; amending ss. 16.0155, 283.33, 394.457, 402.7305, 409.9132, 427.0135, 445.024, 627.311, 627.351, 765.5155, and 893.055, F.S.; conforming cross-references; providing effective dates.

—was read the second time by title.

Senator Brandes moved the following amendments which were adopted:

Amendment 1 (876014)—Delete lines 222-227 and insert: *agree to a longer review period.*

Amendment 2 (422828)—Between lines 227 and 228 insert:

(c) This subsection does not apply to the Board of Governors, a state university, or a facility engaged in research using state or federal funds until July 1, 2015.

Senator Benacquisto moved the following amendments which were adopted:

Amendment 3 (321386)—Delete lines 234-237 and insert:

(a) Each grant manager responsible for agreements in excess of \$100,000 annually must complete the training and become a certified contract manager as provided under s. 287.057(14).

Amendment 4 (571012) (with title amendment)—Delete lines 615-633.

And the title is amended as follows:

Delete lines 46-48 and insert: *used by multiple agencies; amending s. 287.057, F.S.;*

Senator Brandes moved the following amendment which was adopted:

Amendment 5 (969568)—Delete lines 1102-1107 and insert: *contract may agree to a longer review period.*

Pursuant to Rule 4.19, **CS for CS for SB 1150** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SENATOR RICHTER PRESIDING

CS for SB 474—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 292.055, F.S., which provides an exemption from public records requirements for any identifying information of a donor or prospective donor to the direct-support organization of the Department of Veterans' Affairs, and an exemption from public meetings requirements for portions of meetings at which the identity of a donor or prospective donor whose identity is confidential and exempt is discussed; removing superfluous language; saving the exemptions from repeal under the Open Government Sunset Review Act; removing the scheduled repeal of the exemptions; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 474**, on motion by Senator Altman, by two-thirds vote **HB 7143** was withdrawn from the Committees on Governmental Oversight and Accountability; and Rules.

On motion by Senator Altman—

HB 7143—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 292.055, F.S., which provides an exemption from public record and public meeting requirements for information identifying certain donors to the direct-support organization for the Department of Veterans' Affairs; removing superfluous language; specifying that the public meeting exemption applies to those portions of meetings wherein the identity of a donor or prospective donor whose identity is confidential and exempt is discussed; removing the scheduled repeal of the exemption; providing an effective date.

—a companion measure, was substituted for **CS for SB 474** and read the second time by title.

Pursuant to Rule 4.19, **HB 7143** was placed on the calendar of Bills on Third Reading.

On motion by Senator Stargel—

CS for CS for SB 490—A bill to be entitled An act relating to landlords and tenants; amending s. 83.42, F.S.; revising exclusions from applicability of the Florida Residential Landlord and Tenant Act; amending s. 83.48, F.S.; providing that the right to attorney fees may not be waived in a lease agreement; providing that attorney fees may not be awarded in a claim for personal injury damages based on a breach of duty of premises maintenance; amending s. 83.49, F.S.; revising and providing landlord disclosure requirements with respect to security deposits and advance rent; providing requirements for the disbursement of advance rents; providing a limited rebuttable presumption of receipt of security deposits; providing for applicability of changes made by the act to certain disclosure requirements; amending s. 83.50, F.S.; removing certain landlord disclosure requirements relating to fire protection; amending s. 83.51, F.S.; revising a landlord's obligation to maintain a premises with respect to screens; amending s. 83.54, F.S.; providing that enforcement of a right or duty under the Florida Residential Landlord and Tenant Act by civil action does not preclude prosecution of a criminal offense; amending s. 83.56, F.S.; revising procedures for the termination of a rental agreement by a landlord; revising notice procedures; providing that a landlord does not waive the right to terminate the rental agreement or to bring a civil action for noncompliance by accepting partial rent, subject to certain notice; providing that the period to institute an action before an exemption involving rent subsidies is waived begins upon actual knowledge; amending s. 83.575, F.S.; revising requirements for the termination of a tenancy having a specific duration to provide for reciprocal notice provisions in rental agreements; amending ss. 83.58 and 83.59, F.S.; conforming cross-references; amending s. 83.60, F.S.; providing that a landlord must be given an opportunity to cure a deficiency in any notice or pleadings before dismissal of an eviction action; making technical changes; amending s. 83.62, F.S.; revising procedures for the restoration of possession to a landlord to provide that weekends and holidays do not stay the applicable notice period; amending s. 83.63, F.S.; conforming a cross-reference; amending s. 83.64, F.S.; providing examples of conduct for which the landlord may not retaliate; providing an effective date.

—was read the second time by title.

Senator Stargel moved the following amendment which was adopted:

Amendment 1 (511646) (with title amendment)—Delete line 377 and insert: *accepting partial rent for the period. If partial rent is received after posting the notice for non-payment, the landlord must:*

1. *Provide the tenant with a receipt stating the date and amount received and the agreed upon date and balance of rent due before filing an action for possession; or*
2. *Place the amount of partial rent received from the tenant in the registry of the court upon filing the action for possession; or*
3. *Post a new 3-day notice reflecting the new amount due.*

And the title is amended as follows:

Delete line 30 and insert: *by accepting partial rent, subject to certain notice; requiring the landlord to follow specified procedures if the landlord receives partial rent after posting the 3-day notice;*

Pursuant to Rule 4.19, **CS for CS for SB 490** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for SB 536—A bill to be entitled An act relating to physical therapy; amending s. 486.021, F.S.; authorizing physical therapists to implement physical therapy treatment plans of a specified duration which are provided by advanced registered nurse practitioners; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 536**, on motion by Senator Detert, by two-thirds vote **CS for HB 413** was withdrawn from the Committees on Health Policy; Banking and Insurance; and Rules.

On motion by Senator Detert—

CS for HB 413—A bill to be entitled An act relating to physical therapy; amending s. 486.021, F.S.; authorizing a physical therapist to implement physical therapy treatment plans of a specified duration which are developed by the physical therapist or provided by a practitioner of record or an advanced registered nurse practitioner; providing an effective date.

—a companion measure, was substituted for **CS for SB 536** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 413** was placed on the calendar of Bills on Third Reading.

On motion by Senator Simpson—

CS for SB 634—A bill to be entitled An act relating to motor vehicles; amending s. 316.3045, F.S.; revising provisions relating to the operation of radios or other soundmaking devices in vehicles; deleting a standard for determining prohibited sound levels; deleting an exception for vehicles operated for business or political purposes; authorizing local authorities to regulate the place where such soundmaking devices may be operated; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 634** was placed on the calendar of Bills on Third Reading.

CS for SB 714—A bill to be entitled An act relating to public records; amending s. 119.0713, F.S.; providing an exemption from public records requirements for specified proprietary confidential business information held by an electric utility that is subject to ch. 119, F.S., in conjunction with a due diligence review of an electric project or a project to improve the delivery, cost, or diversification of fuel or renewable energy resources; providing for the retention of such information for a specified time; providing for future review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 714**, on motion by Senator Simmons, by two-thirds vote **CS for HB 649** was withdrawn from the Committees on Communications, Energy, and Public Utilities; Governmental Oversight and Accountability; and Rules.

On motion by Senator Simmons—

CS for HB 649—A bill to be entitled An act relating to public records; amending s. 119.0713, F.S.; providing an exemption from public records requirements for specified proprietary confidential business information held by an electric utility that is subject to chapter 119, F.S., in conjunction with a due diligence review of an electric project or a project to improve the delivery, cost, or diversification of fuel or renewable energy resources; providing for the retention of such information for a specified time; providing for future review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 714** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 649** was placed on the calendar of Bills on Third Reading.

CS for SB 716—A bill to be entitled An act relating to deceptive and unfair trade practices; amending s. 501.2077, F.S.; providing definitions; authorizing a civil penalty for a person who willfully uses a deceptive or unfair trade act or practice against a military service member or the member's spouse or child in certain circumstances; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 716** to **CS for CS for HB 1223**.

Pending further consideration of **CS for SB 716** as amended, on motion by Senator Simpson, by two-thirds vote **CS for CS for HB 1223** was withdrawn from the Committees on Military and Veterans Affairs, Space, and Domestic Security; Children, Families, and Elder Affairs; and Judiciary.

On motion by Senator Simpson, by two-thirds vote—

CS for CS for HB 1223—A bill to be entitled An act relating to deceptive and unfair trade practices; reordering and amending s. 501.2077, F.S.; providing definitions; authorizing a civil penalty for a person who willfully uses a deceptive or unfair trade act or practice against a military servicemember or the servicemember's spouse or dependent child in certain circumstances; providing an effective date.

—a companion measure, was substituted for **CS for SB 716** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1223** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for CS for SB 726** was deferred.

On motion by Senator Garcia—

CS for SB 824—A bill to be entitled An act relating to public records; creating s. 916.1065, F.S.; creating an exemption from public records requirements for a forensic behavioral health evaluation filed with a court; providing a definition for the term “forensic behavioral health evaluation”; providing a statement of public necessity, applicability, and construction; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 824** was placed on the calendar of Bills on Third Reading.

On motion by Senator Simmons—

CS for SB 834—A bill to be entitled An act relating to public records; creating s. 624.4212, F.S.; creating an exemption from public records requirements for proprietary business information submitted to the Office of Insurance Regulation; defining the term “proprietary business information”; providing exceptions; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title.

Senator Simmons moved the following amendment which was adopted:

Amendment 1 (355042)—Delete lines 54-56 and insert:

6. *The actuarial opinion summary required under ss. 624.424(1)(b) and 625.121(3) and the documents, materials, and other information related thereto.*

Pursuant to Rule 4.19, **CS for SB 834** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Soto—

SB 986—A bill to be entitled An act relating to requirements for driver licenses; amending s. 322.08, F.S.; including notice of the approval of an application for Deferred Action for Childhood Arrivals status issued by the United States Citizenship and Immigration Services as valid proof of identity for purposes of applying for a driver license; reenacting ss. 322.17(3), 322.18(2)(d) and (4)(c), and 322.19(4), F.S., relating to conditions and limitations with respect to obtaining a duplicate or replace-

ment instruction permit or driver license, expiration of and renewal of a driver license, and change of name or address on a driver license for licensees who establish their identity in a specified manner, to incorporate the amendments made by the act to s. 322.08, F.S., in references thereto; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 986** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1016** was deferred.

On motion by Senator Gardiner—

SB 1852—A bill to be entitled An act relating to funding from the National Mortgage Settlement; providing an appropriation from the Local Government Housing Trust Fund and the State Housing Trust Fund to the Department of Economic Opportunity for specified purposes; providing appropriations from the General Revenue Fund to the State Court System for specified purposes; providing appropriations from the General Revenue Fund to the Department of Legal Affairs, Office of the Attorney General, for specified purposes and providing legislative findings; providing that the appropriations of this act are contingent upon the deposit of a specified sum into the state treasury as a result of a specified consent judgment; providing an effective date.

—was read the second time by title.

Senator Gardiner moved the following amendment:

Amendment 1 (754392) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Notwithstanding the funding match provisions in s. 1009.984(2), Florida Statutes, the nonrecurring sum of \$9,117,895 is appropriated from the General Revenue Fund to the Florida Prepaid Tuition Scholarship Program as established in s. 1009.984, Florida Statutes, in order for Take Stock in Children, Inc., to purchase 2-year dormitory residence advance payment contracts for eligible students who are in grades 10 and 11 during the 2012-2013 school year and have been selected to participate in the scholarship program.*

Section 2. *The nonrecurring sum of \$5,262,579 is appropriated from the General Revenue Fund to the state courts system to provide technology solutions that expedite foreclosure cases through the judicial process. Such technology solutions must enable judges and staff to effectively use electronic documents when disposing of foreclosure cases, produce orders electronically, provide for electronic calendaring, serve orders electronically, and generate case management reports. All technology enhancements to expedite mortgage foreclosure cases must be completed in accordance with the standards set by the Florida Court Technology Commission regarding functionality as outlined in the Case Processing Application Standards.*

Section 3. *The nonrecurring sum of \$16 million is appropriated from the General Revenue Fund to the state courts system to provide supplemental resources, including, but not limited to, additional senior judge days and temporary case management staff in the trial courts to reduce the backlog of pending foreclosure cases.*

Section 4. *The nonrecurring sum of \$9.7 million is appropriated from the General Revenue Fund to the clerks of the court to enhance levels of service to assist and support the courts in expediting the processing of backlogged foreclosure cases.*

Section 5. *The nonrecurring sum of \$10 million is appropriated from the General Revenue Fund to the Office of the Attorney General, who must contract directly with regional legal aid service providers to provide legal aid services to low-income and moderate-income homeowners facing foreclosure. Administrative costs or fees may not be collected or used by the Office of the Attorney General, any association, or any foundation for providing services with the funds appropriated in this section.*

Section 6. *The nonrecurring sum of \$10 million is appropriated from the General Revenue Fund in a fixed capital outlay appropriation category to the Department of Children and Families for capital improvement*

grants to certified domestic violence centers in accordance with s. 39.9055, Florida Statutes. The Florida Coalition Against Domestic Violence shall serve as the lead entity to create a competitive request for proposals with the primary focus of increasing bed space and expanding capacity of emergency shelter services. Award decisions shall be completed within 60 days after the effective date of this act.

Section 7. (1) The nonrecurring sum of \$20 million is appropriated from the General Revenue Fund to the Department of Economic Opportunity to provide a grant to Habitat for Humanity of Florida for the acquisition and rehabilitation or reconstruction of existing housing stock to provide affordable housing to low-income applicants. Habitat for Humanity of Florida may use up to 1 percent of the grant award for direct administrative costs.

(2) Habitat for Humanity of Florida shall provide compliance and oversight for the grant award and shall:

(a) Provide to the Department of Economic Opportunity the name and contact information for the Habitat for Humanity of Florida compliance officer, to be updated within 10 business days after any change.

(b) Develop a request for proposals to be released to the 58 Habitat for Humanity of Florida affiliates no later than 60 days after the effective date of this act. The request for proposals shall be limited to projects that undertake the acquisition and rehabilitation or reconstruction of existing housing stock and provide affordable housing to low-income applicants.

(c) Use the grant award within 2 years, the start date of which is 30 days after the request for proposals is released to the 58 Habitat for Humanity of Florida affiliates.

(d) Provide the 58 Habitat for Humanity of Florida affiliates a minimum of 30 days to respond to the request for proposals.

(e) Establish a volunteer committee of at least six members from any of the 58 Habitat for Humanity of Florida affiliates to evaluate and rank project proposals received and determine project awards based on that evaluation and ranking.

1. Project awards shall be provided on a cost-reimbursement basis for work completed and paid for by the Habitat for Humanity of Florida affiliate for a qualifying home that was acquired and rehabilitated or reconstructed for a low-income applicant.

2. The Habitat for Humanity of Florida compliance officer is responsible for verifying that all project work is completed and has been paid for by the Habitat for Humanity of Florida affiliate before a cost reimbursement.

3. A Habitat for Humanity of Florida affiliate may not receive cost reimbursements in excess of 10 percent of the total appropriation, except that an affiliate may receive cost reimbursements in excess of 10 percent during the second year if the only project proposals remaining are from Habitat for Humanity of Florida affiliates that have reached the 10-percent cap.

(f) Provide technical support and assistance for the use of grant award funds by the Habitat for Humanity of Florida affiliates, which shall not exceed 2 percent of the grant award.

(g) Submit a quarterly progress report to the Department of Economic Opportunity within 30 days after the end of each quarter until all grant award funds have been expended. The quarterly progress report shall include, but need not be limited to:

1. Events occurring during the quarter, or anticipated to occur in the near future, which affect the ability of Habitat for Humanity of Florida to use the grant award for the intended purpose pursuant to this section.

2. Action plans for addressing any policy and administrative issues.

3. Habitat for Humanity of Florida efforts related to collecting and verifying data.

4. Data collected and verified, such as the number of existing housing stock acquired and rehabilitated or reconstructed for the quarter and to date, the number of requests for proposals received, and income data on applicants who are using the provided housing.

5. Grant award data disaggregated by recipient and activity, such as technical support and assistance, direct administrative costs, housing acquisition, and housing rehabilitation or reconstruction.

6. Activities related to technical support and assistance.

7. The name of each volunteer committee member and his or her Habitat for Humanity of Florida affiliate.

8. Progress toward meeting the goal of spending the full grant award within 2 years, the start date of which is 30 days after the request for proposals is released to the 58 Habitat for Humanity of Florida affiliates.

(h) Submit annually by September 1 to the Department of Economic Opportunity a financial audit performed by an independent certified public accountant for the most recently completed fiscal year which establishes that no material weaknesses or instances of material non-compliance exist.

(3) The Department of Economic Opportunity shall submit a copy of each financial audit from Habitat for Humanity of Florida to the President of the Senate and the Speaker of the House of Representatives within 15 days after its receipt.

(4) Any funds that are not expended or encumbered by June 30, 2015, and any funds that were deemed encumbered on June 30, 2015, and not expended by September 30, 2015, shall be repaid by Habitat for Humanity of Florida to the Department of Financial Services for deposit into the State Housing Trust Fund within the Department of Economic Opportunity. A final audit shall be submitted to the Department of Economic Opportunity by January 30, 2016, for any expenditures made after June 30, 2015.

Section 8. The nonrecurring sum of \$50 million is appropriated from the General Revenue Fund to the Department of Economic Opportunity for transfer to the Florida Housing Finance Corporation (FHFC) to provide funding to reduce rents on new or existing rental units through the State Apartment Incentive Loan Program created under s. 420.5087, Florida Statutes. Notwithstanding s. 420.5087, Florida Statutes, \$25 million of these funds shall be reserved for rental units for the elderly as defined in s. 420.0004, Florida Statutes, and \$25 million shall be reserved for rental units for extremely-low-income persons as defined in s. 420.0004, Florida Statutes.

Section 9. (1) The nonrecurring sum of \$10 million is appropriated from the General Revenue Fund to the Department of Economic Opportunity for transfer to the Florida Housing Finance Corporation (FHFC) to fund the construction or rehabilitation of units through the State Apartment Incentive Loan Program (SAIL).

(2) Each SAIL development that receives funds under this section must include up to 25 percent, but not less than 10 percent, of its units designed, constructed, and targeted for persons with developmental disabilities as defined in s. 393.063, Florida Statutes. Each development shall be required to enter into an agreement with at least one designated supportive services lead agency, such as the local Center for Independent Living, the Agency for Persons with Disabilities, or any other such agency approved by FHFC, for the purpose of coordinating services and housing for persons with disabilities.

Section 10. (1) The nonrecurring sum of \$40 million is appropriated from the General Revenue Trust Fund to the Department of Economic Opportunity for transfer to the Florida Housing Finance Corporation (FHFC) to fund the State Housing Initiative Program (SHIP). The FHFC shall allocate the funding to all eligible counties and cities. Except as otherwise specified in this section, local governments must use this funding according to the SHIP statute and rules and within the parameters of their adopted local housing assistance plan.

(2) All funding appropriated under this section must be targeted for one or more of the following strategies:

(a) Rehabilitating or modifying owner-occupied houses, including blighted homes or neighborhoods.

(b) Assisting with purchases of existing housing, with or without rehabilitation.

(c) Providing housing counseling services.

(d) *Providing lease-purchase assistance.*

(e) *Implementing strategies approved by FHFC which are related to assisting households and communities impacted by foreclosures, using existing housing stock.*

(3) *Of the funding provided in this section, each local government must use a minimum of 20 percent of its allocation to serve persons with special needs as defined in s. 420.0004, Florida Statutes. Before this portion of the allocation is released by FHFC, a local government must certify that it will meet this requirement through existing approved strategies in the local assistance plan or submit a new local housing assistance plan strategy for this purpose to the FHFC for approval to ensure that it meets these specifications. The first priority of these special needs funds must be to use them for persons with developmental disabilities as defined in s. 393.063, Florida Statutes, with an emphasis on home modifications, including technological enhancements and devices, which will allow homeowners to remain independent in their own homes and maintain their homeownership.*

(4) *Local governments may not use more than 3 percent of their allocations under this section for administrative costs.*

Section 11. *The nonrecurring sum of \$10 million is appropriated from the General Revenue Fund to the Department of Economic Opportunity for transfer to the Florida Housing Finance Corporation (FHFC) to fund a competitive grant program to provide housing for homeless persons. The FHFC shall award funds on a competitive basis to private nonprofit organizations to purchase and renovate existing houses and to construct small specialty housing of 15 units or fewer for homeless individuals or families, with priority given to extremely-low-income households.*

Section 12. *The nonrecurring sum of \$10 million is appropriated from the General Revenue Fund to the Department of Economic Opportunity for transfer to the Florida Housing Finance Corporation (FHFC) to fund a competitive grant program for housing developments designed, constructed, and targeted for persons with developmental disabilities as defined in s. 393.063, Florida Statutes. Private nonprofit organizations whose primary mission includes serving persons with developmental disabilities as defined in s. 393.063, Florida Statutes, shall be eligible for these grant funds. Housing projects funded with these grants may include community residential homes as defined in s. 419.001, Florida Statutes, or individual housing units, and may include new construction and renovation of existing housing units. In evaluating proposals for these funds, the FHFC shall consider: the extent to which funds from local and other sources will be used by the applicant to leverage the grant funds provided under this section; employment opportunities and supports that will be available to residents of the proposed housing; a plan for residents to effectively and efficiently access community-based services, resources, and amenities; and partnerships with other supportive services agencies.*

Section 13. *Except as otherwise provided in section 7 of this act, notwithstanding s. 216.301, Florida Statutes, and pursuant to s. 216.351, Florida Statutes, entities to which funds are appropriated pursuant to this act may expend such funds through the 2014-2015 fiscal year. Any funds that are encumbered by June 30, 2015, must be disbursed by September 30, 2015. On September 30, 2015, any funds that remain undisbursed must be transferred to the State Housing Trust Fund within the Department of Economic Opportunity.*

Section 14. This act shall take effect upon the deposit of \$200,080,474 into the General Revenue Fund from the escrow account created as a result of the consent judgment entered into by the Attorney General on April 4, 2012, in the case of *United States of America, et al. v. Bank of America Corp., et al.*, No. 12-0361-RMC, in the United States District Court for the District of Columbia.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to funding from the National Mortgage Settlement; providing an appropriation from the General Revenue Fund to the Florida Prepaid Tuition Scholarship Program to purchase 2-year dormitory residence advance payment contracts for certain students; providing an appropriation from the General Revenue Fund to the state courts system to provide technology solutions to expedite foreclosure cases through the judicial process; providing an appropriation from the General Revenue Fund to the state courts system to provide certain

supplemental resources; providing an appropriation from the General Revenue Fund to the clerks of the court to assist and support the courts in expediting the processing of backlogged foreclosure cases; providing an appropriation from the General Revenue Fund to the Office of the Attorney General to provide legal aid services to low- and moderate-income homeowners facing foreclosure; providing an appropriation from the General Revenue Fund to the Department of Children and Families to fund capital improvement grants for certified domestic violence centers; providing an appropriation from the General Revenue Fund to the Department of Economic Opportunity to provide a grant to Habitat for Humanity of Florida for certain purposes; providing requirements for Habitat for Humanity of Florida; providing financial audit reporting requirements; requiring certain funds to be repaid by Habitat for Humanity of Florida to the Department of Financial Services for deposit into the State Housing Trust Fund; providing an appropriation from the General Revenue Fund to the Florida Housing Finance Corporation to provide funding to reduce rents on new or existing rental units through the State Apartment Incentive Loan Program; providing an appropriation from the General Revenue Fund to the Department of Economic Opportunity for specified purposes; providing requirements for the expenditure, disbursement, and transfer to the State Housing Trust Fund of certain appropriated funds; providing a contingent effective date.

Senator Soto moved the following substitute amendment which failed:

Amendment 2 (290824) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. (1) *The nonrecurring sum of \$58,080,474 is appropriated from the Local Government Housing Trust Fund to the Department of Economic Opportunity for the 2013-2014 fiscal year for transfer to the Florida Housing Finance Corporation (FHFC) to fund the State Housing Initiative Program (SHIP). The FHFC shall allocate the funding to all eligible counties and cities. Except as otherwise specified in this section, local governments must use this funding according to the SHIP statute and rules and within the parameters of their adopted local housing assistance plan.*

(2) *All funding appropriated in this section must be used for the following strategies that assist households and communities that have been affected by foreclosures, using existing housing stock:*

(a) *Approximately \$28 million must be used in assisting with purchases of existing housing, with or without rehabilitation.*

(b) *Approximately \$20 million must be used toward rental deposit assistance for homeowners who have lost their home in foreclosure.*

(c) *Approximately \$10 million must be used toward providing rental deposit assistance for seniors who have lost their home due to foreclosure.*

(3) *Of the funding provided in this section, each local government must use a minimum of 20 percent of its allocation to serve persons with special needs as defined in s. 420.0004, Florida Statutes. Before this portion of the allocation is released by FHFC, a local government must submit an existing or new local housing assistance plan strategy for this purpose to the FHFC for approval to ensure that it meets these specifications. The first priority of these special needs funds must be to use them for persons with developmental, hearing, visual, or mobility disabilities, with an emphasis on home modifications, including technological enhancements and devices, which will allow homeowners to remain independent in their own homes and maintain their homeownership.*

(4) *Local governments may not use more than 3 percent of their allocations under this section for administrative costs.*

Section 2. *The nonrecurring sum of \$10 million is appropriated from the State Housing Trust Fund to the Department of Economic Opportunity for the 2013-2014 fiscal year for transfer to the Florida Housing Finance Corporation to fund the rehabilitation and preservation of public housing units provided under chapter 421 and to specifically target the units of low-income and very-low-income persons affected by foreclosure for upgrades and improvements. The funding must be administered as a grant program.*

Section 3. (1) *The nonrecurring sum of \$40 million is appropriated from the State Housing Trust Fund to the Department of Economic Opportunity for the 2013-2014 fiscal year for transfer to the Florida Housing*

Finance Corporation (FHFC) to fund the State Apartment Incentive Loan Program (SAIL). This appropriation must be spent over the next 3 years for administrative expenses associated with implementing this act, as follows: \$16.67 million in each of the first two years and \$16.66 million in the third year.

(2) Each SAIL development that receives funds under this section must include up to 15 percent but not less than 5 percent of its units designed, constructed, and targeted for individuals with developmental, hearing, visual, or mobility disabilities. Each development shall be required to enter into agreements with the local Center for Independent Living, Agency for Persons with Disabilities, or other such agency approved by FHFC, for the purpose of coordinating services and housing for individuals with disabilities.

(3) Affordable housing units in each development which are in addition to those required under subsection (2) shall provide reduced-rent units to serve tenants who are elderly, as defined in s. 420.0004, Florida Statutes, and tenants who are extremely-low-income persons (ELI), as defined in s. 420.0004, Florida Statutes. To the extent possible, ELI units should be part of FHFC's existing Link Initiative in which developers set aside units for special needs households, including households with persons affected by foreclosure, persons with disabilities, homeless families, youth aging out of foster care, frail elders, and survivors of domestic violence who are receiving community-based supportive services and who are referred by a supportive services agency in the community where the property is located.

Section 4. The nonrecurring sum of \$9 million is appropriated from the State Housing Trust Fund to the Department of Economic Opportunity for the 2013-2014 fiscal year for transfer to the Florida Housing Finance Corporation. This appropriation must be spent in annual \$3 million increments over the next 3 years for administrative expenses associated with implementing this act.

Section 5. The nonrecurring sum of \$12 million is appropriated from the State Housing Trust Fund to the Department of Economic Opportunity for the 2013-2014 fiscal year for transfer to the Florida Housing Finance Corporation for the Florida Hardest-Hit Fund. This appropriation must be spent in annual \$4 million increments over the next 3 years for administrative expenses associated with implementing this section.

Section 6. The nonrecurring sum of \$15 million is appropriated from the State Housing Trust Fund to the Department of Economic Opportunity for the 2013-2014 fiscal year for transfer to the Florida Housing Finance Corporation (FHFC) to fund a competitive grant program to provide housing for homeless persons affected by the foreclosure crisis. The FHFC shall award funds on a competitive basis to private nonprofit organizations to purchase and renovate existing houses to be used by extremely-low-income homeless persons who have been affected by the foreclosure crisis. Funds may also be awarded to private nonprofit organizations to construct small specialty housing of 10 units or fewer for homeless families affected by the foreclosure crisis. This appropriation must be spent in annual \$5 million increments over the next 3 years for administrative expenses associated with implementing this section.

Section 7. The nonrecurring sum of \$18 million is appropriated from the State Housing Trust Fund to the Department of Economic Opportunity for the 2013-2014 fiscal year for transfer to the Florida Housing Finance Corporation for foreclosure counseling programs. This appropriation must be spent in annual \$6 million increments over the next 3 years.

Section 8. The nonrecurring sum of \$36 million is appropriated from the General Revenue Fund to the Department of Legal Affairs, Office of the Attorney General, for the 2013-2014 fiscal year to contract with regional legal aid service providers to provide legal aid services to low-income and moderate-income homeowners facing foreclosure. Administrative costs or fees may not be collected or used by the Office of the Attorney General, any association, or any foundation for providing such services with the funds appropriated in this section. This appropriation must be spent in annual \$12 million increments over the next 3 years.

Section 9. The Legislature finds that there is a need for a promotional campaign to increase consumer awareness of affordable housing availability and housing assistance opportunities as outlined in this act. To this end, the Office of the Attorney General may establish, coordinate, and promote such an advertising campaign, which may include public rela-

tions activities and contracting with media representatives for the purpose of dispersing promotional materials and providing opportunities for consumer assistance. The nonrecurring sum of \$2 million is appropriated from the General Revenue Fund to the Department of Legal Affairs, Office of the Attorney General, for the 2013-2014 fiscal year for this purpose.

Section 10. The appropriations in this act are contingent upon the deposit of \$200,080,474 into the state treasury from the escrow account created as a result of the consent judgment entered into by the Florida Attorney General on April 4, 2012, in the case of *United States of America v. Bank of America Corp.*, No. 305 12-0361-RMC, in the United States District Court for the District of Columbia. Of the \$200,080,474, the following amounts shall be deposited into the specified funds in the state treasury: \$58,080,474 shall be deposited into the Local Government Housing Trust Fund in the Department of Economic Opportunity; \$104 million shall be deposited into the State Housing Trust Fund in the Department of Economic Opportunity; and \$38 million shall be deposited into the General Revenue Fund.

Section 11. 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 funding from the National Mortgage Settlement; providing appropriations from the Local Government Housing Trust Fund and the State Housing Trust Fund to the Department of Economic Opportunity for specified purposes; providing appropriations from the General Revenue Fund to the Department of Legal Affairs, Office of the Attorney General, for specified purposes and providing legislative findings; providing that the appropriations of this act are contingent upon the deposit of a specified sum into the state treasury as a result of a specified consent judgment; providing an effective date.

The question recurred on **Amendment 1 (754392)** which was adopted.

Pursuant to Rule 4.19, **SB 1852** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1098** was deferred.

On motion by Senator Simpson—

CS for CS for CS for SB 1122—A bill to be entitled An act relating to the Florida Fire Prevention Code; amending s. 633.0215, F.S.; requiring fire officials to enforce Florida Building Code provisions for occupancy separation for certain structures with certain occupancies; exempting certain farming and ranching structures from the code; providing an effective date.

—was read the second time by title.

Senator Simpson moved the following amendment which was adopted:

Amendment 1 (707108)—Delete line 23 and insert: *or ranching operation, in which the occupancy is limited by the property owner to no*

Pursuant to Rule 4.19, **CS for CS for CS for SB 1122** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for SB 1172—A bill to be entitled An act relating to land trusts; creating s. 689.073, F.S., and transferring, renumbering, and amending s. 689.071(4) and (5), F.S.; providing requirements relating to vesting of ownership in a trustee; providing exclusion and applicability; amending s. 689.071, F.S.; revising and providing definitions; revising provisions relating to land trust transfers of real property and vesting of ownership in a trustee; prohibiting the operation of the statute of uses to execute a land trust or to vest the trust property under certain conditions; prohibiting the operation of the doctrine of merger to execute a land trust or to vest the trust property under certain conditions; providing conditions under which a beneficial interest is deemed real property; revising and providing rights, liabilities, and duties of land trust beneficiaries; authorizing certain beneficial ownership methods; providing for the per-

fection of security documents; providing that a trustee's legal and equitable title to the trust property is separate and distinct from the beneficiary's beneficial interest in the land trust and the trust property; prohibiting a lien, judgment, mortgage, security interest, or other encumbrance against one interest from automatically attaching to another interest; providing that the appointment of a guardian ad litem is not necessary in certain foreclosure litigation affecting the title to trust property of a land trust; conforming provisions to changes made by the act; deleting provisions relating to the applicability of certain successor trustee provisions; providing notice requirements; providing for the determination of applicable law for certain trusts; providing for applicability relating to Uniform Commercial Code financing statements; providing requirements for recording effectiveness; amending s. 736.0102, F.S.; revising and providing scope of the Florida Trust Code; providing a directive to the Division of Law Revision and Information; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1172** to **CS for CS for HB 229**.

Pending further consideration of **CS for SB 1172** as amended, on motion by Senator Simmons, by two-thirds vote **CS for CS for HB 229** was withdrawn from the Committees on Judiciary; Banking and Insurance; and Rules.

On motion by Senator Simmons—

CS for CS for HB 229—A bill to be entitled An act relating to land trusts; creating s. 689.073, F.S., and transferring, renumbering, and amending s. 689.071(4) and (5), F.S.; providing requirements relating to vesting of ownership in a trustee; providing exclusion and applicability; amending s. 689.071, F.S.; revising and providing definitions; revising provisions relating to land trust transfers of real property and vesting of ownership in a trustee; prohibiting the operation of the statute of uses to execute a land trust or to vest the trust property under certain conditions; prohibiting the operation of the doctrine of merger to execute a land trust or to vest the trust property under certain conditions; providing conditions under which a beneficial interest is deemed real property; revising and providing rights, liabilities, and duties of land trust beneficiaries; authorizing certain beneficial ownership methods; providing for the perfection of security documents; providing that a trustee's legal and equitable title to the trust property is separate and distinct from the beneficiary's beneficial interest in the land trust and the trust property; prohibiting a lien, judgment, mortgage, security interest, or other encumbrance against one interest from automatically attaching to another interest; providing that the appointment of a guardian ad litem is not necessary in certain foreclosure litigation affecting the title to trust property of a land trust; conforming provisions to changes made by the act; deleting provisions relating to the applicability of certain successor trustee provisions; providing notice requirements; providing for the determination of applicable law for certain trusts; providing for applicability relating to Uniform Commercial Code financing statements; providing requirements for recording effectiveness; amending s. 736.0102, F.S.; revising and providing scope of the Florida Trust Code; providing a directive to the Division of Law Revision and Information; providing an effective date.

—a companion measure, was substituted for **CS for SB 1172** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 229** was placed on the calendar of Bills on Third Reading.

CS for SB 1126—A bill to be entitled An act relating to the unlawful possession of the personal identification information of another person; creating s. 817.5685, F.S.; defining the term “personal identification information”; providing that it is unlawful for a person to intentionally or knowingly possess, without authorization, any personal identification information of another person; creating criminal penalties; providing that possession of identification information of multiple individuals gives rise to an inference of illegality; providing that certain specified persons are exempt from provisions regarding the unlawful possession of personal identification information of another person; creating affirmative defenses; providing that the act does not preclude prosecution for

the unlawful possession of personal identification information of another person under any other law; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1126**, on motion by Senator Joyner, by two-thirds vote **CS for CS for HB 691** was withdrawn from the Committees on Criminal Justice; Appropriations Subcommittee on Criminal and Civil Justice; and Appropriations.

On motion by Senator Joyner—

CS for CS for HB 691—A bill to be entitled An act relating to personal identification theft; creating s. 817.5685, F.S.; defining the term “personal identification information”; providing that it is unlawful for a person to intentionally or knowingly possess, without authorization, any personal identification information of another person; providing criminal penalties; providing that possession of identification information of multiple individuals gives rise to an inference of illegality; providing enhanced criminal penalties for possession of such information of multiple persons; providing exemptions; providing that the section does not preclude the prosecution for the unlawful possession of personal identification information of another person under any other law; providing an effective date.

—a companion measure, was substituted for **CS for SB 1126** and read the second time by title.

Senator Joyner moved the following amendment which was adopted:

Amendment 1 (808408) (with title amendment)—Between lines 71 and 72 insert:

(5) *It is an affirmative defense to an alleged violation of subsection (2) if the person who possesses the personal identification information of another person:*

(a) *Did so under the reasonable belief that such possession was authorized by law or by the consent of the other person; or*

(b) *Obtained that personal identification information from a forum or resource that is open or available to the general public or from a public record.*

And the title is amended as follows:

Delete line 13 and insert: exemptions; creating affirmative defenses; providing that the act does not

Pursuant to Rule 4.19, **CS for CS for HB 691** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Bradley—

CS for CS for CS for SB 1594—A bill to be entitled An act relating to the Guaranteed Energy, Water, and Wastewater Performance Savings Contracting Act; amending s. 489.145, F.S.; revising the terms “agency,” “energy, water, and wastewater efficiency and conservation measure,” and “energy, water, or wastewater cost savings”; providing that a contract may provide for repayments to a lender of an installation construction loan in installments for a period not to exceed 20 years; requiring a contract to provide that repayments to a lender of an installation construction loan may be made over time, not to exceed 20 years from a certain date; requiring a contract to provide for a certain amount of repayment to the lender of the installation construction loan within 2 years of a specified date; authorizing certain facility alterations to be included in a performance contract and to be supervised by the performance savings contractor; limiting the time allotted to the Office of the Chief Financial Officer to review and approve an agency's guaranteed energy, water, and wastewater performance savings contract; requiring that a proposed contract include an investment-grade audit certified by the Department of Management Services which states that the cost savings are appropriate and sufficient for the term of the contract; clarifying that, for funding purposes of consolidated financing of deferred payment commodity contracts, an agency means a state agency; conforming language; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for SB 1594** was placed on the calendar of Bills on Third Reading.

CS for SB 1166—A bill to be entitled An act relating to adverse possession; amending s. 95.18, F.S.; revising terminology; requiring certain conditions to be met before real property is legally adversely possessed without color of title; requiring a person claiming adverse possession to make a return of the property by providing the return to the property appraiser using a uniform return; specifying the contents of the return; requiring the return to contain a notice; providing criminal penalties; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1166** to **CS for HB 903**.

Pending further consideration of **CS for SB 1166** as amended, on motion by Senator Bradley, by two-thirds vote **CS for HB 903** was withdrawn from the Committee on Judiciary.

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

CS for HB 903—A bill to be entitled An act relating to adverse possession; amending s. 95.18, F.S.; revising terminology; requiring certain conditions to be met before real property is legally adversely possessed without color of title; requiring a person claiming adverse possession to make a return of the property by providing the return to the property appraiser using a uniform return; specifying the contents of the return; requiring the return to contain a notice; providing criminal penalties; amending s. 197.3335, F.S.; revising provisions to conform to changes made by the act; providing an effective date.

—a companion measure, was substituted for **CS for SB 1166** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 903** was placed on the calendar of Bills on Third Reading.

On motion by Senator Ring—

CS for CS for CS for SB 556—A bill to be entitled An act relating to clerks of the court; amending s. 28.13, F.S.; providing requirements for the storage of papers and electronic filings and requiring that they be stamped with the date and time of submission; requiring the clerk to retain control and custody of filed documents; amending s. 28.222, F.S.; authorizing the clerk to remove certain court records from the Official Records; amending s. 28.24, F.S.; deleting provisions exempting specified persons from service fees; amending s. 28.244, F.S.; increasing the threshold amount for automatic repayment of overpayments; amending s. 28.345, F.S.; requiring that the clerk provide access to public records without charge to certain persons, subject to a limitation and an exception; authorizing the clerk to provide public records in an electronic format under certain circumstances; amending s. 101.151, F.S.; clarifying when the office title “Clerk of the Circuit Court and Comptroller” may be used; amending s. 119.0714, F.S.; requiring that certain requests for maintenance of a public record exemption specify certain information; amending s. 194.032, F.S.; requiring that the property appraiser, rather than the clerk, provide the property record card to a petitioner regardless of whether the petitioner initiates evidence exchange, unless the property record card is available online from the property appraiser; amending s. 938.30, F.S.; providing that the state is not required to pay fees to enforce judgment for costs and fines; amending s. 985.045, F.S.; providing that the office of the public defender shall have access to certain juvenile records before an appointment of representation; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for SB 556** was placed on the calendar of Bills on Third Reading.

On motion by Senator Simmons—

CS for CS for CS for CS for SB 726—A bill to be entitled An act relating to the regulation of family or medical leave benefits for employees; providing definitions; prohibiting a political subdivision from requiring or otherwise regulating family or medical leave benefits for employees; preempting regulation of family or medical leave benefits to the state; creating the Employer-Sponsored Benefits Study Task Force; directing Workforce Florida, Inc., to provide administrative and staff support services for the task force; establishing the purpose and composition of the task force; providing for reimbursement for per diem and travel expenses; requiring the task force to submit a report to the Governor and the Legislature by a specified date; providing report requirements; providing for future repeal of the task force; providing that the act does not prohibit a political subdivision from establishing family or medical leave benefits for its employees; providing that the act does not prohibit a federally authorized or recognized tribal government from requiring family or medical leave benefits under certain conditions; providing an appropriation; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for CS for SB 726**, on motion by Senator Simmons, by two-thirds vote **CS for HB 655** was withdrawn from the Committees on Community Affairs; Health Policy; Judiciary; and Appropriations.

On motion by Senator Simmons, the rules were waived and—

CS for HB 655—A bill to be entitled An act relating to political subdivisions; amending s. 218.077, F.S.; providing and revising definitions; prohibiting political subdivisions from requiring employers to provide certain employment benefits; prohibiting political subdivisions from requiring, or awarding preference on the basis of, certain wages or employment benefits when contracting for goods or services; providing for applicability and future repeal of certain ordinances; conforming provisions to constitutional requirements relating to the state minimum wage; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for CS for SB 726** and read the second time by title.

THE PRESIDENT PRESIDING

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Simmons moved the following amendment:

Amendment 1 (823160) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 218.077, Florida Statutes, is amended to read:

218.077 ~~Minimum~~ *Wage and employment benefits* requirements by political subdivisions; restrictions.—

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

(a) “Employee” means any natural person who is entitled under *state* or federal law to receive a *state* or federal minimum wage.

(b) “Employer” means any person who is required under *state* or federal law to pay a *state* or federal minimum wage to the person’s employees.

(c) “Employer contracting to provide goods or services for the political subdivision” means a person contracting with the political subdivision to provide goods or services to, for the benefit of, or on behalf of, the political subdivision in exchange for valuable consideration, and includes a person leasing or subleasing real property owned by the political subdivision.

(d) “*Employment benefits*” means anything of value that an employee may receive from an employer in addition to wages and salary. The term includes, but is not limited to, health benefits; disability benefits; death benefits; group accidental death and dismemberment benefits; paid or unpaid days off for holidays, sick leave, vacation, and personal necessity; retirement benefits; and profit-sharing benefits.

(e)(~~h~~) “Federal minimum wage” means a minimum wage required under federal law, including the federal Fair Labor Standards Act of 1938, as amended, 29 U.S.C. ss. 201 et seq.

(f)(~~e~~) “Political subdivision” means a county, municipality, department, commission, district, board, or other public body, whether corporate or otherwise, created by or under state law.

(g)(~~f~~) “Wage” means that compensation for employment to which any state or federal minimum wage applies.

(2) Except as otherwise provided in subsection (3), a political subdivision may not establish, mandate, or otherwise require an employer to pay a minimum wage, other than a state or federal minimum wage, or to apply a state or federal minimum wage to wages exempt from a state or federal minimum wage, or to provide employment benefits not otherwise required by state or federal law.

(3) This section does not:

(a) Limit the authority of a political subdivision to establish a minimum wage other than a state or federal minimum wage or to provide employment benefits not otherwise required under state or federal law:

1.(~~a~~) For the employees of the political subdivision;

2.(~~b~~) For the employees of an employer contracting to provide goods or services for the political subdivision, or for the employees of a subcontractor of such an employer, under the terms of a contract with the political subdivision; or

3.(~~c~~) For the employees of an employer receiving a direct tax abatement or subsidy from the political subdivision, as a condition of the direct tax abatement or subsidy.

(b) Apply to a domestic or sexual violence ordinance, order, rule, or policy adopted by a political subdivision.

(4) If it is determined by the officer or agency responsible for distributing federal funds to a political subdivision that compliance with this act would prevent receipt of those federal funds, or would otherwise be inconsistent with federal requirements pertaining to such funds, then this act ~~shall~~ not apply, but only to the extent necessary to allow receipt of the federal funds or to eliminate the inconsistency with such federal requirements.

(5)(a) *There is created the Employer-Sponsored Benefits Study Task Force. Workforce Florida, Inc., shall provide administrative and staff support services relating to the functions of the task force. The task force shall organize by September 1, 2013. The task force shall be composed of 11 members. The President of Workforce Florida, Inc., shall serve as a member and chair of the task force. The Speaker of the House of Representatives shall appoint one member who is an economist with a background in business economics. The President of the Senate shall appoint one member who is a physician licensed under chapter 458 or chapter 459 with at least 5 years of experience in the active practice of medicine. In addition, the President of the Senate and the Speaker of the House of Representatives shall each appoint four additional members to the task force. The four appointments from the President of the Senate and the four appointments from the Speaker of the House of Representatives must each include:*

1. A member of the Legislature.
2. An owner of a business in this state which employs fewer than 50 people.
3. An owner or representative of a business in this state which employs more than 50 people.
4. A representative of an organization who represents the non-management employees of a business.

(b) *Members of the task force shall serve without compensation, but are entitled to reimbursement for per diem and travel expenses in accordance with s. 112.061.*

(c) *The purpose of the task force is to analyze employment benefits and the impact of state preemption of the regulation of such benefits. The task*

force shall develop a report that includes its findings and recommendations for legislative action regarding the regulation of employment benefits. The task force shall submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 15, 2014.

(d) *This subsection is repealed June 30, 2014.*

(6) *This section does not prohibit a federally authorized and recognized tribal government from requiring employment benefits for a person employed within a territory over which the tribe has jurisdiction.*

Section 2. *For the 2013-2014 fiscal year, the sum of \$27,050 in non-recurring funds is appropriated from the General Revenue Fund to the Department of Economic Opportunity for Workforce Florida, Inc., for operating the Employer-Sponsored Benefits Study Task Force.*

Section 3. 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 employment benefits; amending s. 218.077, F.S.; providing and revising definitions; prohibiting political subdivisions from requiring employers to provide certain employment benefits; prohibiting political subdivisions from requiring, or awarding preference on the basis of, certain wages or employment benefits when contracting for goods or services; providing for applicability and future repeal of certain ordinances; conforming provisions to constitutional requirements relating to the state minimum wage; creating the Employer-Sponsored Benefits Study Task Force; directing Workforce Florida, Inc., to provide administrative and staff support services for the task force; establishing the purpose and composition of the task force; providing for reimbursement for per diem and travel expenses; requiring the task force to submit a report to the Governor and the Legislature by a specified date; providing report requirements; providing for future repeal of the task force; providing that the act does not prohibit a federally authorized or recognized tribal government from requiring employment benefits under certain conditions; providing an appropriation; providing an effective date.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Simmons moved the following amendment to **Amendment 1 (823160)** which was adopted:

Amendment 1A (489206)—Delete line 59 and insert:

(b) *Apply to a domestic violence or sexual abuse ordinance,*

Amendment 1 (823160) as amended was adopted.

Pursuant to Rule 4.19, **CS for HB 655** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Richter—

CS for SB 1098—A bill to be entitled An act relating to general assignments; amending s. 727.103, F.S.; defining the term “negative notice”; amending s. 727.104, F.S.; requiring an assignee’s bond to be in at least a specific amount or double the liquidation value of the unencumbered and liquid assets of the estate, whichever is higher; amending s. 727.108, F.S.; authorizing an assignee to conduct certain discovery to determine whether to prosecute certain claims or causes of action; extending the time period an assignee may conduct the business of the assignor; authorizing the assignee to continue conducting the business of the assignor under certain circumstances by serving negative notice; amending s. 727.109, F.S.; extending the time period for which a court may authorize an assignee to conduct the business of the assignor; amending s. 727.110, F.S.; providing procedures for an assignee’s rejection of an unexpired lease of nonresidential real property or of personal property; requiring the assignee to serve a notice of rejection on certain persons and file it with the court; requiring that a notice of rejection for personal property include certain information about the affected property; specifying the effective date of the rejection; requiring the estate’s rights and obligations to and liability for the affected property to terminate under certain circumstances; amending s. 727.111, F.S.; ex-

tending the minimum time period for giving notice to the assignor and creditors; conforming language; providing a procedure for serving notice on certain persons; requiring an objection to be filed and served within a specific time period; requiring the notice to be in a specified form; providing that the assignee may take certain actions if an objection is not filed; requiring the court to hear a filed objection; authorizing the court to shorten negative notice under certain circumstances; providing that a party may raise the shortened notice period in certain objections; requiring a certificate of service for negative notice to be filed with the court under certain circumstances; requiring negative notice to be given to certain persons under certain circumstances; amending s. 727.113, F.S.; providing procedures for serving an objection to a claim; providing that the Florida Rules of Civil Procedure apply to objections to claims in all pending cases beginning on a specific date; creating s. 727.117, F.S.; requiring an assignee's deed to be in a specific form; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1098**, on motion by Senator Richter, by two-thirds vote **CS for CS for HB 833** was withdrawn from the Committees on Judiciary; Banking and Insurance; and Rules.

On motion by Senator Richter—

CS for CS for HB 833—A bill to be entitled An act relating to general assignments; amending s. 727.103, F.S.; defining the term “negative notice”; amending s. 727.104, F.S.; requiring an assignee's bond to be in at least a specific amount or double the liquidation value of the unencumbered and liquid assets of the estate, whichever is higher; amending s. 727.108, F.S.; authorizing an assignee to conduct certain discovery to determine whether to prosecute certain claims or causes of action; extending the time period an assignee may conduct the business of the assignor; authorizing the assignee to continue conducting the business of the assignor under certain circumstances by serving negative notice; amending s. 727.109, F.S.; extending the time period for which a court may authorize an assignee to conduct the business of the assignor; amending s. 727.110, F.S.; providing procedures for an assignee's rejection of an unexpired lease of nonresidential real property or of personal property; requiring the assignee to serve a notice of rejection on certain persons and file it with the court; requiring that a notice of rejection for personal property include certain information about the affected property; specifying the effective date of the rejection; requiring the estate's rights and obligations to and liability for the affected property to terminate under certain circumstances; amending s. 727.111, F.S.; extending the minimum time period for giving notice to the assignor and creditors; conforming language; providing a procedure for serving notice on certain persons; requiring an objection to be filed and served within a specific time period; requiring the notice to be in a specified form; providing that the assignee may take certain actions if an objection is not filed; requiring the court to hear a filed objection; authorizing the court to shorten negative notice under certain circumstances; providing that a party may raise the shortened notice period in certain objections; requiring a certificate of service for negative notice to be filed with the court under certain circumstances; requiring negative notice to be given to certain persons under certain circumstances; amending s. 727.113, F.S.; providing procedures for serving an objection to a claim; providing that the Florida Rules of Civil Procedure apply to objections to claims in all pending cases beginning on a specific date; creating s. 727.117, F.S.; requiring an assignee's deed to be in a specific form; providing an effective date.

—a companion measure, was substituted for **CS for SB 1098** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 833** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bradley—

CS for SB 522—A bill to be entitled An act relating to biodiesel fuel; amending s. 206.02, F.S.; exempting municipalities, counties, and school districts manufacturing biodiesel fuel for internal use from certain reporting, bonding, and licensing requirements applicable to biodiesel manufacturers; amending s. 206.874, F.S.; requiring such entities to file a return and pay a tax on such biodiesel fuel; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 522**, on motion by Senator Bradley, by two-thirds vote **CS for HB 633** was withdrawn from the Committees on Agriculture; Community Affairs; Appropriations Subcommittee on Finance and Tax; and Appropriations.

On motion by Senator Bradley—

CS for HB 633—A bill to be entitled An act relating to biodiesel fuel; amending s. 206.02, F.S.; exempting municipalities, counties, and school districts that manufacture biodiesel fuel from certain reporting, bonding, and licensing requirements; amending s. 206.874, F.S.; requiring municipalities, counties, and school districts that manufacture biodiesel fuel to file certain returns and remit certain taxes; providing an effective date.

—a companion measure, was substituted for **CS for SB 522** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 633** was placed on the calendar of Bills on Third Reading.

CS for SB 404—A bill to be entitled An act relating to real property liens and conveyances; amending s. 689.02, F.S.; deleting a requirement that blank spaces be included on a warranty deed to allow for entry of social security numbers of grantees on the deed; conforming provisions; amending s. 695.01, F.S.; providing that certain types of governmental or quasi-governmental liens on real property are valid and effectual against certain creditors or purchasers only if recorded in a specified manner; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 404**, on motion by Senator Stargel, by two-thirds vote **CS for HB 267** was withdrawn from the Committees on Judiciary; Community Affairs; Appropriations Subcommittee on Finance and Tax; and Appropriations.

On motion by Senator Stargel, by two-thirds vote—

CS for HB 267—A bill to be entitled An act relating to real property liens and conveyances; amending s. 689.02, F.S.; deleting a requirement that blank spaces be included on a warranty deed to allow for entry of social security numbers of grantees on the deed; conforming provisions; amending s. 695.01, F.S.; providing that certain types of governmental or quasi-governmental liens on real property are valid and effectual against certain creditors or purchasers only if recorded in a specified manner; providing an effective date.

—a companion measure, was substituted for **CS for SB 404** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 267** was placed on the calendar of Bills on Third Reading.

CS for SB 402—A bill to be entitled An act relating to homelessness; amending ss. 320.02, 322.08, and 322.18, F.S.; requiring the motor vehicle registration form and registration renewal form, the driver license application form, and the driver license application form for renewal issuance or renewal extension to include an option to make a voluntary contribution to aid the homeless; providing for such contributions to be deposited into the Grants and Donations Trust Fund of the Department of Children and Families and used by the State Office on Homelessness for certain purposes; providing exemption from certain application fee requirements; providing that voluntary contributions for the homeless are not income of a revenue nature for the purpose of applying certain service charges; creating s. 414.161, F.S.; establishing a homelessness prevention grant program; requiring grant applicants to be ranked competitively; providing preference for certain grant applicants; providing eligibility requirements; providing grant limitations and restrictions; requiring lead agencies for local homeless assistance continuums of care to track, monitor, and report on assisted families for a specified period; amending s. 420.622, F.S.; limiting the percentage of funding that lead agencies may spend on administrative costs; amending s. 420.625, F.S.; deleting a cross-reference to conform; repealing s. 414.16,

F.S., relating to the emergency assistance program for families with children that have lost shelter or face loss of shelter due to an emergency; transferring emergency assistance program funds to the homelessness prevention grant program; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 402**, on motion by Senator Joyner, by two-thirds vote **CS for HB 93** was withdrawn from the Committees on Children, Families, and Elder Affairs; Transportation; Rules; and Appropriations.

On motion by Senator Joyner—

CS for HB 93—A bill to be entitled An act relating to homelessness; amending ss. 320.02, 322.08, and 322.18, F.S.; requiring the motor vehicle registration form and registration renewal form, the driver license application form, and the driver license application form for renewal issuance or renewal extension to include an option to make a voluntary contribution to aid the homeless; providing for such contributions to be deposited into the Grants and Donations Trust Fund of the Department of Children and Families and used by the State Office on Homelessness for certain purposes; providing exemption from certain application fee requirements; providing that voluntary contributions for the homeless are not income of a revenue nature for the purpose of applying certain service charges; creating s. 414.161, F.S.; establishing a homelessness prevention grant program; requiring grant applicants to be ranked competitively; providing preference for certain grant applicants; providing eligibility requirements; providing grant limitations and restrictions; requiring lead agencies for local homeless assistance continuums of care to track, monitor, and report on assisted families for a specified period; amending s. 420.622, F.S.; limiting the percentage of funding that lead agencies may spend on administrative costs; amending s. 420.625, F.S.; deleting a cross-reference to conform; repealing s. 414.16, F.S., relating to the emergency assistance program for families with children that have lost shelter or face loss of shelter due to an emergency; transferring emergency assistance program funds to the homelessness prevention grant program; providing effective dates.

—a companion measure, was substituted for **CS for SB 402** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 93** was placed on the calendar of Bills on Third Reading.

CS for SB 400—A bill to be entitled An act relating to false reports to law enforcement officers; amending s. 837.05, F.S.; providing that it is a third degree felony to knowingly give false information to a law enforcement officer concerning the alleged commission of a crime if the defendant has previously been convicted of such offense and the information is communicated in writing, or, if the information is communicated orally, the information is corroborated in a specified manner; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 400**, on motion by Senator Dean, by two-thirds vote **CS for HB 611** was withdrawn from the Committees on Criminal Justice; Judiciary; Appropriations Subcommittee on Criminal and Civil Justice; and Appropriations.

On motion by Senator Dean—

CS for HB 611—A bill to be entitled An act relating to false reports to law enforcement officers; amending s. 837.05, F.S.; providing that it is a third degree felony to knowingly give false information to a law enforcement officer concerning the alleged commission of a crime if the defendant has previously been convicted of this offense and the information, if communicated orally, is corroborated in a specified manner, or was communicated in writing; providing an effective date.

—a companion measure, was substituted for **CS for SB 400** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 611** was placed on the calendar of Bills on Third Reading.

SB 236—A bill to be entitled An act relating to tax refund programs; amending ss. 288.1045 and 288.106, F.S.; deleting caps on tax refunds for qualified defense contractors and space flight businesses and for qualified target industry businesses; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 236**, on motion by Senator Hukill, by two-thirds vote **HB 4013** was withdrawn from the Committees on Commerce and Tourism; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Appropriations.

On motion by Senator Hukill—

HB 4013—A bill to be entitled An act relating to tax refund programs; amending ss. 288.1045 and 288.106, F.S.; deleting caps on tax refunds for qualified defense contractors and space flight businesses and for qualified target industry businesses; providing an effective date.

—a companion measure, was substituted for **SB 236** and read the second time by title.

Pursuant to Rule 4.19, **HB 4013** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 504—A bill to be entitled An act relating to animal cruelty; amending s. 828.12, F.S.; specifying that a person who commits multiple acts of animal cruelty against one animal or acts of animal cruelty against multiple animals may be charged with a separate offense for each such act of animal cruelty; amending s. 828.27, F.S.; providing for additional uses by certain counties of proceeds of surcharges on animal control or cruelty violations; providing for expiration; amending s. 895.02, F.S.; including illegal animal fighting or baiting as an offense within the definition of the term “racketeering activity” for purposes of the Florida RICO (Racketeer Influenced and Corrupt Organization) Act; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 504**, on motion by Senator Brandes, by two-thirds vote **CS for HB 851** was withdrawn from the Committees on Agriculture; and Criminal Justice.

On motion by Senator Brandes, the rules were waived and—

CS for HB 851—A bill to be entitled An act relating to animal cruelty; amending s. 828.12, F.S.; specifying that a person who commits multiple acts of animal cruelty against one animal or acts of animal cruelty against multiple animals may be charged with a separate offense for each such act of animal cruelty; specifying that a person who owns or has custody or control of any animal and fails to act commits aggravated animal cruelty if certain injuries or death result; creating s. 828.1615, F.S.; prohibiting specific acts relating to dyeing or artificially coloring certain animals; prohibiting persons from selling, offering for sale, or giving away as merchandising premiums specified fowl or rabbits to be used as pets, toys, or retail premiums; providing exceptions; providing criminal penalties; amending s. 828.27, F.S.; providing for additional uses by certain counties of proceeds of surcharges on animal control or cruelty violations; providing for expiration; amending s. 895.02, F.S.; including illegal animal fighting or baiting as an offense within the definition of the term “racketeering activity” for purposes of the Florida RICO (Racketeer Influenced and Corrupt Organization) Act; providing an effective date.

—a companion measure substituted for **CS for CS for SB 504** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 851** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 676** and **SB 788** was deferred.

CS for CS for SB 802—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 489.140, F.S.; clarifying funding requirements for the Florida Homeowners’ Construction Recovery Fund; amending s. 468.631, F.S.; au-

thorizing the department to transfer certain funds from the Florida Building Code Administrators and Inspectors Board to the Florida Homeowners' Construction Recovery Fund; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 802**, on motion by Senator Hays, by two-thirds vote **CS for CS for HB 57** was withdrawn from the Committees on Regulated Industries; Community Affairs; and Appropriations.

On motion by Senator Hays, by two-thirds vote—

CS for CS for HB 57—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 489.140, F.S.; clarifying funding requirements for the Florida Homeowners' Construction Recovery Fund; amending s. 468.631, F.S.; authorizing the department to transfer certain funds from the Professional Regulation Trust Fund to the Florida Homeowners' Construction Recovery Fund; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 802** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 57** was placed on the calendar of Bills on Third Reading.

On motion by Senator Abruzzo—

SB 788—A bill to be entitled An act relating to criminal gang prevention; amending s. 810.0975, F.S.; providing enhanced criminal penalties for certain trespassing offenses in school safety zones by a person convicted of certain gang-related offenses; amending s. 874.05, F.S.; providing enhanced criminal penalties for a person who intentionally causes, encourages, solicits, or recruits another person under a specified age to become a criminal gang member in certain circumstances; amending s. 951.23, F.S.; authorizing county and municipal detention facilities to designate an individual to be responsible for assessing whether each inmate is a criminal gang member or associate; providing duties of such individuals; amending ss. 435.04 and 921.0022, F.S.; conforming cross-references and assigning offense severity rankings for violations of s. 874.05, F.S.; amending s. 921.0024, F.S.; revising the criteria for application of the sentencing multiplier for offenses related to criminal gangs; limiting application of the multiplier if application would result in the lowest permissible sentence exceeding the statutory maximum sentence; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 788**, on motion by Senator Abruzzo, by two-thirds vote **HB 407** was withdrawn from the Committees on Criminal Justice; Community Affairs; Appropriations Subcommittee on Criminal and Civil Justice; and Appropriations.

On motion by Senator Abruzzo—

HB 407—A bill to be entitled An act relating to criminal gang prevention; amending s. 810.0975, F.S.; providing enhanced criminal penalties for certain trespassing offenses in school safety zones by a person convicted of certain gang-related offenses; amending s. 874.05, F.S.; providing enhanced criminal penalties for a person who intentionally causes, encourages, solicits, or recruits another person under a specified age to become a criminal gang member in certain circumstances; amending s. 951.23, F.S.; authorizing county and municipal detention facilities to designate an individual to be responsible for assessing whether each inmate is a criminal gang member or associate; providing duties of such individuals; amending ss. 435.04 and 921.0022, F.S.; conforming cross-references and assigning offense severity rankings for violations of s. 874.05, F.S.; amending s. 921.0024, F.S.; revising the criteria for application of the sentencing multiplier for offenses related to criminal gangs; limiting application of the multiplier if application would result in the lowest permissible sentence exceeding the statutory maximum sentence; providing an effective date.

—a companion measure, was substituted for **SB 788** and read the second time by title.

Pursuant to Rule 4.19, **HB 407** was placed on the calendar of Bills on Third Reading.

SB 936—A bill to be entitled An act relating to the Holocaust Victims Assistance Act; amending s. 626.9543, F.S.; revising the short title; broadening the act to include financial claims and assets and other property, and to address the effect of nonpayment of claims or nonreturn of property on victims; deleting a time limitation on insurers for providing certain information to the Department of Financial Services and requiring insurers to provide a report under certain circumstances; revising the content and timing of the annual report to the Legislature; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 936**, on motion by Senator Lee, by two-thirds vote **HB 913** was withdrawn from the Committees on Banking and Insurance; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Lee—

HB 913—A bill to be entitled An act relating to the Holocaust Victims Assistance Act; amending s. 626.9543, F.S.; revising the short title; broadening the act to include financial claims and assets and other property, and to address the effect of nonpayment of claims or nonreturn of property on victims; deleting a time limitation on insurers for providing certain information to the Department of Financial Services and requiring insurers to provide a report under certain circumstances; revising the content and timing of the annual report to the Legislature; providing an effective date.

—a companion measure, was substituted for **SB 936** and read the second time by title.

Pursuant to Rule 4.19, **HB 913** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dean—

CS for SB 938—A bill to be entitled An act relating to recreational vehicle parks; amending s. 513.01, F.S.; defining the term "occupancy"; creating s. 513.1115, F.S.; providing requirements for the establishment of separation and setback distances in parks; repealing s. 513.111, F.S., relating to the posting of site rental rates, advertising, and penalties; providing an effective date.

—was read the second time by title.

Senator Dean moved the following amendment which was adopted:

Amendment 1 (224816) (with title amendment)—Between lines 12 and 13 insert:

Section 1. This act may be cited as "The Jim Tillman Act."

And the title is amended as follows:

Delete line 3 and insert: providing a short title; amending s. 513.01, F.S.; defining the term

Pursuant to Rule 4.19, **CS for SB 938** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Grimsley—

CS for SB 948—A bill to be entitled An act relating to water supply; amending s. 373.701, F.S.; providing a legislative declaration that efforts to adequately and dependably meet water needs require the cooperation of utility companies, private landowners, water consumers, and the Department of Agriculture and Consumer Services; amending s. 373.703, F.S.; providing that the governing board of a water management district shall assist self-suppliers, among others, in meeting water supply demands in a manner that will give priority to encouraging conservation and reducing adverse environmental effects; providing that the governing board of a water management district may contract with

self-suppliers for the purpose of carrying out its powers; amending s. 373.709, F.S.; providing that certain planning by the governing board of a water management district must be conducted in coordination and cooperation with the Department of Agriculture and Consumer Services, among other interested parties; requiring that certain agricultural demand projections be based upon the best available data and providing considerations to determine the best available data; requiring certain information if there is a deviation from the data provided by the Department of Agriculture and Consumer Services; authorizing certain users to propose specific projects for inclusion in the list of water supply development project options; removing references to alternative water supply projects; requiring water management districts to assist in developing multijurisdictional approaches to water supply project development jointly with affected self-suppliers in certain areas; amending s. 570.076, F.S.; conforming a cross-reference; amending s. 570.085, F.S.; requiring the Department of Agriculture and Consumer Services to establish an agricultural water supply planning program that includes certain data; providing criteria for development of data; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 948** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 1040—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; transferring, redesignating, and amending s. 525.09(1), F.S.; transferring the collection of the motor fuel inspection fee from the Department of Agriculture and Consumer Services to the Department of Revenue; amending s. 206.45, F.S.; providing for the collection and distribution of the inspection fee on motor fuel; amending s. 493.6101, F.S.; revising the definition of the term “repossession”; amending s. 493.6113, F.S.; requiring licensees to submit proof of recertification training to the Department of Agriculture and Consumer Services; providing that failure to submit proof of firearm recertification training will result in license suspension and nonrenewal; amending s. 493.6116, F.S.; removing a provision that prohibits firearm licensees from sponsoring certain interns; requiring interns to conduct regulated duties within the state; amending s. 493.6118, F.S.; providing additional grounds for disciplinary action against firearm licensees; providing criminal penalties for providing fraudulent training certifications; conforming a cross-reference; amending s. 493.6120, F.S.; providing an exception to a penalty provision; amending s. 493.6121, F.S.; conforming a cross-reference; amending s. 496.405, F.S.; revising procedures and requirements with respect to the submission and processing of registration statements and renewal statements by charitable organizations and sponsors; amending s. 496.406, F.S.; providing exemption from registration requirements for certain charitable organizations and sponsors; requiring exempt charitable organizations and sponsors that solicit donations to provide information to the department; providing that the burden of proving an exemption is on the entity claiming the exemption; limiting applicability of the registration exemption; amending s. 496.407, F.S.; providing that a charitable organization or sponsor may submit certain IRS forms and schedules in lieu of a financial report; amending s. 496.409, F.S.; revising procedures and requirements with respect to the submission and processing of registration statements and renewal statements by professional fundraising consultants; amending s. 496.410, F.S.; revising procedures and requirements with respect to the submission and processing of registration statements, renewal statements, and reports by professional solicitors; amending s. 496.411, F.S.; deleting provisions that require registered charitable entities, sponsors, or solicitors to display the percentage retained from contributions; amending s. 496.415, F.S.; providing that it is unlawful to knowingly provide a misleading or inaccurate document relating to a solicitation or charitable promotion; providing criminal penalties; amending s. 496.419, F.S.; providing that certain violations constitute an immediate public threat and are grounds for suspending solicitation activities; requiring that the department report only substantiated criminal violations to a prosecuting authority; conforming cross-references; amending s. 501.016, F.S.; reducing the required security amount for health studios; amending s. 501.059, F.S.; prohibiting a person from making certain outbound telephonic sales calls; amending s. 501.603, F.S.; revising the definitions of the terms “commercial telephone solicitation” and “commercial telephone seller”; amending s. 501.604, F.S.; specifying that exemptions apply to telecommunications businesses and businesses that have operated lawfully; making technical and conform-

ing changes; amending s. 501.607, F.S.; deleting the provision requiring commercial telephone salespersons to provide employment history to the department; amending s. 501.608, F.S.; requiring that commercial telephone sellers provide the department with certain documents to aid in determining eligibility for exemptions; requiring each commercial telephone seller operating under an exemption to display or make certain documents available for inspection; providing that failure to obtain or display certain documents is grounds for action against the commercial telephone seller; amending s. 501.611, F.S.; requiring a commercial telephone seller to maintain an active security bond throughout the period of licensure; amending s. 501.615, F.S.; revising the criteria for certain exempt telephonic sales; requiring a commercial telephone seller engaged in activities regulated by ch. 721 to comply with certain disclosure obligations; amending s. 501.617, F.S.; authorizing the department to conduct regulatory inspections of commercial telephone sellers; amending s. 507.03, F.S.; requiring moving brokers to provide the department with contact information for movers with whom they have contracted for services or are affiliated; amending s. 507.07, F.S.; prohibiting movers and moving brokers from entering into certain service contracts with certain unregistered persons; amending s. 525.01, F.S.; revising the definition of the term “alternative fuels” for purposes of inspection requirements; repealing s. 525.09(2)-(4), F.S., relating to the payment and applicability of an inspection fee for testing and analyzing petroleum fuels; amending s. 525.10, F.S.; eliminating the requirement that collected fees be paid into the treasury and distributed into a specified trust fund; conforming provisions; amending s. 525.16, F.S.; requiring entities that sell or distribute certain fuels to meet fuel standards adopted by the department; providing a release of liability for certain entities who supply and blend fuels that meet department standards; amending s. 526.141, F.S.; providing that certain entities are not liable for damages resulting from the incompatible use of motor fuels under certain circumstances; amending s. 527.01, F.S.; providing a definition for the term “license year” as it relates to the sale of petroleum gas; amending s. 527.0201, F.S.; revising examination requirements for applicants seeking certain licenses; revising continuing education requirements for specified qualifiers; amending s. 527.03, F.S.; revising the renewal procedure for certain licenses; amending s. 531.415, F.S.; conforming a cross-reference; amending s. 531.61, F.S.; exempting certain commercial weights and measures devices from permit requirements; conforming a cross-reference; amending chapter 2009-66, Laws of Florida; extending the expiration date of certain statutes related to commercial weights and measures; amending s. 539.001, F.S.; revising fingerprinting requirements for a pawnbroker license application; amending s. 559.802, F.S.; requiring franchisors to provide notice of the franchise sale on a department promulgated form; amending s. 559.803, F.S.; deleting provisions allowing and requiring sellers of business opportunities to file federal disclosure statements with the department; repealing s. 559.805, F.S., relating to mandatory filings and disclosure of advertisement identification numbers by sellers of business opportunities; repealing s. 559.807(2), F.S., relating to bonds or securities for business opportunity sellers; amending s. 559.813, F.S.; deleting a provision authorizing the department to impose specified penalties for certain violations relating to selling business opportunities; abrogating the enforcement and rulemaking authority of the Department of Agriculture and Consumer Services; amending s. 559.815, F.S.; conforming a cross-reference; amending s. 559.9221, F.S.; revising the membership of the Motor Vehicle Repair Advisory Council; amending s. 616.242, F.S.; revising amusement ride insurance coverage requirements; amending s. 721.20, F.S.; requiring specified persons who sell timeshare plans to be licensed as commercial telephone sellers or salespersons under ch. 501, F.S.; providing for severability; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1040**, on motion by Senator Stargel, by two-thirds vote **CS for CS for HB 7023** was withdrawn from the Committees on Commerce and Tourism; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Stargel—

CS for CS for HB 7023—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; transferring, redesignating, and amending s. 525.09(1), F.S.; transferring collection of a motor fuel inspection fee from the Department of Agriculture and Consumer Services to the Department of Revenue; amending s. 493.6101, F.S.; revising the definition of the term “repossession”; amending s. 493.6113, F.S.; revising firearms recertification training requirements

for specified licenses of the private security, private investigative, and repossession industries; amending s. 493.6116, F.S.; deleting a provision prohibiting specified licensees from sponsoring certain interns; requiring interns to perform regulated duties within the state; amending s. 493.6118, F.S.; providing additional grounds for disciplinary action against firearm licensees; amending s. 493.6120, F.S.; providing criminal penalties for a person who knowingly obtains a fraudulent document declaring a licensure applicant to have completed specified training; amending s. 496.405, F.S.; revising procedures and requirements with respect to the submission and processing of registration statements and renewal statements by charitable organizations and sponsors; amending s. 496.406, F.S.; exempting specified organizations and sponsors from filing a registration statement; requiring exempt organizations and sponsors to file specified documents; providing for applicability; amending s. 496.407, F.S.; revising financial reporting requirements; amending s. 496.409, F.S.; revising registration procedures and requirements for professional fundraising consultants; amending s. 496.410, F.S.; revising registration procedures and requirements for professional solicitors; amending s. 496.411, F.S.; revising the information required to be displayed on specified solicitation materials; amending s. 496.415, F.S.; revising a provision prohibiting specified persons from submitting false, misleading, or inaccurate information related to a solicitation or a charitable or sponsor sales promotion; amending s. 496.419, F.S.; revising the responsibility of the Department of Agriculture and Consumer Services to report specified criminal violations; authorizing the department to issue a cease and desist order for specified violations; amending s. 501.016, F.S.; revising the amount of a surety bond, letter of credit, or guaranty agreement furnished to the department by a health studio; amending s. 501.059, F.S.; prohibiting a telephone solicitor from calling certain consumers; amending s. 501.603, F.S.; conforming a cross-reference; revising definitions; amending s. 501.604, F.S.; revising exemptions from specified provisions of the Florida Telemarketing Act; amending s. 501.607, F.S.; revising salesperson application requirements; amending s. 501.608, F.S.; requiring commercial telephone sellers seeking an affidavit of exemption to provide the department with certain information at the department's request; requiring licensees and exempt persons to display certain documentation; authorizing the department to issue a cease and desist order and to order a salesperson to leave an office if the salesperson is unable to properly display or produce a license or a receipt of filing of an affidavit of exemption; amending s. 501.611, F.S.; providing that a surety bond filed with the department by a commercial telephone seller remains in force for a specified period; amending s. 501.615, F.S.; revising the contract requirements and restrictions on telephonic sales by commercial telephone sellers; amending s. 501.617, F.S.; authorizing an enforcing authority to conduct regulatory inspections; amending s. 507.03, F.S.; requiring moving brokers to provide certain information at the request of the department; amending s. 507.07, F.S.; prohibiting movers and moving brokers from entering into certain service contracts with certain unregistered persons; amending s. 525.01, F.S.; revising the definition of the term "alternative fuel"; repealing s. 525.09(2)-(4), F.S., relating to the payment and applicability of an inspection fee for testing and analyzing petroleum fuels; amending s. 525.10, F.S.; deleting a provision requiring certain moneys to be paid into the State Treasury before being deposited into a specified trust fund; amending s. 525.16, F.S.; requiring entities that sell or distribute certain fuels to meet fuel standards adopted by the department; providing a release of liability for certain entities who supply and blend fuels that meet department standards; amending s. 526.141, F.S.; providing that certain entities are not liable for damages resulting from the use of incompatible motor fuels under certain circumstances; amending s. 527.01, F.S.; defining the term "license year" applicable to certain liquefied petroleum gas licenses; amending s. 527.0201, F.S.; revising examination requirements for applicants seeking certain licenses; revising continuing education requirements for specified qualifiers; amending s. 527.03, F.S.; revising the requirements and procedure for renewal of liquefied petroleum gas licenses; amending s. 531.415, F.S.; revising a provision exempting certain petroleum equipment from specified fees; amending s. 531.61, F.S.; revising a provision exempting certain devices from permitting requirements; creating s. 531.67, F.S., and repealing s. 40, ch. 2009-66, Laws of Florida, relating to permits for weights and measures instruments or devices, to provide for codification in the Florida Statutes of the expiration of specified provisions and extending the expiration date; amending s. 539.001, F.S.; revising fingerprinting requirements for a pawnbroker license application; amending s. 559.802, F.S.; requiring a specified notice to be filed on a form adopted by the department; amending s. 559.803, F.S.; revising the requirements of the mandatory

written disclosure statement provided to purchasers of business opportunities; repealing s. 559.805, F.S., relating to mandatory filings and disclosure of advertisement identification numbers by sellers of business opportunities; amending s. 559.807, F.S.; deleting a provision providing for the use of certain securities requirements relating to selling business opportunities; amending s. 559.813, F.S.; deleting a provision authorizing the department to impose specified penalties for certain violations relating to selling business opportunities; deleting a provision authorizing the department to adopt rules; deleting a provision naming the department as an enforcing authority; amending s. 559.815, F.S.; conforming provisions to changes made by the act; amending s. 559.9221, F.S.; revising the membership of the Motor Vehicle Repair Advisory Council; amending s. 616.242, F.S.; revising amusement ride insurance coverage requirements; amending s. 721.20, F.S.; requiring specified persons who sell timeshare plans to be licensed as commercial telephone sellers or salespersons under ch. 501, F.S.; providing for severability; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1040** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 7023** was placed on the calendar of Bills on Third Reading.

On motion by Senator Flores—

CS for CS for SB 1094—A bill to be entitled An act relating to home health agencies; amending s. 400.474, F.S.; revising the requirements for the quarterly reporting by a home health agency of certain data submitted to the Agency for Health Care Administration; imposing a fine for failure to timely submit the quarterly report; providing an exemption to the submission of the report and imposition of the fine; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1094** was placed on the calendar of Bills on Third Reading.

SB 1330—A bill to be entitled An act relating to licensed security officers; amending s. 493.6120, F.S.; providing penalties for an unlicensed person who engages in an activity for which ch. 493, F.S., requires a license; providing an exception; providing penalties if a person commits a felony while impersonating a security officer, private investigator, recovery agent, or other person required to have a license under ch. 493, F.S.; creating s. 493.631, F.S.; defining terms; authorizing a licensed security officer or licensed security agency manager to detain a person on the premises of a critical infrastructure facility in certain circumstances; providing procedures and requirements with respect thereto; authorizing the security officer or security agency manager to search the person detained under certain circumstances; providing identification requirements for certain licensed security officers and security agency managers; providing immunity to law enforcement officers, licensed security officers, and licensed security agency managers under certain circumstances; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1330**, on motion by Senator Latvala, by two-thirds vote **HB 875** was withdrawn from the Committees on Criminal Justice; Appropriations Subcommittee on Criminal and Civil Justice; and Appropriations.

On motion by Senator Latvala—

HB 875—A bill to be entitled An act relating to licensed security officers; amending s. 493.6120, F.S.; providing penalties for an unlicensed person who engages in an activity for which ch. 493, F.S., requires a license; providing an exception; providing penalties if a person commits a felony while impersonating a security officer, private investigator, recovery agent, or other person required to have a license under ch. 493, F.S.; creating s. 493.631, F.S.; defining terms; authorizing a licensed security officer or licensed security agency manager to detain a person on the premises of a critical infrastructure facility in certain circumstances; providing procedures and requirements with respect thereto; authorizing the security officer or security agency manager to

search the person detained under certain circumstances; providing identification requirements for certain licensed security officers and security agency managers; providing immunity to law enforcement officers, licensed security officers, and licensed security agency managers under certain circumstances; providing an effective date.

—a companion measure, was substituted for **SB 1330** and read the second time by title.

Pursuant to Rule 4.19, **HB 875** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1628** was deferred.

CS for CS for CS for SB 436—A bill to be entitled An act relating to residential properties; amending s. 399.02, F.S.; exempting certain elevators from specific code update requirements; amending s. 718.111, F.S.; revising requirements for an association's approval of land purchases and recreational leases; revising reconstruction costs for which unit owners are responsible and authorizing the costs to be collected in a specified manner; requiring an association to repair or replace as a common expense certain condominium property damaged by an insurable event; requiring an association to allow a member or the member's representative to use certain portable devices to make electronic copies of association records; prohibiting the association from charging the member or representative for using the portable device; authorizing a condominium association to print and distribute a member directory under certain conditions; revising requirements for the preparation of an association's annual financial statement; amending s. 718.112, F.S.; revising terms of members of an association's board of administrators and revising eligibility criteria for candidates; revising condominium unit owner meeting notice requirements; providing for nonapplicability to associations governing timeshare condominiums of certain provisions relating to elections of board members; revising recordkeeping requirements of a condominium association board; requiring commencement of challenges to an election within a specified period; providing requirements for challenging the failure of a board to duly notice and hold the required board meeting or to file the required petition for a recall; providing requirements for recalled board members to challenge the recall; prohibiting the Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation from accepting recall petitions for filing under certain circumstances; amending s. 718.113, F.S.; providing requirements for a condominium association board relating to the installation of hurricane shutters, impact glass, code-compliant windows or doors, and other types of code-compliant hurricane protection under certain circumstances; amending s. 718.115, F.S.; conforming provisions to changes made by the act; amending s. 718.303, F.S.; revising provisions relating to imposing remedies against a noncompliant or delinquent condominium unit owner or member; amending s. 718.403, F.S.; providing requirements for the completion of phase condominiums; creating s. 718.406, F.S.; providing definitions; providing requirements for condominiums created within condominium parcels; providing for the establishment of primary condominium and secondary condominium units; providing requirements for association declarations; authorizing a primary condominium association to provide insurance and adopt hurricane shutter or hurricane protection specifications under certain conditions; providing requirements relating to assessments; providing for resolution of conflicts between primary condominium declarations and secondary condominium declarations; providing requirements relating to common expenses due the primary condominium association; amending s. 718.5011, F.S.; revising the restriction on officers and full-time employees of the ombudsman from engaging in other businesses or professions; amending s. 719.104, F.S.; providing requirements for the maintenance of the official records of the association; authorizing records to be made available to unit owners in an electronic format; providing a civil penalty for the denial of a request to view records; requiring an association to allow a member or the member's authorized representative to use certain portable devices to make electronic copies of association records; prohibiting the association from charging the member or authorized representative for using the portable device; authorizing a cooperative association to print and distribute a member directory under certain conditions; specifying additional records that are not accessible to unit owners; amending s. 719.1055, F.S.; revising provisions relating to the amendment of cooperative documents; providing legislative findings and a

finding of compelling state interest; providing criteria for consent or joinder to an amendment; requiring notice regarding proposed amendments to mortgagees; providing criteria for notification; providing for voiding certain amendments; amending s. 719.106, F.S.; revising applicability of certain board of administration meeting requirements; requiring commencement of challenges to an election within a specified period; specifying certification or educational requirements for a newly elected or appointed cooperative board director; providing requirements for challenging the failure of a board to duly notice and hold the required board meeting or to file the required petition for a recall; providing requirements for recalled board members to challenge the recall; prohibiting the division from accepting recall petitions for filing under certain circumstances; providing education requirements for board members; amending s. 719.303, F.S.; revising provisions relating to imposing remedies against a noncompliant or delinquent cooperative unit owner or member; amending s. 719.501, F.S.; authorizing the division to provide training and educational programs for cooperative association board members and unit owners; amending s. 720.303, F.S.; requiring an association to allow a member or the member's representative to use certain portable devices to make electronic copies of association records; prohibiting the association from charging the member or representative for using the portable device; authorizing a homeowners' association to print and distribute a member directory under certain conditions; revising requirements for the preparation of an association's annual financial statement; revising the types of records that are not accessible to homeowners' association members and parcel owners; providing requirements for challenging the failure of a board to duly notice and hold the required board meeting or to file the required petition for a recall; providing requirements for recalled board members to challenge the recall; prohibiting the division from accepting recall petitions for filing under certain circumstances; amending s. 720.305, F.S.; revising provisions relating to imposing remedies against a noncompliant or delinquent homeowners' association member and parcel owner; amending s. 720.306, F.S.; revising provisions relating to the amendment of homeowners' association declarations; providing legislative findings and a finding of compelling state interest; providing criteria for consent or joinder to an amendment; requiring notice to mortgagees regarding proposed amendments; providing criteria for notification; providing for voiding certain amendments; revising provisions relating to right to speak at a homeowners' association meeting; requiring commencement of challenges to an election within a specified period; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 436**, on motion by Senator Altman, by two-thirds vote **CS for CS for CS for HB 73** was withdrawn from the Committees on Regulated Industries; Judiciary; and Appropriations.

On motion by Senator Altman—

CS for CS for CS for HB 73—A bill to be entitled An act relating to residential properties; amending s. 399.02, F.S.; exempting certain elevators from specific code update requirements; amending s. 718.111, F.S.; revising requirements for an association's approval of land purchases and recreational leases; revising reconstruction costs for which unit owners are responsible and authorizing the costs to be collected in a specified manner; requiring an association to allow a member or the member's representative to use certain portable devices to make electronic copies of association records; prohibiting the association from charging the member or representative for using the portable device; authorizing a condominium association to print and distribute a member directory under certain conditions; revising requirements for the preparation of an association's annual financial statement; amending s. 718.112, F.S.; revising terms of members of an association's board of administrators and revising eligibility criteria for candidates; revising condominium unit owner meeting notice requirements; providing for nonapplicability to associations governing timeshare condominiums of certain provisions relating to elections of board members; revising recordkeeping requirements of a condominium association board; requiring commencement of challenges to an election within a specified period; providing requirements for challenging the failure of a board to duly notice and hold the required board meeting or to file the required petition for a recall; providing requirements for recalled board members to challenge the recall; prohibiting the Division of Florida Condominiums, Timeshares, and

Mobile Homes of the Department of Business and Professional Regulation from accepting recall petitions for filing under certain circumstances; amending s. 718.113, F.S.; providing requirements for a condominium association board relating to the installation of hurricane shutters, impact glass, code-compliant windows or doors, and other types of code-compliant hurricane protection under certain circumstances; amending s. 718.115, F.S.; conforming provisions to changes made by the act; amending s. 718.303, F.S.; revising provisions relating to imposing remedies against a noncompliant or delinquent condominium unit owner or member; amending s. 718.403, F.S.; providing requirements for the completion of phase condominiums; creating s. 718.406, F.S.; providing definitions; providing requirements for condominiums created within condominium parcels; providing for the establishment of primary condominium and secondary condominium units; providing requirements for association declarations; authorizing a primary condominium association to provide insurance and adopt hurricane shutter or hurricane protection specifications under certain conditions; providing requirements relating to assessments; providing for resolution of conflicts between primary condominium declarations and secondary condominium declarations; providing requirements relating to common expenses due the primary condominium association; amending s. 718.5011, F.S.; revising the restriction on officers and full-time employees of the ombudsman from engaging in other businesses or professions; amending s. 719.104, F.S.; providing requirements for the maintenance of the official records of the association; authorizing records to be made available to unit owners in an electronic format; providing a civil penalty for the denial of a request to view records; requiring an association to allow a member or the member's authorized representative to use certain portable devices to make electronic copies of association records; prohibiting the association from charging the member or authorized representative for using the portable device; authorizing a cooperative association to print and distribute a member directory under certain conditions; specifying additional records that are not accessible to unit owners; amending s. 719.1055, F.S.; revising provisions relating to the amendment of cooperative documents; providing legislative findings and a finding of compelling state interest; providing criteria for consent or joinder to an amendment; requiring notice regarding proposed amendments to mortgagees; providing criteria for notification; providing for voiding certain amendments; amending s. 719.106, F.S.; revising applicability of certain board of administration meeting requirements; requiring commencement of challenges to an election within a specified period; specifying certification or educational requirements for a newly elected or appointed cooperative board director; providing requirements for challenging the failure of a board to duly notice and hold the required board meeting or to file the required petition for a recall; providing requirements for recalled board members to challenge the recall; prohibiting the division from accepting recall petitions for filing under certain circumstances; providing education requirements for board members; amending s. 719.303, F.S.; revising provisions relating to imposing remedies against a noncompliant or delinquent cooperative unit owner or member; amending s. 719.501, F.S.; authorizing the division to provide training and educational programs for cooperative association board members and unit owners; amending s. 720.303, F.S.; requiring an association to allow a member or the member's representative to use certain portable devices to make electronic copies of association records; prohibiting the association from charging the member or representative for using the portable device; authorizing a homeowners' association to print and distribute a member directory under certain conditions; revising requirements for the preparation of an association's annual financial statement; revising the types of records that are not accessible to homeowners' association members and parcel owners; providing requirements for challenging the failure of a board to duly notice and hold the required board meeting or to file the required petition for a recall; providing requirements for recalled board members to challenge the recall; prohibiting the division from accepting recall petitions for filing under certain circumstances; amending s. 720.305, F.S.; revising provisions relating to imposing remedies against a noncompliant or delinquent homeowners' association member and parcel owner; amending s. 720.306, F.S.; revising provisions relating to the amendment of homeowners' association declarations; providing legislative findings and a finding of compelling state interest; providing criteria for consent or joinder to an amendment; requiring notice to mortgagees regarding proposed amendments; providing criteria for notification; providing for voiding certain amendments; revising provisions relating to right to speak at a homeowners' association meeting; requiring commencement of challenges to an election within a specified period; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 436** 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 Abruzzo moved the following amendment which failed:

Amendment 1 (569570) (with directory amendment)—Between lines 184 and 185 insert:

(f) Every property insurance policy issued or renewed on or after January 1, 2009, for the purpose of protecting the condominium must provide primary coverage for:

1. All portions of the condominium property as originally installed or replacement of like kind and quality, in accordance with the original plans and specifications.

2. All alterations or additions made to the condominium property or association property pursuant to s. 718.113(2).

3. The coverage must exclude all personal property within the unit or limited common elements; ~~drywall, and~~ floor, wall, and ceiling coverings; electrical fixtures; appliances; water heaters; water filters; built-in cabinets and countertops; and window treatments, including curtains, drapes, blinds, hardware, and similar window treatment components. *The coverage must also exclude, or* replacements of any of the foregoing which are located within the boundaries of the unit and serve only such unit. Such property and any insurance thereupon is the responsibility of the unit owner.

And the directory clause is amended as follows:

Delete line 164 and insert:

Section 2. Subsection (8), paragraphs (f), (g), and (j) of

Pursuant to Rule 4.19, **CS for CS for CS for HB 73** was placed on the calendar of Bills on Third Reading.

CS for SB 546—A bill to be entitled An act relating to targeted economic development; amending s. 288.9625, F.S.; expanding the purpose of the Institute for the Commercialization of Public Research to include the commercialization of products developed by an innovation business; authorizing the institute to create corporate subsidiaries; providing conditions under which the institute may develop or accrue certain interests in companies or products; specifying conditions under which the institute may deliver and charge for services; expanding the institute's reporting requirements to include information on assistance given to an innovation business; creating s. 288.96255, F.S.; requiring that the institute create the Florida Technology Seed Capital Fund; providing for the purpose of the fund; providing for certain administrative costs of the fund; requiring professional managers to manage the fund; providing for an investor advisory board to advise and guide the managers and to make funding recommendations; requiring the institute to administer the fund and providing criteria for its administration; providing for responsibilities of the institute; providing for an annual evaluation of the activities and results of funding; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 546**, on motion by Senator Ring, by two-thirds vote **CS for HB 705** was withdrawn from the Committees on Commerce and Tourism; Governmental Oversight and Accountability; and Appropriations.

On motion by Senator Ring—

CS for HB 705—A bill to be entitled An act relating to targeted economic development; amending s. 288.9625, F.S.; expanding the purpose of the Institute for the Commercialization of Public Research to include the commercialization of products developed by an innovation business; authorizing the institute to create corporate subsidiaries; providing conditions under which the institute may develop or accrue certain interests in companies or products; specifying conditions under which the institute may deliver and charge for services; expanding the institute's reporting requirements to include information on assistance

given to an innovation business; creating s. 288.96255, F.S.; requiring that the institute create the Florida Technology Seed Capital Fund; providing for the purpose of the fund; requiring professional managers to manage the fund; providing for an investor advisory board to advise and guide the managers and to make funding recommendations; providing for certain administrative costs of the fund; requiring the institute to administer the fund and providing criteria for its administration; providing for responsibilities of the institute; providing for an annual evaluation of the activities and results of funding; providing an effective date.

—a companion measure, was substituted for **CS for SB 546** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 705** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 770** was deferred.

CS for SB 842—A bill to be entitled An act relating to premises inspections; amending s. 509.032, F.S.; requiring the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to adopt rules for a risk-based inspection frequency for licensed public food service establishments; providing criteria; conforming terminology; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 842**, on motion by Senator Stargel, by two-thirds vote **CS for HB 795** was withdrawn from the Committees on Regulated Industries; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Stargel—

CS for HB 795—A bill to be entitled An act relating to premises inspections; amending s. 509.032, F.S.; requiring the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to adopt rules for a risk-based inspection frequency for licensed public food service establishments; providing criteria; conforming terminology; providing an effective date.

—a companion measure, was substituted for **CS for SB 842** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 795** was placed on the calendar of Bills on Third Reading.

CS for SB 852—A bill to be entitled An act relating to real estate brokers and appraisers; amending s. 475.215, F.S.; providing a qualifying condition for the issuance of additional licenses to a licensed broker; providing grounds for the Florida Real Estate Commission to deny multiple license requests; providing for applicability and effect of certain final orders of discipline on primary and multiple licenses held by a broker; amending s. 475.611, F.S.; revising the definition of the term “supervisory appraiser”; amending s. 475.612, F.S.; revising a provision specifying from whom a registered trainee appraiser may receive compensation; amending s. 475.615, F.S.; revising certain exceptions from provisions specifying that certain applicants for certification or registration as an appraiser or trainee appraiser are not deemed to be qualified for such certification or registration; revising the dated version of certain requirements adopted by the Appraiser Qualifications Board of the Appraisal Foundation based upon which the Florida Real Estate Appraisal Board is authorized to waive or modify certain education, experience, or examination requirements applicable to certified appraisers and registered trainee appraisers; amending s. 475.6221, F.S.; deleting authority for a licensed appraiser to act as the direct supervisor of a registered trainee real estate appraiser; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for SB 852**, on motion by Senator Bean, by two-thirds vote **CS for CS for HB 667** was withdrawn from the Committees on Regulated Industries; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Bean—

CS for CS for HB 667—A bill to be entitled An act relating to real estate brokers and appraisers; amending s. 475.215, F.S.; providing a qualifying condition for the issuance of additional licenses to a licensed broker; providing grounds for the Florida Real Estate Commission to deny multiple license requests; providing for applicability and effect of certain final orders of discipline on primary and multiple licenses held by a broker; amending s. 475.611, F.S.; revising the definition of the term “supervisory appraiser”; amending s. 475.612, F.S.; conforming a provision to changes made by the act; amending s. 475.615, F.S.; revising the dated version of certain requirements adopted by the Appraiser Qualifications Board of the Appraisal Foundation based upon which the Florida Real Estate Appraisal Board is authorized to waive or modify certain education, experience, or examination requirements applicable to certified appraisers and registered trainee appraisers; revising certain exceptions from provisions specifying that certain applicants for certification or registration as an appraiser or trainee appraiser are not deemed to be qualified for such certification or registration; amending s. 475.6221, F.S.; deleting authority for a licensed appraiser to act as the direct supervisor of a registered trainee real estate appraiser; providing effective dates.

—a companion measure, was substituted for **CS for SB 852** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 667** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 928—A bill to be entitled An act relating to community development; amending s. 159.603, F.S.; modifying the definition of “qualifying housing development”; amending s. 159.608, F.S.; revising the power of a housing finance authority to make loans directly to eligible persons; amending s. 196.1978, F.S.; deleting an ad valorem tax exemption for property owned by certain Florida-based limited partnerships and used for affordable housing for certain income-qualified persons; amending s. 420.507, F.S.; revising the powers of the Florida Housing Finance Corporation; specifying how the corporation will allocate certain funds; directing the corporation to adopt rules prioritizing affordable housing projects in the Florida Keys; amending s. 420.5087, F.S.; revising provisions relating to state apartment incentive loans to provide for a competitive evaluation and selection process with respect to loan applications; amending s. 420.511, F.S.; providing that the corporation’s strategic business plan must be consistent with a long-range program plan relating to affordable housing; deleting a requirement that the corporation compile certain data; revising provisions relating to the corporation’s development of its long-range plan; revising the required contents and information to be included in the corporation’s annual report; requiring the corporation to submit separate audited financial statements that include specified information and incorporate certain reports; requiring the Auditor General to conduct an operational audit of the corporation and provide a written report to the Legislature; amending ss. 420.0003, 420.0006, 420.504, and 420.506, F.S.; conforming provisions to changes made by this act; repealing s. 420.5091, F.S., relating to the HOPE program; providing for retroactive application; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 928** to **CS for CS for HB 437**.

Pending further consideration of **CS for CS for SB 928** as amended, on motion by Senator Simpson, by two-thirds vote **CS for CS for HB 437** was withdrawn from the Committees on Community Affairs; Appropriations Subcommittee on Finance and Tax; and Appropriations.

On motion by Senator Simpson—

CS for CS for HB 437—A bill to be entitled An act relating to community development; amending s. 159.603, F.S.; revising the definition of “qualifying housing development”; amending s. 159.608, F.S.; revising the power of a housing finance authority to make loans directly to eligible persons; amending s. 196.1978, F.S.; deleting an ad valorem tax exemption for property owned by certain Florida-based limited partnerships and used for affordable housing for certain income-qualified persons; providing for retroactive application; amending s. 420.507, F.S.;

revising the powers of the Florida Housing Finance Corporation; specifying how the corporation will allocate certain funds; amending s. 420.5087, F.S.; revising provisions relating to state apartment incentive loans to provide for a competitive evaluation and selection process with respect to loan applications; amending s. 420.511, F.S.; providing that the corporation's strategic business plan must be consistent with a long-range program plan relating to affordable housing; deleting a requirement that the corporation compile certain data; revising provisions relating to the corporation's development of its long-range plan; revising the required contents and information to be included in the corporation's annual report; requiring the corporation to submit separate audited financial statements that include specified information and incorporate certain reports; requiring the Auditor General to conduct an operational audit of the corporation and provide a written report to the Legislature; amending ss. 420.0003, 420.0006, 420.504, and 420.506, F.S.; conforming provisions to changes made by this act; repealing s. 420.5091, F.S., relating to the federal Homeownership and Opportunity for People Everywhere (HOPE) program; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 928** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 437** was placed on the calendar of Bills on Third Reading.

On motion by Senator Detert—

CS for SB 1036—A bill to be entitled An act relating to independent living; amending s. 39.013, F.S.; providing that when the court obtains jurisdiction over a child who has been found to be dependent, the court retains jurisdiction until the child reaches 21 years of age; providing exceptions; amending s. 39.6013, F.S.; conforming a cross reference; creating s. 39.6035, F.S.; requiring the Department of Children and Families, the community-based care provider, and others to assist a child in developing a transition plan after the child reaches 17 years of age and requiring a meeting to develop the plan; specifying requirements and procedures for the transition plan; requiring periodic review of the transition plan; requiring the court to approve the transition plan before the child leaves foster care and the court terminates jurisdiction; creating s. 39.6251, F.S.; providing definitions; providing that a young adult may remain in foster care under certain circumstances after attaining 18 years of age; specifying criteria for extended foster care; providing that the permanency goal for a young adult who chooses to remain in care is transition from care to independent living; specifying dates for eligibility for a young adult to remain in extended foster care; providing for supervised living arrangements in extended foster care; authorizing a young adult to return to foster care under certain circumstances; specifying services that must be provided to the young adult; directing the court to retain jurisdiction and hold review hearings; amending s. 39.701, F.S.; revising judicial review of foster care cases; making technical changes; providing criteria for review hearings for children younger than 18 years of age; providing criteria for review hearings for children 17 years of age; requiring the department to verify that the child has certain documents; requiring the department to update the case plan; providing for review hearings for young adults in foster care; amending s. 409.145, F.S.; requiring the department to develop and implement a system of care for children in foster care; specifying the goals of the foster care system; requiring the department to assist foster care caregivers to achieve quality parenting; specifying the roles and responsibilities of caregivers, the department, and others; providing for transition from a caregiver; requiring information sharing; providing for the adoption and use of a "reasonable and prudent parent" standard; defining terms; providing for the application for the standard of care; providing for limiting liability of caregivers; specifying foster care room and board rates; authorizing community-based care service providers to pay a supplemental monthly room and board payment to foster parents for providing certain services; directing the department to adopt rules; deleting obsolete provisions; amending s. 409.1451, F.S.; providing for the Road-to-Independence program; providing legislative findings and intent; providing for postsecondary services and supports; specifying aftercare services; providing for appeals of a determination of eligibility; providing for portability of services across county lines and between lead agencies; providing for accountability; creating the Independent Living Services Advisory Council; providing for membership and specifying the duties and functions of the council; requiring reports and recommendations; directing the department to adopt rules; amending s. 409.175; allowing for young adults remaining in care to be

considered in total number of children placed in a foster home; amending s. 409.903, F.S.; conforming a cross-reference; directing the Department of Children and Families to work in collaboration with the Board of Governors, the Florida College System, and the Department of Education to help address the need for a comprehensive support structure in the academic arena to assist young adults who have been or remain in the foster care system; providing for a transfer of services; directing the Department of Children and Families in collaboration with the Florida Foster and Adoptive Parent Association and the Quality Parenting Initiative to develop design training for caregivers; providing effective dates.

—was read the second time by title.

Senator Detert moved the following amendments which were adopted:

Amendment 1 (748350)—Delete line 114 and insert: *requirements to remain in foster care under s. 39.6251 or chooses to leave care under that section.*

Amendment 2 (494554)—Delete line 279 and insert: *over the young adult. Notwithstanding s. 39.013(2), the court shall resume jurisdiction over the young adult if the department establishes that he or she continues to meet the eligibility requirements in this section.*

Amendment 3 (439730)—Delete line 1134 and insert:

(a) *Effective January 1, 2014, room and board rates paid to*

Amendment 4 (717626)—Delete line 1204 and insert: *s. 1003.435, or s. 1003.438;*

Amendment 5 (701220)—Delete lines 1229-1238 and insert:

2. *For a young adult who remains in foster care, is attending a postsecondary school, as provided in s. 1009.533, and continues to reside in a licensed foster home, the amount is the established room and board rate for foster parents. This takes the place of the payment provided for in s. 409.145(4).*

3. *For a young adult who remains in foster care, but temporarily resides away from a licensed foster home for purposes of attending a postsecondary school as provided in s. 1009.533, the amount is \$1,256 monthly. This takes the place of the payment provided for in s. 409.145(4).*

Amendment 6 (941108)—Delete lines 1279-1292 and insert:

3. *The department, or an agency under contract with the department, shall evaluate each Road-to-Independence award for renewal eligibility on an annual basis. In order to be eligible for a renewal award for the subsequent year, the young adult must:*

a. *Be enrolled for or have completed the number of hours, or the equivalent, to be considered a full-time student under subparagraph (a)4., unless the young adult qualifies for an exception under subparagraph (a)4.*

b. *Maintain standards of academic progress as defined by the education institution, except that if the young adult's progress is insufficient to renew the award at any time during the eligibility period, the young adult may continue to be enrolled for additional terms while attempting to restore eligibility as long as progress towards the required level is maintained.*

Amendment 7 (280686)—Delete lines 1309-1336 and insert:

(3) **AFTERCARE SERVICES.**—

(a) *Aftercare services are available to a young adult who has reached 18 years of age but is not yet 23 years of age and is:*

1. *Not in foster care.*

2. *Temporarily not receiving financial assistance under subsection (2) to pursue postsecondary education.*

(b) *Aftercare services include, but are not limited to, the following:*

1. *Mentoring and tutoring.*

2. *Mental health services and substance abuse counseling.*
3. *Life skills classes, including credit management and preventive health activities.*
4. *Parenting classes.*
5. *Job and career skills training.*
6. *Counselor consultations.*
7. *Temporary financial assistance for necessities, including, but not limited to, education supplies, transportation expenses, security deposits for rent and utilities, furnishings, household goods, and other basic living expenses.*
8. *Financial literacy skills training.*

The specific services to be provided under this paragraph shall be determined by an assessment of the young adult and may be provided by the community-based care provider or through referrals in the community.

(c) Temporary assistance provided to prevent homelessness shall be provided as expeditiously as possible and within the limitations defined by the department.

Amendment 8 (799016) (with title amendment)—Delete lines 1505-1520 and insert:

Section 10. *Effective July 1, 2013, the Department of Children and Families shall work in collaboration with the Board of Governors, the Florida College System, and the Department of Education to help address the need for a comprehensive support structure in the academic arena to assist children and young adults who have been or continue to remain in the foster care system in making the transition from a structured care system into an independent living setting. The State University System of Florida and the Florida College System shall provide postsecondary educational campus coaching positions that will be integrated into Florida College System institutions' and university institutions' general support services structure to provide current and former foster care children and young adults with dedicated, on-campus support. The Department of Children and Families has the sole discretion to determine which state college or university will offer a campus coaching position, based on departmental demographic data indicating greatest need. These campus coaching positions shall be employees of the selected educational institutions, focused on supporting children and young adults who have been or continue to remain in the foster care system. The Chancellors of the Florida College System and the Board of Governors shall report annually to the Department of Children and Families specific data, subject to privacy laws, about the children and young adults served by the campus coaches, including academic progress, retention rates for students enrolled in the program, financial aid requested and received, and information required by the National Youth in Transition Database.*

And the title is amended as follows:

Delete line 79 and insert: providing for an annual report; directing the

Amendment 9 (433864)—Delete lines 1521-1535 and insert:

Section 11. *Effective January 1, 2014, a child or young adult who is a participant in the program shall transfer to the program services provided in this act, and his or her monthly stipend may not be reduced, the method of payment of the monthly stipend may not be changed, and the young adult may not be required to change his or her living arrangement. These conditions shall remain in effect for a child or young adult until he or she ceases to meet the eligibility requirements under which he or she entered the Road-to-Independence Program. A child or young adult applying or reapplying for the Road-to-Independence Program on or after January 1, 2014, may apply for program services only as provided in this act.*

Pursuant to Rule 4.19, **CS for SB 1036** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CO-INTRODUCERS

All Senators voting yea, not previously shown as co-introducers, were recorded as co-introducers of **CS for SB 1036**.

The vote was:

Yeas—39

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

Nays—None

CS for CS for SB 1074—A bill to be entitled An act relating to state-owned or state-leased space; amending s. 216.0152, F.S.; revising provisions relating to the update of an inventory of certain facilities needing repairs or innovation maintained by the Department of Management Services; revising provisions relating to a report detailing an inventory of state-owned facilities; requiring specified entities to submit an inventory of underused property; requiring the department to adopt rules; amending s. 216.043, F.S.; requiring state agencies to explain why available underused property is not sufficient to meet their needs when requesting fixed capital outlay projects; amending s. 253.031, F.S.; clarifying that deeds may be signed by agents of the Board of Trustees of the Internal Improvement Trust Fund; amending s. 253.034, F.S.; revising provisions relating to decisions by the board to surplus lands; revising the valuation of lands that are subject to certain requirements; revising provisions requiring state entities to submit a plan if a building or parcel is offered for use to the entity; requiring the board to adopt rules; amending s. 255.248, F.S.; defining the terms “managing agency” and “tenant broker”; amending s. 255.249, F.S.; revising the responsibilities of the Department of Management Services with respect to state-owned buildings; prohibiting a state agency from leasing space in a private building under certain circumstances; requiring an agency to notify the department of an early termination of a lease within a certain timeframe; authorizing the department to direct state agencies to occupy space in a state-owned building; revising the contents of the master leasing report; authorizing state agencies to use the services of a tenant broker to provide certain information to the department; requiring the title entity or managing agency to report any vacant or underused space to the department; amending s. 255.25, F.S.; revising requirements for the construction or lease of certain building space; revising an exemption to allow certain agencies to negotiate a replacement lease under certain circumstances; amending s. 255.252, F.S.; specifying that a vendor for certain energy efficiency contracts may be selected in accordance with state procurement requirements; amending s. 255.254, F.S.; revising provisions relating to requirements for energy performance analysis for certain buildings; amending s. 255.257, F.S.; requiring all state-owned facilities to report energy consumption and cost data; creating s. 255.46, F.S.; creating the Underused Property Maximization Program in the Department of Management Services; providing legislative intent and definitions; requiring governmental entities to submit data and the department to establish an inventory of underused property; requiring governmental entities to consult such inventory and, if suitable, submit a business case to the entity that owns or occupies the property; providing for the disposition of underused property; requiring the Auditor General to include findings relating to compliance with this section in any audits; providing certain exemptions for the Board of Trustees of the Internal Improvement Trust Fund; requiring the department to adopt rules; report energy consumption and cost data; amending ss. 110.171 and 985.682, F.S.; conforming cross-references; providing an appropriation; providing effective dates.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 1074** to **CS for CS for CS for HB 1145**.

Pending further consideration of **CS for CS for SB 1074** as amended, on motion by Senator Hays, by two-thirds vote **CS for CS for CS for HB 1145** was withdrawn from the Committees on Governmental Oversight and Accountability; Environmental Preservation and Conservation; and Appropriations.

On motion by Senator Hays—

CS for CS for CS for HB 1145—A bill to be entitled An act relating to state-owned or state-leased space; amending s. 216.0152, F.S.; revising provisions relating to the update of an inventory of certain facilities needing repairs or innovation maintained by the Department of Management Services; revising provisions relating to a report detailing an inventory of state-owned facilities; amending s. 253.031, F.S.; clarifying that deeds may be signed by agents of the Board of Trustees of the Internal Improvement Trust Fund; amending s. 253.034, F.S.; revising provisions relating to decisions by the board to surplus lands; revising the valuation of lands that are subject to certain requirements; requiring a state agency to submit a plan if a building or parcel is offered for use to the agency; requiring the board of trustees to adopt rules; amending s. 255.248, F.S.; defining the terms “managing agency” and “tenant broker”; amending s. 255.249, F.S.; revising the responsibilities of the Department of Management Services with respect to state-owned buildings; prohibiting a state agency from leasing space in a private building under certain circumstances; requiring an agency to notify the department of an early termination of a lease within a certain timeframe; authorizing the department to direct state agencies to occupy space in a state-owned building; revising the contents of the master leasing report; authorizing state agencies to use the services of a tenant broker to provide certain information to the department; requiring the title entity or managing agency to report any vacant or underutilized space to the department; amending s. 255.25, F.S.; revising requirements for the construction or lease of certain building space; revising an exemption that allows certain agencies to negotiate a replacement lease under certain circumstances; amending s. 255.252, F.S.; specifying that a vendor for certain energy efficiency contracts must be selected in accordance with state procurement requirements; amending s. 255.254, F.S.; revising provisions relating to requirements for energy performance analysis for certain buildings; amending 255.257, F.S.; requiring all state-owned facilities to report energy consumption and cost data; amending ss. 110.171 and 985.682, F.S.; conforming cross-references; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 1074** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for HB 1145** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1260** was deferred.

CS for CS for SB 1140—A bill to be entitled An act relating to drug paraphernalia; amending s. 893.147, F.S.; prohibiting the retail sale of certain drug paraphernalia; providing criminal penalties; repealing s. 569.0073, F.S., relating to the retail sale of certain smoking pipes and smoking devices; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1140**, on motion by Senator Stargel, by two-thirds vote **CS for CS for HB 49** was withdrawn from the Committees on Criminal Justice; Appropriations Subcommittee on Criminal and Civil Justice; and Appropriations.

On motion by Senator Stargel—

CS for CS for HB 49—A bill to be entitled An act relating to drug paraphernalia; amending s. 893.147, F.S.; prohibiting the retail sale of certain drug paraphernalia; providing criminal penalties; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1140** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 49** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 1188—A bill to be entitled An act relating to archaeological sites and specimens; amending s. 267.12, F.S.; providing a definition for “water authority”; authorizing the Division of Historical Resources of the Department of State to issue permits for excavation, surface reconnaissance, and archaeological activities on land owned by a water authority; amending s. 267.13, F.S.; providing that specified activities relating to archaeological sites and specimens located upon land owned by a water authority are prohibited and subject to penalties; authorizing the division to impose an administrative fine on and seek injunctive relief against certain entities; amending s. 1004.56, F.S.; correcting a cross-reference; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1188**, on motion by Senator Hays, by two-thirds vote **CS for HB 975** was withdrawn from the Committees on Governmental Oversight and Accountability; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Appropriations.

On motion by Senator Hays—

CS for HB 975—A bill to be entitled An act relating to archeological sites and specimens; amending s. 267.12, F.S.; providing a definition for “water authority”; authorizing the Division of Historical Resources of the Department of State to issue permits for excavation, surface reconnaissance, and archaeological activities on land owned by a water authority; amending s. 267.13, F.S.; providing that specified activities relating to archaeological sites and specimens located upon land owned by a water authority are prohibited and subject to penalties; authorizing the division to impose an administrative fine on and seek injunctive relief against certain entities; amending s. 1004.56, F.S.; conforming a cross-reference; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1188** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 975** was placed on the calendar of Bills on Third Reading.

On motion by Senator Ring—

CS for SB 1260—A bill to be entitled An act relating to public records; amending s. 97.0585, F.S.; providing an exemption from public records requirements for the e-mail addresses of voter registration applicants and voters; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1260**, on motion by Senator Ring, by two-thirds vote **CS for HB 249** was withdrawn from the Committees on Ethics and Elections; Governmental Oversight and Accountability; and Rules.

On motion by Senator Ring, by two-thirds vote—

CS for HB 249—A bill to be entitled An act relating to public records; amending s. 97.0585, F.S.; providing an exemption from public records requirements for the e-mail addresses of voter registration applicants and voters; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **CS for SB 1260** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 249** was placed on the calendar of Bills on Third Reading.

CS for SB 1404—A bill to be entitled An act relating to the Florida Communications Fraud Act; amending s. 817.034, F.S.; establishing a statute of limitations for criminal and civil causes of actions under the act; specifying circumstances that toll the statute of limitations; amending s. 921.0022, F.S.; increasing the severity of a violation of the act for purposes of the criminal punishment code; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1404**, on motion by Senator Stargel, by two-thirds vote **CS for HB 1173** was withdrawn from the Committees on Criminal Justice; Judiciary; and Appropriations.

On motion by Senator Stargel—

CS for HB 1173—A bill to be entitled An act relating to the Florida Communications Fraud Act; amending s. 817.034, F.S.; providing a limitations period for civil and criminal actions under that act; providing that in a criminal proceeding the period does not run during any time the defendant is absent from the state or without a reasonably ascertainable place of abode or work within the state; limiting the amount of such an exception; amending s. 921.0022, F.S.; reclassifying the offense of communications fraud with a value greater than \$50,000 on the offense severity ranking chart of the Criminal Punishment Code; providing an effective date.

—a companion measure, was substituted for **CS for SB 1404** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1173** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 770—A bill to be entitled An act relating to neighborhood improvement districts; amending s. 163.506, F.S.; providing that an ordinance that creates a neighborhood improvement district may authorize the district to exercise certain powers, in addition to those already granted to such districts; specifying such powers; conditioning the exercise of those powers on resolution and referendum; providing an effective date.

—was 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 Simmons moved the following amendment which was adopted:

Amendment 1 (916808)—Delete line 32 and insert: *and by a referendum as described in s. 163.514(16), except that for commercial districts, such referendum shall be deemed approved if so approved by an affirmative vote of freeholders owning more than 50 percent of the assessed value of the properties represented by ballots cast. Bonds*

On motion by Senator Ring, further consideration of **CS for CS for SB 770** as amended was deferred.

CS for SB 1434—A bill to be entitled An act relating to law enforcement; amending ss. 125.5801 and 166.0442, F.S.; revising provisions for criminal history record checks for certain county and municipal employees and appointees; amending s. 406.145, F.S.; deleting duties of law enforcement agencies and the department relating to unidentified person reporting forms; amending s. 538.26, F.S.; limiting the number of lead-acid batteries or parts thereof that a secondary metals recycler may purchase in certain transactions in a single day; amending s. 937.021, F.S.; revising provisions relating to missing child and adult reports; amending s. 937.024, F.S.; revising provisions relating to the birth records of missing children; amending s. 937.025, F.S.; revising provisions providing criminal penalties for persons who knowingly provide false information concerning a missing child; amending s. 937.028, F.S.; revising provisions relating to fingerprints of missing persons; authorizing retention of such fingerprints entered into the statewide biometric identification system; amending s. 943.03, F.S.; revising terminology relating to documents and information systems; deleting an obsolete provision; amending s. 943.031, F.S.; correcting a reference; revising

provisions relating to meetings of the Florida Violent Crime and Drug Control Council, the Drug Control Strategy and Criminal Gang Committee, and the Victim and Witness Protection Review Committee; making specified provisions subject to legislative funding; providing for return of unexpended funds by specified recipients; amending s. 943.0435, F.S.; specifying additional items to be reported by persons required to register as sexual offenders; amending s. 943.04351, F.S.; revising requirements for searches of registration information regarding sexual predators and sexual offenders; amending s. 943.0438, F.S.; deleting an obsolete provision; amending s. 943.045, F.S.; defining the term “biometric”; revising the definition of the term “criminal justice information”; amending s. 943.05, F.S.; revising duties of the Criminal Justice Information Program; redesignating the statewide automated fingerprint identification system as the statewide automated biometric identification system; amending s. 943.051, F.S.; requiring additional information to be collected from persons charged with or convicted of specified offenses and submitted electronically to the department; providing an exception to the fingerprinting of certain juveniles; amending s. 943.052, F.S.; revising terminology relating to disposition reporting; revising information to be submitted concerning persons received by or discharged from the state correctional system or certain juveniles committed to the Department of Juvenile Justice; amending s. 943.053, F.S.; revising a reference to rules governing criminal justice information received from the Federal Government or other states; conforming terminology; amending s. 943.054, F.S.; revising provisions relating to the availability of criminal history information derived from any United States Department of Justice criminal justice information system; amending s. 943.0542, F.S.; revising terminology relating to requests for screening; authorizing rulemaking relating to payments for screening; amending s. 943.0544, F.S.; revising terminology relating to the Criminal Justice Network; amending s. 943.055, F.S.; revising provisions relating to dissemination of criminal justice information derived from department information systems; providing for audits of noncriminal justice agencies when necessary to ensure compliance with requirements; amending s. 943.056, F.S.; providing for requests for corrections of federal criminal history record information in certain circumstances; amending s. 943.0582, F.S.; increasing the period in which a minor may seek expunction of a nonjudicial arrest record following completion of a diversion program; revising language relating to a statement to the department by a state attorney concerning such an expunction request; deleting an obsolete provision; amending ss. 943.0585 and 943.059, F.S.; revising language relating to expunctions and sealing precluded by prior criminal history sealings or expunctions; authorizing persons seeking authorization for employment with or access to certain seaports to deny or fail to acknowledge certain expunged or sealed records; amending s. 943.125, F.S.; providing for accreditation of correctional facilities, public agency offices of inspectors general, and certain pretrial diversion programs; authorizing funding and support of additional accreditation programs; amending s. 943.13, F.S.; deleting a provision authorizing temporary employment of a person seeking employment as a law enforcement or correctional officer if there is an administrative delay in fingerprint processing; deleting obsolete language; amending s. 943.132, F.S.; revising references to federal qualified active or qualified retired law enforcement concealed firearms provisions; deleting a requirement that the Criminal Justice Standards and Training Commission develop a uniform firearms proficiency verification card; amending s. 943.1395, F.S.; revising language relating to investigations on behalf of the Criminal Justice Standards and Training Commission; amending s. 943.1755, F.S.; providing that the department maintains responsibility for delivering and facilitating all Florida Criminal Justice Executive Institute training; revising membership of the institute’s policy board; amending s. 943.1757, F.S.; deleting a requirement for a periodic report by the Criminal Justice Executive Institute concerning executive training needs; amending s. 943.25, F.S.; authorizing, rather than requiring, the Criminal Justice Standards and Training Commission to forward to each regional training council a list of its specific recommended priority issues or items to be funded; authorizing the commission to use computer-based testing as an assessment instrument; amending s. 943.325, F.S.; conforming a cross-reference; amending s. 943.33, F.S.; revising provisions relating to the availability to defendants of state-operated criminal analysis laboratories; specifying that defense experts and others are not authorized to be present in such laboratories or use laboratory equipment; revising provisions relating to costs of laboratory testing performed for defendants; amending s. 943.68, F.S.; revising the due date of a report detailing transportation and protective services provided by the department; amending ss. 285.18, 414.40, 447.045, 455.213, 468.453, 475.615, 493.6105, 493.6108, 494.00312, 494.00321, 494.00611,

517.12, 538.09, 538.25, 548.024, 550.105, 550.908, 551.107, 560.141, 628.906, 633.34, 744.3135, 775.21, 775.261, 790.06, 944.607, 944.608, 985.11, 985.644, 985.4815, 1002.395, 1002.421, 1012.32, and 1012.467, F.S.; 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 SB 1434**, on motion by Senator Evers, by two-thirds vote **CS for HB 585** was withdrawn from the Committees on Criminal Justice; Community Affairs; and Appropriations.

On motion by Senator Evers—

CS for HB 585—A bill to be entitled An act relating to law enforcement; amending ss. 125.5801 and 166.0442, F.S.; revising provisions for criminal history record checks for certain county and municipal employees and appointees; amending s. 406.145, F.S.; deleting duties of law enforcement agencies and the department relating to unidentified person reporting forms; amending s. 538.26, F.S.; limiting the number of lead-acid batteries or parts thereof that a secondary metals recycler may purchase in certain transactions in a single day; amending s. 937.021, F.S.; revising provisions relating to missing child and adult reports; amending s. 937.024, F.S.; revising provisions relating to the birth records of missing children; amending s. 937.025, F.S.; revising provisions providing criminal penalties for persons who knowingly provide false information concerning a missing child; amending s. 937.028, F.S.; revising provisions relating to fingerprints of missing persons; authorizing retention of such fingerprints entered into the statewide biometric identification system; amending s. 943.03, F.S.; revising terminology relating to documents and information systems; deleting an obsolete provision; amending s. 943.031, F.S.; correcting a reference; revising provisions relating to meetings of the Florida Violent Crime and Drug Control Council, the Drug Control Strategy and Criminal Gang Committee, and the Victim and Witness Protection Review Committee; making specified provisions subject to legislative funding; providing for return of unexpended funds by specified recipients; amending s. 943.0435, F.S.; specifying additional items to be reported by persons required to register as sexual offenders; amending s. 943.04351, F.S.; revising requirements for searches of registration information regarding sexual predators and sexual offenders; amending s. 943.0438, F.S.; deleting an obsolete provision; amending s. 943.045, F.S.; defining the term “biometric”; revising the definition of the term “criminal justice information”; amending s. 943.05, F.S.; revising duties of the Criminal Justice Information Program; redesignating the statewide automated fingerprint identification system as the statewide automated biometric identification system; amending s. 943.051, F.S.; requiring additional information to be collected from persons charged with or convicted of specified offenses and submitted electronically to the department; providing an exception to the fingerprinting of certain juveniles; amending s. 943.052, F.S.; revising terminology relating to disposition reporting; revising information to be submitted concerning persons received by or discharged from the state correctional system or certain juveniles committed to the Department of Juvenile Justice; amending s. 943.053, F.S.; revising a reference to rules governing criminal justice information received from the Federal Government or other states; conforming terminology; amending s. 943.054, F.S.; revising provisions relating to the availability of criminal history information derived from any United States Department of Justice criminal justice information system; amending s. 943.0542, F.S.; revising terminology relating to requests for screening; authorizing rulemaking relating to payments for screening; amending s. 943.0544, F.S.; revising terminology relating to the Criminal Justice Network; amending s. 943.055, F.S.; revising provisions relating to dissemination of criminal justice information derived from department information systems; providing for audits of noncriminal justice agencies when necessary to ensure compliance with requirements; amending s. 943.056, F.S.; providing for requests for corrections of federal criminal history record information in certain circumstances; amending s. 943.0582, F.S.; increasing the period in which a minor may seek expunction of a nonjudicial arrest record following completion of a diversion program; revising language relating to a statement to the department by a state attorney concerning such an expunction request; deleting an obsolete provision; amending ss. 943.0585 and 943.059, F.S.; revising language relating to expunctions and sealing precluded by prior criminal history sealings or expunctions; authorizing persons seeking authorization for employment with or access to certain seaports to deny or fail to acknowledge certain expunged or sealed records; amending s.

943.125, F.S.; providing for accreditation of correctional facilities, public agency offices of inspectors general, and certain pretrial diversion programs; authorizing funding and support of additional accreditation programs; amending s. 943.13, F.S.; deleting a provision authorizing temporary employment of a person seeking employment as a law enforcement or correctional officer if there is an administrative delay in fingerprint processing; deleting obsolete language; amending s. 943.132, F.S.; revising references to federal qualified active or qualified retired law enforcement concealed firearms provisions; deleting a requirement that the Criminal Justice Standards and Training Commission develop a uniform firearms proficiency verification card; amending s. 943.1395, F.S.; revising language relating to investigations on behalf of the Criminal Justice Standards and Training Commission; amending s. 943.1755, F.S.; providing that the department maintains responsibility for delivering and facilitating all Florida Criminal Justice Executive Institute training; revising membership of the institute’s policy board; amending s. 943.1757, F.S.; deleting a requirement for a periodic report by the Criminal Justice Executive Institute concerning executive training needs; amending s. 943.25, F.S.; authorizing, rather than requiring, the Criminal Justice Standards and Training Commission to forward to each regional training council a list of its specific recommended priority issues or items to be funded; authorizing the commission to use computer-based testing as an assessment instrument; amending s. 943.325, F.S.; conforming a cross-reference; amending s. 943.33, F.S.; revising provisions relating to the availability to defendants of state-operated criminal analysis laboratories; specifying that defense experts and others are not authorized to be present in such laboratories or use laboratory equipment; revising provisions relating to costs of laboratory testing performed for defendants; amending s. 943.68, F.S.; revising the due date of a report detailing transportation and protective services provided by the department; amending ss. 285.18, 414.40, 447.045, 455.213, 468.453, 475.615, 493.6105, 493.6108, 494.00312, 494.00321, 494.00611, 517.12, 538.09, 538.25, 548.024, 550.105, 550.908, 551.107, 560.141, 628.906, 633.34, 744.3135, 775.21, 775.261, 790.06, 944.607, 944.608, 985.11, 985.644, 985.4815, 1002.395, 1002.421, 1012.32, and 1012.467, F.S.; conforming provisions to changes made by the act; providing an effective date.

—a companion measure, was substituted for **CS for SB 1434** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 585** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1458** was deferred.

CS for CS for SB 1690—A bill to be entitled An act relating to volunteer health services; amending s. 766.1115, F.S.; revising requirements for patient referral under the “Access to Health Care Act”; eliminating a requirement that the governmental contractor approve all follow-up or hospital care; requiring the Department of Health to post specified information online concerning volunteer providers; permitting volunteer providers to earn continuing education credit for participation in the program up to a specified amount; providing that any rule adopted by the department give providers the greatest flexibility possible in order to serve eligible patients; amending s. 458.317, F.S.; revising qualifications necessary to obtain a limited license to practice medicine; amending s. 459.0075, F.S.; revising qualifications necessary to obtain a limited license to practice osteopathic medicine; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1690**, on motion by Senator Bean, by two-thirds vote **CS for CS for HB 1093** was withdrawn from the Committees on Health Policy; Appropriations Subcommittee on Health and Human Services; and Appropriations.

On motion by Senator Bean—

CS for CS for HB 1093—A bill to be entitled An act relating to volunteer health services; amending ss. 458.317 and 459.0075, F.S.; revising criteria required for limited licensure for physicians; amending s. 766.1115, F.S.; revising requirements for patient referral under the “Access to Health Care Act”; eliminating a requirement that the governmental contractor approve all followup or hospital care; requiring the

Department of Health to post specified information online concerning volunteer providers; permitting volunteer providers to earn continuing education credit for participation in the program up to a specified amount; providing that rules adopted by the department give providers the greatest flexibility possible in order to serve eligible patients; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1690** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1093** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 1718—A bill to be entitled An act relating to discretionary sales surtaxes; amending s. 212.055, F.S.; authorizing a county defined in s. 125.011(1), F.S., to levy a surtax up to a specified amount for the benefit of a Florida College System institution and a state university in the county pursuant to an ordinance conditioned to take effect upon approval in a county referendum; requiring the ordinance to include a plan for the use of the proceeds; providing referendum requirements and procedures; requiring that the proceeds from the surtax be transferred into a specified account and managed in a specified manner; establishing an oversight board with specified duties, responsibilities, and requirements relating to the expenditure of surtax proceeds; providing for the appointment of members of the oversight board; requiring that the board of trustees of each institution receiving surtax proceeds prepare an annual plan for submission to the oversight board for approval; providing that state funding may not be reduced because an institution receives surtax funds; providing for the scheduled expiration of the surtax; providing an effective date.

—was read the second time by title.

On motion by Senator Benacquisto, further consideration of **CS for CS for SB 1718** was deferred.

On motion by Senator Hukill—

CS for SB 1828—A bill to be entitled An act relating to tax administration; amending s. 125.0104, F.S.; providing an additional use for tourist development tax revenues for certain coastal counties; authorizing counties to require certain information for tax returns filed with county governments; amending s. 198.13, F.S.; deleting a requirement for filing a tax return for a decedent who dies after a certain date; amending s. 211.3103, F.S.; expanding the definition of “phosphate-related expenses” for the purpose of distributing certain tax proceeds; amending s. 212.03, F.S.; providing that charges for the storage of towed vehicles that are impounded by a local, state, or federal law enforcement agency are not taxable; amending s. 212.0305, F.S.; authorizing counties to require certain information for tax returns filed with county governments; amending s. 212.07, F.S.; conforming a cross-reference to changes made by the act; providing monetary and criminal penalties for a dealer’s willful failure to collect certain taxes or fees after receiving notice of such duty to collect from the Department of Revenue; amending s. 212.12, F.S.; deleting provisions relating to the imposition of criminal penalties after department notice of requirements to register as a dealer or to collect taxes; making technical and grammatical changes to provisions specifying penalties for making a false or fraudulent return with the intent to evade payment of a tax or fee; amending s. 212.14, F.S.; modifying the definition of the term “person”; authorizing the department to adopt rules relating to requirements for a person to deposit cash, a bond, or other security with the department in order to ensure compliance with sales tax laws; making technical and grammatical changes; amending s. 212.18, F.S.; providing criminal penalties for a person who willfully fails to register as a dealer after receiving notice of such duty by the department; making technical and grammatical changes; reenacting s. 212.20, F.S., relating to the disposition of funds collected; amending s. 213.13, F.S.; revising the due date for transmitting funds collected by the clerks of court to the department; amending s. 213.21, F.S.; increasing dollar threshold of compromise authority that can be delegated to the executive director; creating s. 213.295, F.S., relating to automated sales suppression devices; providing definitions; subjecting a person to criminal penalties and monetary penalties for knowingly selling or engaging in certain other actions involving a zipper or phantom-ware; providing that sales suppression devices and phantom-ware are contraband articles under the Florida Contraband For-

feiture Act; amending s. 443.131, F.S.; imposing a requirement on employers to produce records for the Department of Economic Opportunity or its tax collection service provider as a prerequisite for a reduction in the rate of reemployment tax; amending s. 443.141, F.S.; providing a method to calculate the interest rate for past due contributions and reimbursements, and delinquent, erroneous, incomplete, or insufficient reports; providing effective dates.

—was read the second time by title.

Senator Hukill moved the following amendment which was adopted:

Amendment 1 (261584)—Delete lines 74-79 and insert:

(c) Tax revenues received pursuant to this section by a coastal county that has a population of less than 250,000, excluding the inmate population, may also be used by that county to fund beach safety personnel and lifeguard operational activities in areas where there is public access. All population figures relating to

Senator Galvano offered the following amendment which was moved by Senator Hukill and adopted:

Amendment 2 (389992) (with title amendment)—Between lines 632 and 633 insert:

Section 14. Paragraph (q) of subsection (2) of section 288.106, Florida Statutes, is amended to read:

288.106 Tax refund program for qualified target industry businesses.—

(2) DEFINITIONS.—As used in this section:

(q) “Target industry business” means a corporate headquarters business or a ~~any~~ business that is engaged in one of the target industries identified pursuant to the following criteria developed by the department in consultation with Enterprise Florida, Inc.:

1. Future growth.—Industry forecasts should indicate strong expectation for future growth in both employment and output, according to the most recent available data. Special consideration should be given to businesses that export goods to, or provide services in, international markets and businesses that replace domestic and international imports of goods or services.

2. Stability.—The industry should not be subject to periodic layoffs, whether due to seasonality or sensitivity to volatile economic variables such as weather. The industry should also be relatively resistant to recession; so that the demand for products of the ~~this~~ industry is not typically subject to decline during an economic downturn.

3. High wage.—The industry should pay relatively high wages compared to statewide or area averages.

4. Market and resource independent.—The location of industry businesses should not be dependent on Florida markets or resources as indicated by industry analysis, except for businesses in the renewable energy industry.

5. Industrial base diversification and strengthening.—The industry should contribute toward expanding or diversifying the state’s or area’s economic base, as indicated by analysis of employment and output shares compared to national and regional trends. Special consideration should be given to industries that strengthen regional economies by adding value to basic products or building regional industrial clusters as indicated by industry analysis, *including, but not limited to, sports training or competition for the amateur athlete*. Special consideration should also be given to the development of strong industrial clusters that include defense and homeland security businesses.

6. Positive economic impact.—The industry is expected to have strong positive economic impacts on or benefits to the state or regional economies. Special consideration should be given to industries that facilitate the development of the state as a hub for domestic and global trade and logistics.

The term does not include any business engaged in retail industry activities; any electrical utility company as defined in s. 366.02(2); any

phosphate or other solid minerals severance, mining, or processing operation; any oil or gas exploration or production operation; or any business subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation. Any business within NAICS code 5611 or 5614, office administrative services and business support services, respectively, may be considered a target industry business only after the local governing body and Enterprise Florida, Inc., make a determination that the community where the business may locate has conditions affecting the fiscal and economic viability of the local community or area, including but not limited to, factors such as low per capita income, high unemployment, high underemployment, and a lack of year-round stable employment opportunities, and such conditions may be improved by the location of such a business to the community. By January 1 of every 3rd year, beginning January 1, 2011, the department, in consultation with Enterprise Florida, Inc., economic development organizations, the State University System, local governments, employee and employer organizations, market analysts, and economists, shall review and, as appropriate, revise the list of such target industries and submit the list to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

And the title is amended as follows:

Between lines 53 and 54 insert: amending s. 288.106, F.S.; revising the criteria applicable to the definition of the term “target industry business” to specifically reference sports training or competition for the amateur athlete;

Pursuant to Rule 4.19, **CS for SB 1828** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Thompson—

CS for CS for SB 442—A bill to be entitled An act relating to the Black Cultural Tourism Enhancement Commission; creating the commission within the Department of State; directing the commission to independently exercise its powers and duties; requiring the department to provide administrative and staff support services to the commission; providing the powers and duties of the commission; providing for the appointment and terms of commission members; providing for the reimbursement of per diem and travel expenses for commission members; authorizing the commission to establish or designate a direct-support organization for specified purposes; providing an effective date.

—was 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 Thompson moved the following amendment which was adopted:

Amendment 1 (369782) (with title amendment)—Delete lines 79-82 and insert:

(5) *As used in this section, the term “direct-support organization” means a Florida not-for-profit corporation incorporated under chapter 617, Florida Statutes, and organized and operated to conduct programs and activities; initiate developmental projects; raise funds; request and receive grants, gifts, and bequests of moneys; acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, real or personal; and make expenditures to or for the direct or indirect benefit of black tourism in this state, to support the state’s black cultural sites, and to support the functions of the commission.*

(6)(a) *The commission is authorized to organize and incorporate a direct-support organization pursuant to the requirements of this section and chapter 617, Florida Statutes, to accomplish the purposes and objectives set forth in this section.*

(b) *The board of the direct-support organization shall consist of seven members. The Secretary of State shall appoint three members to serve 3-year terms. The commission shall appoint two members to serve 2-year terms and two members to serve 4-year terms. Thereafter, the board shall be self-appointed according to the established bylaws.*

(c) *The direct-support organization is subject to the provisions of ss. 119.07 and 286.011, Florida Statutes, and s.24, Article I of the State Constitution.*

(d) *The direct-support organization shall maintain donations and direct service expenditures in a bank account outside the State Treasury.*

(e) *Any administrative costs of running and promoting the purposes of the corporation must be paid by private funds.*

(7) *The direct-support organization shall operate under written contract with the commission. The contract must provide for:*

(a) *Approval by the commission of the articles of incorporation and bylaws of the direct-support organization.*

(b) *Submission of an annual budget for the approval of the commission. The budget must comply with rules adopted by the commission.*

(c) *Certification by the commission that the direct-support organization is complying with the terms of the contract and in a manner consistent with the goals and purposes of the commission and in the best interest of the state. Such certification must be made annually and reported in the official minutes of a meeting of the commission.*

(d) *Reversion to the commission, or to the department if the commission ceases to exist, of moneys and property held in trust by the direct-support organization if the direct-support organization is no longer approved to operate for the commission or the commission ceases to exist.*

(e) *A fiscal year for the direct-support organization beginning on July 1 of each year and ending on June 30 of the following year.*

(f) *The disclosure of material provisions of the contract and the distinction between the board of directors and the direct-support organization to donors of gifts, contributions, or bequests, as well as on all promotional and fundraising publications.*

(8) *The purposes and goals of the direct-support organization must be consistent with priority issues and objectives of the commission and must be in the best interests of the state.*

(9) *Funds designated for the direct-support organization must be used for the enhancement of programs and projects of the commission. All moneys received by the organization must be deposited into an account of the organization and must be used by the organization in a manner consistent with the purposes and goals of the organization.*

(10) *The direct-support organization shall comply with the audit requirements of s. 215.981, Florida Statutes.*

And the title is amended as follows:

Delete lines 11-13 and insert: expenses for commission members; defining the term “direct-support organization”; authorizing the commission to create a direct-support organization; providing purposes and objectives; providing for members of the board of the direct-support organization; providing that the direct-support organization is subject to public records and meetings requirements; requiring expenses of the direct-support organization to be paid by private funds; requiring the direct-support organization to operate under a written contract with the commission; specifying contract requirements; providing guidelines for the use of the funds; requiring the direct-support organization to comply with audit requirements; providing an

RECONSIDERATION OF AMENDMENT

On motion by Senator Thompson, the Senate reconsidered the vote by which **Amendment 1 (369782)** was adopted.

Amendment 1 (369782) was withdrawn.

Pursuant to Rule 4.19, **CS for CS for SB 442** was placed on the calendar of Bills on Third Reading.

On motion by Senator Evers—

CS for CS for SB 676—A bill to be entitled An act relating to juvenile justice circuit advisory boards and juvenile justice county councils; amending s. 985.664, F.S.; redesignating juvenile justice circuit boards as juvenile justice circuit advisory boards; requiring each board to have a county organization representing each county in the circuit; providing an exception for single-county circuits; deleting provisions providing for juvenile justice county councils; revising provisions relating to duties and responsibilities of boards; requiring submission of circuit plans by specified dates; revising membership of boards; providing for appointment and terms of members; providing for quorums and for passage of measures or positions; revising provisions relating to bylaws; amending ss. 790.22, 938.17, 948.51, 985.48, and 985.676, F.S.; 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 676**, on motion by Senator Evers, by two-thirds vote **CS for CS for HB 617** was withdrawn from the Committees on Criminal Justice; Judiciary; Appropriations Subcommittee on Criminal and Civil Justice; and Appropriations.

On motion by Senator Evers—

CS for CS for HB 617—A bill to be entitled An act relating to juvenile justice circuit advisory boards and juvenile justice county councils; amending s. 985.664, F.S.; redesignating juvenile justice circuit boards as juvenile justice circuit advisory boards; requiring each board to have a county organization representing each county in the circuit; providing an exception for single-county circuits; deleting provisions providing for juvenile justice county councils; revising provisions relating to duties and responsibilities of boards; requiring submission of circuit plans by specified dates; revising membership of boards; providing for appointment and terms of members; providing for quorums and for passage of measures or positions; revising provisions relating to bylaws; amending ss. 790.22, 938.17, 948.51, 985.48, and 985.676, F.S.; conforming provisions to changes made by the act; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 676** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 617** was placed on the calendar of Bills on Third Reading.

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

BILLS ON THIRD READING

CS for SB 1770—A bill to be entitled An act relating to property insurance; amending s. 215.555, F.S.; changing the name of the Florida Hurricane Catastrophe Fund Finance Corporation to the State Board of Administration Finance Corporation; amending s. 624.155, F.S.; providing that Citizens Property Insurance Corporation is an insurer subject to civil actions as an agent of the state covered by sovereign immunity; amending s. 626.752, F.S., relating to the exchange of business between an agent and insurer; providing an exemption from the requirements of that section to the corporation or certain private entities under certain circumstances; amending s. 627.062, F.S.; requiring the Office of Insurance Regulation to calculate and publish insurance inflation factors for use in residential property insurance filings; prohibiting the office from disapproving a rate as excessive due to the insurer's purchase of reinsurance for certain purposes; deleting obsolete provisions; conforming cross-references; amending s. 627.0628, F.S.; adding a member to the Florida Commission on Hurricane Loss Projection Methodology; amending s. 627.0629, F.S.; requiring insurers to provide notice of mitigation discounts in a residential property insurance rate filing; amending s. 627.171, F.S.; allowing a consent to an excess rate to apply to subsequent policy renewals; limiting the allowable amount of excess rates to counties where there is no competition; amending s. 627.351, F.S.; revising legislative intent with respect to the corporation; reducing the value of residential structures that can be covered by the corporation; revising the corporation's eligibility criteria for structures located seaward of the coastal construction control line; requiring the corporation's board of governors to concur with certain

decisions by the executive director; providing for risk-sharing agreements between the corporation and other insurers and specifying the requirements and limitations of such agreements; revising provisions relating to the appointment of the board of governors and the executive director; providing that renewal policies are not eligible for continued coverage by the corporation unless the premium for comparable coverage from an authorized insurer exceeds a certain percentage; deleting provisions allowing a policyholder removed from the corporation to remain eligible for coverage regardless of an offer of coverage from an authorized insurer; revising corporation criteria for appointing agents; requiring the corporation to provide coverage for mobile homes or manufactured homes and related structures; requiring disclosure of potential corporation surcharges and policyholder obligations to try and obtain private market coverage; revising provisions relating to the Auditor General's review of the corporation; requiring the board to contract with an independent auditing firm to conduct performance audits; authorizing the corporation to adopt programs that encourage insurers to remove policies from the corporation through a loan secured by a surplus note; requiring the corporation to have an inspector general; providing for appointment; providing duties; requiring an annual report to the Legislature; revising provisions relating to purchases by the corporation; providing that the corporation is subject to state agency purchasing requirements; requiring the corporation to provide notice of purchasing decisions; providing procedures for protesting such decisions; providing applicability; revising the corporation's rate standards; requiring that corporation rates be competitive with approved rates charged in the admitted market, actuarially sound, and include a catastrophe risk factor; requiring the corporation to annually certify its rates; requiring the board of directors to provide recommendations to the Legislature on ways of providing rate relief to those who demonstrate a financial need; deleting obsolete provisions; creating s. 627.3518, F.S.; establishing a clearinghouse within the corporation for identifying and diverting insurance coverage to private insurers; providing definitions; providing requirements and duties of the corporation, insurers, and agents; establishing a temporary keepout program that allows authorized insurers to provide coverage to applicants for coverage through the corporation through the market assistance program until the clearinghouse is operational; providing program components; providing for expiration; creating s. 627.352, F.S.; creating the Catastrophe Risk Capital Access Facility to facilitate insurer access to global risk capital markets and risk-transfer mechanisms; providing legislative findings and intent; providing that the facility may not operate as an insurer, reinsurer, or other risk-bearing entity, and is not a state agency, board, or commission; providing for membership; providing for an initial governing board which must submit a proposed plan of operation to the Office of Insurance Regulation and recommendations relating to public records and open meetings to the Legislature by a certain date; providing for termination of the initial board; providing for a permanent board; specifying provisions that must be addressed by the plan of operation; providing immunity from liability for the board; amending s. 627.405, F.S.; authorizing policyholders to assign benefits subject to conditions in the policy; amending s. 627.410, F.S.; conforming provisions to changes made by the act; amending s. 627.706, F.S.; authorizing an insurer to offer a reduced amount of sinkhole coverage with an appropriate reduction in premium; providing effective dates.

—as amended April 11 was read the third time by title.

SENATOR LEE PRESIDING

Senator Simmons moved the following amendment:

Amendment 1 (420058) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (n) of subsection (2) and paragraph (d) of subsection (6) of section 215.555, Florida Statutes, are amended to read:

215.555 Florida Hurricane Catastrophe Fund.—

(2) DEFINITIONS.—As used in this section:

(n) "Corporation" means the *State Board of Administration Florida Hurricane Catastrophe Fund* Finance Corporation created in paragraph (6)(d).

(6) REVENUE BONDS.—

(d) *State Board of Administration Florida Hurricane Catastrophe Fund Finance Corporation.*—

1. In addition to the findings and declarations in subsection (1), the Legislature also finds and declares that:

a. The public benefits corporation created under this paragraph will provide a mechanism ~~necessary~~ for the cost-effective and efficient issuance of bonds. This mechanism will eliminate unnecessary costs in the bond issuance process, thereby increasing the amounts available ~~to pay~~ reimbursement for losses to property sustained as a result of hurricane damage.

b. The purpose of such bonds is to fund reimbursements through the Florida Hurricane Catastrophe Fund ~~to pay~~ for the costs of construction, reconstruction, repair, restoration, and other costs associated with damage to properties of policyholders of covered policies due to the occurrence of a hurricane.

c. The efficacy of the financing mechanism will be enhanced by the corporation's ownership of the assessments, by the insulation of the assessments from possible bankruptcy proceedings, and by covenants of the state with the corporation's bondholders.

~~2.a.~~ *The State Board of Administration Finance Corporation* There is created, *which is a public benefits corporation and, which is an instrumentality of the state, to be known as the Florida Hurricane Catastrophe Fund Finance Corporation. The State Board of Administration Finance Corporation is for all purposes the successor to the Florida Hurricane Catastrophe Fund Finance Corporation.*

~~a.b.~~ The corporation shall operate under a five-member board of directors consisting of the Governor or a designee, the Chief Financial Officer or a designee, the Attorney General or a designee, the director of the Division of Bond Finance of the State Board of Administration, and the *Chief Operating Officer senior employee of the State Board of Administration responsible for operations* of the Florida Hurricane Catastrophe Fund.

~~b.e.~~ The corporation has all of the powers of corporations under chapter 607 and under chapter 617, subject only to ~~the provisions of this subsection.~~

~~c.d.~~ The corporation may issue bonds and engage in such other financial transactions as are necessary to provide sufficient funds to achieve the purposes of this section.

~~d.e.~~ The corporation may invest in any of the investments authorized under s. 215.47.

~~e.f.~~ There ~~is shall be~~ no liability on the part of, and no cause of action shall arise against, any board members or employees of the corporation for any actions taken by them in the performance of their duties under this paragraph.

3.a. In actions under chapter 75 to validate any bonds issued by the corporation, the notice required by s. 75.06 ~~must shall~~ be published in two newspapers of general circulation in the state, and the complaint and order of the court shall be served only on the State Attorney of the Second Judicial Circuit.

b. The state hereby covenants with holders of bonds of the corporation that the state will not repeal or abrogate the power of the board to direct the Office of Insurance Regulation to levy the assessments and to collect the proceeds of the revenues pledged to the payment of such bonds as long as ~~any~~ such bonds remain outstanding unless adequate provision has been made for the payment of such bonds pursuant to the documents authorizing the issuance of ~~the such~~ bonds.

~~c.4.~~ The bonds of the corporation are not a debt of the state or of any political subdivision, and neither the state nor any political subdivision is liable on such bonds. The corporation ~~may not does not have the power to~~ pledge the credit, the revenues, or the taxing power of the state or of any political subdivision. The credit, revenues, or taxing power of the state or of any political subdivision ~~may shall~~ not be deemed to be pledged to the payment of any bonds of the corporation.

~~d.5.a.~~ The property, revenues, and other assets of the corporation; the transactions and operations of the corporation and the income from

such transactions and operations; and all bonds issued under this paragraph and interest on such bonds are exempt from taxation by the state and any political subdivision, including the intangibles tax under chapter 199 and the income tax under chapter 220. This exemption does not apply to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations other than the *State Board of Administration Florida Hurricane Catastrophe Fund Finance Corporation.*

~~e.b.~~ All bonds of the corporation ~~are shall be and constitute~~ legal investments without limitation for all public bodies of this state; for all banks, trust companies, savings banks, savings associations, savings and loan associations, and investment companies; for all administrators, executors, trustees, and other fiduciaries; for all insurance companies and associations and other persons carrying on an insurance business; and for all other persons who are now or may hereafter be authorized to invest in bonds or other obligations of the state and ~~are shall be and constitute~~ eligible securities to be deposited as collateral for the security of any state, county, municipal, or other public funds. This sub-paragraph shall be considered ~~as~~ additional and supplemental authority and ~~may shall~~ not be limited without specific reference to this sub-paragraph.

~~4.6.~~ The corporation and its corporate existence shall continue until terminated by law; however, no such law shall take effect as long as the corporation has bonds outstanding unless adequate provision has been made for the payment of such bonds pursuant to the documents authorizing the issuance of such bonds. Upon termination of the existence of the corporation, all of its rights and properties in excess of its obligations shall pass to and be vested in the state.

Section 2. Subsection (1) of section 624.155, Florida Statutes, is amended and subsection (10) is added to that section, to read:

624.155 Civil remedy.—

(1) Any person may bring a civil action against an insurer, *including Citizens Property Insurance Corporation, if when* such person is damaged:

(a) By a violation of any of the following provisions by the insurer:

1. Section 626.9541(1)(i), (o), or (x);
2. Section 626.9551;
3. Section 626.9705;
4. Section 626.9706;
5. Section 626.9707; or
6. Section 627.7283.

(b) By the commission of any of the following acts by the insurer:

1. Not attempting in good faith to settle claims *if when*, under all the circumstances, it could and should have done so, had it acted fairly and honestly toward its insured and with due regard for her or his interests;
2. Making claims payments to insureds or beneficiaries not accompanied by a statement setting forth the coverage under which payments are being made; or
3. Except as to liability coverages, failing to promptly settle claims, when the obligation to settle a claim has become reasonably clear, under one portion of the insurance policy coverage in order to influence settlements under other portions of the insurance policy coverage.

Notwithstanding the provisions of *this subsection the above to the contrary*, a person pursuing a remedy under this section need not prove that such act was committed or performed with such frequency as to indicate a general business practice.

(10) *For the purposes of this section, Citizens Property Insurance Corporation is an agent of the state covered by s. 768.28, and any cause of action brought pursuant to this section is considered a tort action against the corporation and the limits of s. 768.28 applicable to tort actions apply.*

Section 3. Subsection (4) of section 626.752, Florida Statutes, is amended to read:

626.752 Exchange of business.—

(4) The foregoing limitations and restrictions ~~do shall not be con-~~ ~~structed and shall not~~ apply to the placing of surplus lines business under the provisions of part VIII, *or to the activities of Citizens Property Insurance Corporation when placing new and renewal business with authorized insurers in accordance with s. 627.3518.*

Section 4. Subsection (2) and paragraph (d) of subsection (3) of section 627.062, Florida Statutes, are amended to read:

627.062 Rate standards.—

(2) As to all such classes of insurance:

(a) Insurers or rating organizations shall establish and use rates, rating schedules, or rating manuals that allow the insurer a reasonable rate of return on the classes of insurance written in this state. A copy of rates, rating schedules, rating manuals, premium credits or discount schedules, and surcharge schedules, and changes thereto, must be filed with the office *in accordance with* ~~under~~ one of the following procedures:

1. If the filing is made at least 90 days before the proposed effective date and is not implemented during the office's review of the filing and any proceeding and judicial review, such filing is considered a "file and use" filing. In such case, the office shall finalize its review by issuance of a notice of intent to approve or a notice of intent to disapprove within 90 days after receipt of the filing. The notice of intent to approve and the notice of intent to disapprove constitute agency action for purposes of the Administrative Procedure Act. Requests for supporting information, requests for mathematical or mechanical corrections, or notification to the insurer by the office of its preliminary findings does not toll the 90-day period during ~~any~~ such proceedings and subsequent judicial review. The rate shall be deemed approved if the office does not issue a notice of intent to approve or a notice of intent to disapprove within 90 days after receipt of the filing.

2. If the filing is not made in accordance with subparagraph 1., such filing must be made as soon as practicable, but within 30 days after the effective date, and is considered a "use and file" filing. An insurer making a "use and file" filing is potentially subject to an order by the office to return ~~to policyholders~~ those portions of rates found to be excessive *to policyholders*, as provided in paragraph (i) ~~(h)~~.

~~3. For all property insurance filings made or submitted after January 25, 2007, but before May 1, 2012, an insurer seeking a rate that is greater than the rate most recently approved by the office shall make a "file and use" filing. For purposes of this subparagraph, motor vehicle collision and comprehensive coverages are not considered property coverages.~~

(b) Upon receiving a rate filing, the office shall review the filing to determine if a rate is excessive, inadequate, or unfairly discriminatory. In making that determination, the office shall, in accordance with generally accepted and reasonable actuarial techniques, consider the following factors:

1. Past and prospective loss experience within and without this state.
2. Past and prospective expenses.
3. The degree of competition among insurers for the risk insured.
4. Investment income reasonably expected by the insurer, consistent with the insurer's investment practices, from investable premiums anticipated ~~from in~~ the filing, plus any other expected income from currently invested assets representing the amount expected on unearned premium reserves and loss reserves. The commission may adopt rules *that use* ~~using~~ reasonable techniques of actuarial science and economics to specify the manner in which insurers calculate investment income attributable to classes of insurance written in this state and ~~the manner~~ in which investment income is used to calculate insurance rates. Such ~~rules manner~~ must *allow* ~~contemplate~~ allowances for an underwriting profit factor and full consideration of investment income which produce a

reasonable rate of return; however, investment income from invested surplus may not be considered.

5. The reasonableness of the judgment reflected in the filing.
6. Dividends, savings, or unabsorbed premium deposits allowed or returned to ~~state Florida~~ policyholders, members, or subscribers.
7. The adequacy of loss reserves.
8. The cost of reinsurance. The office may not disapprove a rate as excessive ~~solely~~ *due solely* to the insurer having obtained catastrophic reinsurance to cover the insurer's estimated 250-year probable maximum loss or any lower level of loss, *or due solely to an admitted carrier purchasing private reinsurance that would insure against potential deficits within the Florida Hurricane Catastrophe Fund which the most recent estimate made pursuant to s. 215.555(4)(c)2. predicts would be funded through revenue bonds issued under s. 215.555(6).*
9. Trend factors, including trends in actual losses per insured unit for the insurer making the filing.
10. Conflagration and catastrophe hazards, if applicable.
11. Projected hurricane losses, if applicable, which must be estimated using a model or method found to be acceptable or reliable by the Florida Commission on Hurricane Loss Projection Methodology, and as further provided in s. 627.0628.
12. A reasonable margin for underwriting profit and contingencies.
13. The cost of medical services, if applicable.
14. Other relevant factors that affect the frequency or severity of claims or expenses.

(c) *The office shall calculate and publish insurance inflation factors based on noncatastrophe direct loss costs for use in residential property insurance filings. The office shall update the published factors at least annually and make them available on its website. The calculation of insurance inflation factors are not subject to rulemaking under chapter 120.*

1. *An insurer making a residential property insurance rate filing that proposes a change in noncatastrophe base rates by a uniform factor equal to or less than the applicable published insurance inflation factor, may make a rate filing under s. 627.0645 which consists of a rate certification in lieu of a full rate filing under paragraph (a). The office shall verify insurer use of the appropriate published inflation factor and, if the inflation factor is used appropriately, the filed rates shall be deemed not excessive.*

2. *An insurer filing under this paragraph may make a separate filing pursuant to paragraph (l) to adjust its rates for reinsurance rates, reinsurance financing costs and products, and cash buildup factor costs. The insurance inflation factors do not apply to these filings.*

3. *This paragraph does not apply to filings made by Citizens Property Insurance Corporation.*

~~(d)(e)~~ In the case of fire insurance rates, consideration must be given to the availability of water supplies and the experience of the fire insurance business during ~~a period of not less than~~ the most recent 5-year or longer period for which such experience is available.

~~(e)(d)~~ If conflagration or catastrophe hazards are considered by an insurer in its rates or rating plan, including surcharges and discounts, the insurer ~~must shall~~ establish a reserve for that portion of the premium allocated to such hazard and maintain the premium in a catastrophe reserve. Removal of such premiums from the reserve for purposes other than paying claims associated with a catastrophe or purchasing reinsurance for catastrophes must be approved by the office. Any ceding commission received by an insurer purchasing reinsurance for catastrophes must be placed in the catastrophe reserve.

~~(f)(e)~~ After consideration of the rate factors provided in paragraphs (b), ~~(e)~~, and (d), and (e) the office may find a rate to be excessive, inadequate, or unfairly discriminatory based upon the following standards:

1. Rates shall be deemed excessive if they are likely to produce a profit from Florida business which is unreasonably high in relation to the risk involved in the class of business or if expenses are unreasonably high in relation to services rendered.

2. Rates shall be deemed excessive if, among other things, the rate structure established by a stock insurance company provides for replenishment of surpluses from premiums; if ~~such the~~ replenishment is attributable to investment losses.

3. Rates shall be deemed inadequate if ~~they are clearly insufficient,~~ together with the investment income attributable to them, ~~they are clearly insufficient~~ to sustain projected losses and expenses in the class of business to which they apply.

4. A rating plan, including discounts, credits, or surcharges, shall be deemed unfairly discriminatory if it fails to clearly and equitably reflect consideration of the policyholder's participation in a risk management program adopted pursuant to s. 627.0625.

5. A rate shall be deemed inadequate as to the premium charged to a risk or group of risks if discounts or credits are allowed which exceed a reasonable reflection of expense savings and reasonably expected loss experience from the risk or group of risks.

6. A rate shall be deemed unfairly discriminatory as to a risk or group of risks if the application of premium discounts, credits, or surcharges among such risks does not bear a reasonable relationship to the expected loss and expense experience among the various risks.

(g)(f) In reviewing a rate filing, the office may require the insurer to provide, at the insurer's expense, all information necessary to evaluate the condition of the company and the reasonableness of the filing according to the criteria enumerated in this section.

(h)(g) The office may at any time review a rate, rating schedule, rating manual, or rate change; the pertinent records of the insurer; and market conditions. If the office finds on a preliminary basis that a rate may be excessive, inadequate, or unfairly discriminatory, the office shall initiate proceedings to disapprove the rate and ~~shall so~~ notify the insurer. However, the office may not disapprove as excessive any rate for which it has given final approval or which has been deemed approved for 1 year after the effective date of the filing unless the office finds that a material misrepresentation or material error was made by the insurer or was contained in the filing. Upon ~~notification being notified,~~ the insurer or rating organization shall, within 60 days, file with the office all information that, in the belief of the insurer or organization, proves the reasonableness, adequacy, and fairness of the rate or rate change. The office shall issue a notice of intent to approve or a notice of intent to disapprove pursuant to paragraph (a) within 90 days after receipt of the insurer's initial response. In such instances and in any administrative proceeding relating to the legality of the rate, the insurer or rating organization ~~shall~~ carry the burden of proof of *showing*, by a preponderance of the evidence, ~~to show~~ that the rate is not excessive, inadequate, or unfairly discriminatory. After the office notifies an insurer that a rate may be excessive, inadequate, or unfairly discriminatory, unless the office withdraws the notification, the insurer may not alter the rate except to conform to the office's notice until the earlier of 120 days after the date the notification was provided or 180 days after the date of implementing the rate. ~~The office,~~ Subject to chapter 120, ~~the office~~ may disapprove without the 60-day notification any rate increase filed by an insurer within the prohibited time period or during the time that the legality of the increased rate is being contested.

(i)(h) If the office finds that a rate or rate change is excessive, inadequate, or unfairly discriminatory, the office shall issue an order of disapproval ~~requiring specifying~~ that a new rate or rate schedule, which responds to the findings of the office, be filed by the insurer. The office shall further order, for any "use and file" filing made in accordance with subparagraph (a)2., that ~~the portion of premiums charged which constitute each policyholder constituting~~ the portion of the rate above that which was actuarially justified be returned to the policyholder in the form of a credit or refund. If the office finds that an insurer's rate or rate change is inadequate, the new rate or rate schedule filed with the office in response to such a finding ~~applies is applicable~~ only to new or renewal business ~~of the insurer~~ written by the insurer on or after the effective date of the responsive filing.

(j)(i) Except as otherwise specifically provided in this chapter, for property and casualty insurance the office may not directly or indirectly:

1. Prohibit ~~an any~~ insurer, including any residual market plan or joint underwriting association, from paying acquisition costs based on the full amount of premium, as defined in s. 627.403, applicable to any policy, or prohibit ~~any~~ such insurer from including the full amount of acquisition costs in a rate filing; or

2. Impede, abridge, or otherwise compromise an insurer's right to acquire policyholders, advertise, or appoint agents, including the calculation, manner, or amount of such agent commissions, if any.

(k)(j) With respect to residential property insurance rate filings, the rate filing must account for mitigation measures undertaken by policyholders to reduce hurricane losses.

(l)(k)1. A residential property insurer may make a separate filing limited solely to an adjustment of its rates for reinsurance, the cost of financing products used as a replacement for reinsurance, financing costs incurred in the purchase of reinsurance, and the actual cost paid due to the application of the cash build-up factor pursuant to s. 215.555(5)(b) if the insurer:

a. Elects to purchase financing products, such as a liquidity instrument or line of credit, in which case the cost included in filing for the liquidity instrument or line of credit may not result in a premium increase exceeding 3 percent for any individual policyholder. All costs contained in the filing may not result in an overall premium increase of more than 15 percent for any individual policyholder.

b. Includes in the filing a copy of all of its reinsurance, liquidity instrument, or line of credit contracts; proof of the billing or payment for the contracts; and the calculation upon which the proposed rate change is based demonstrating that the costs meet the criteria of this section.

2. An insurer that purchases reinsurance or financing products from an affiliated company may make a separate filing only if the costs for such reinsurance or financing products are charged at or below charges made for comparable coverage by nonaffiliated reinsurers or financial entities making such coverage or financing products available in this state.

3. An insurer may make only one filing per 12-month period under this paragraph.

4. An insurer that elects to implement a rate change under this paragraph must file its rate filing with the office at least 45 days before the effective date of the rate change. After an insurer submits a complete filing that meets all of the requirements of this paragraph, the office has 45 days after the date of the filing to review the rate filing and determine if the rate is excessive, inadequate, or unfairly discriminatory.

The provisions of this subsection do not apply to workers' compensation, employer's liability insurance, and motor vehicle insurance.

(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)(g) ~~(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. 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)(g) ~~(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)(g) ~~(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 *that 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 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. Underwriting files, premiums, losses, and expense statistics *relating with regard* to such insurance and risks written by an insurer must be maintained by the insurer and subject to examination by the office. Upon examination, the office, in accordance with generally accepted and reasonable actuarial techniques, shall consider the rate factors in paragraphs (2)(b), (d) ~~(e)~~, and (e) ~~(d)~~ and the standards in paragraph (2)(f) ~~(2)(e)~~ to determine if the rate is excessive, inadequate, or unfairly discriminatory.

4. A rating organization 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 *relating with regard* to changes to loss cost for risks not subject to paragraph (2)(a) or paragraph (2)(g) ~~(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 (e) ~~(2)(b)-(d)~~ and the standards in paragraph (2)(f) ~~(2)(e)~~ to determine if the rate is excessive, inadequate, or unfairly discriminatory.

Section 5. Paragraph (b) of subsection (2) of section 627.0628, Florida Statutes, is amended to read:

627.0628 Florida Commission on Hurricane Loss Projection Methodology; public records exemption; public meetings exemption.—

- (2) COMMISSION CREATED.—
- (b) The commission shall consist of the following *12* ~~11~~ members:
 - 1. The insurance consumer advocate.
 - 2. The senior employee of the State Board of Administration responsible for operations of the Florida Hurricane Catastrophe Fund.
 - 3. The Executive Director of the Citizens Property Insurance Corporation.
 - 4. The Director of the Division of Emergency Management.
 - 5. The actuary member of the Florida Hurricane Catastrophe Fund Advisory Council.

6. An employee of the office who is an actuary responsible for property insurance rate filings and who is appointed by the director of the office.

7. Five members appointed by the Chief Financial Officer, as follows:

a. An actuary who is employed full time by a property and casualty insurer that was responsible for at least 1 percent of the aggregate statewide direct written premium for homeowner's insurance in the calendar year preceding the member's appointment to the commission.

b. An expert in insurance finance who is a full-time member of the faculty of the State University System and who has a background in actuarial science.

c. An expert in statistics who is a full-time member of the faculty of the State University System and who has a background in insurance.

d. An expert in computer system design who is a full-time member of the faculty of the State University System.

e. An expert in meteorology who is a full-time member of the faculty of the State University System and who specializes in hurricanes.

8. *A licensed professional structural engineer who is a full-time faculty member in the State University System and who has expertise in wind mitigation techniques. This appointment shall be made by the Governor.*

Section 6. Subsection (1) of section 627.0629, Florida Statutes, is amended to read:

627.0629 Residential property insurance; rate filings.—

(1) It is the intent of the Legislature that insurers provide savings to consumers who install or implement windstorm damage mitigation techniques, alterations, or solutions to their properties to prevent windstorm losses. A rate filing for residential property insurance must include *notice of the mitigation discounts offered by the insurer, which must be actuarially reasonable discounts, credits, or other rate differentials, or appropriate reductions in deductibles, for properties on which fixtures or construction techniques demonstrated to reduce the amount of loss in a windstorm have been installed or implemented. The fixtures or construction techniques must include, but are not limited to, fixtures or construction techniques that enhance roof strength, roof covering performance, roof-to-wall strength, wall-to-floor-to-foundation strength, opening protection, and the impact resistance of window, door, and skylight openings strength.* Credits, discounts, or other rate differentials, or appropriate reductions in deductibles, for fixtures and construction techniques that meet the minimum requirements of the Florida Building Code must be included in the rate filing. The office shall determine the discounts, credits, other rate differentials, and appropriate reductions in deductibles that reflect the full actuarial value of such revaluation, which may be used by insurers in rate filings.

Section 7. Paragraphs (a), (b), (c), (g), (i), (m), (q), (t), and (z) of subsection (6) of section 627.351, Florida Statutes, are amended, and paragraph (gg) is added to that subsection, to read:

627.351 Insurance risk apportionment plans.—

(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

(a) The public purpose of this subsection is to ensure that there is an orderly market for property insurance for residents and businesses of this state.

1. The Legislature finds that private insurers are *entering the Florida property insurance market unwilling or unable* to provide affordable property insurance coverage in many regions of the state. *The Legislature further finds that when Citizens Property Insurance Corporation offers rates that are not adequate to cover the average costs that are generated from the claims filed by its policyholders, the deficiency may create a financial burden on all other state policyholders who must purchase their own insurance from private insurers at full actuarial cost and pay an added fee to cover a portion of the cost for claims filed by policyholders of the corporation. The Legislature intends that the corporation not act as a barrier or competitor to the private insurance market but be available to residents of ~~in~~ this state only if there is no private market coverage*

available at rates determined reasonable by the Office of Insurance Regulation to the extent sought and needed. The absence of affordable property insurance threatens the public health, safety, and welfare and likewise threatens the economic health of the state. As the corporation has continued its rapid growth and exposure, it increasingly threatens state residents with having to absorb an even greater financial burden than they are currently bearing. The state, therefore, has a compelling public interest and a public purpose to assist in assuring that property in the state is insured and that it is insured at affordable, actuarially sound, noncompetitive rates so as to facilitate the remediation, reconstruction, and replacement of damaged or destroyed property without overburdening the policyholders of this state in order to reduce or avoid the negative effects on otherwise resulting to the public health, safety, and welfare; on, to the economy of the state; and on, and to the revenues of the state and local governments which are needed to provide for the public welfare. It is necessary, therefore, to make provide affordable, actuarially sound, noncompetitive property insurance available to applicants who are, in good faith, entitled to procure insurance through the voluntary market but are unable to do so. The Legislature intends, therefore, that affordable, actuarially sound, noncompetitive property insurance be provided and that it continue to be provided, as long as necessary, through Citizens Property Insurance Corporation, a government entity that is an integral part of the state; and that is not a private insurance company, or through referrals to private insurers participating in a clearinghouse established by the corporation. To that end, the corporation shall strive to promote increase the availability of affordable and actuarially sound private property insurance in this state, supplemented by coverage provided by the corporation if appropriate, while achieving efficiencies and economies, and while providing service to policyholders, applicants, and agents which is no less than the quality generally provided in the voluntary market, for the achievement of the foregoing public purposes. Because it is essential for this government entity to have the maximum financial resources to pay claims following a catastrophic hurricane, it is further the intent of the Legislature that the corporation continue to be an integral part of the state and not a private insurance company, and that the income of the corporation be exempt from federal income taxation, and that interest on the debt obligations issued by the corporation be exempt from federal income taxation.

2. The Residential Property and Casualty Joint Underwriting Association originally created by this statute shall be known as the Citizens Property Insurance Corporation. The corporation shall provide insurance for residential and commercial property insurance, for applicants who are eligible entitled, but, in good faith, are unable to procure insurance through the voluntary market. The corporation shall operate pursuant to a plan of operation approved by order of the Financial Services Commission. The plan is subject to continuous review by the commission, and the commission may, by order, withdraw approval of all or part of a plan if the commission determines that conditions have changed since approval was granted and that the purposes of the plan require changes in the plan. For the purposes of this subsection, residential coverage includes both personal lines residential coverage, which consists of the type of coverage provided by homeowner's, mobile home owner's, dwelling, tenant's, condominium unit owner's, and similar policies; and commercial lines residential coverage, which consists of the type of coverage provided by condominium association, apartment building, and similar policies.

3. *With respect to coverage for personal lines residential structures:*

a. Effective January 1, 2014 2009, a personal lines residential structure that has a dwelling replacement cost of \$1 \$2 million or more, or a single condominium unit that has a combined dwelling and contents replacement cost of \$1 \$2 million or more is not eligible for coverage by the corporation. Such dwellings insured by the corporation on December 31, 2013 2008, may continue to be covered by the corporation until the end of the policy term. However, such dwellings may reapply and obtain coverage if the property owner provides the corporation with a sworn affidavit from one or more insurance agents, on a form provided by the corporation, stating that the agents have made their best efforts to obtain coverage and that the property has been rejected for coverage by at least one authorized insurer and at least three surplus lines insurers. If such conditions are met, the dwelling may be insured by the corporation for up to 3 years, after which time the dwelling is ineligible for coverage. The office shall approve the method used by the corporation for valuing the dwelling replacement costs under cost for the purposes of this subparagraph. If a policyholder is insured by the corporation before prior to being determined to be ineligible pursuant to this subparagraph and

such policyholder files a lawsuit challenging the determination, the policyholder may remain insured by the corporation until the conclusion of the litigation.

b. *Effective January 1, 2015, a structure that has a dwelling replacement cost of \$900,000 or more, or a single condominium unit that has a combined dwelling and contents replacement cost of \$900,000 or more, is not eligible for coverage by the corporation. Such dwellings insured by the corporation on December 31, 2014, may continue to be covered by the corporation until the end of the policy term.*

c. *Effective January 1, 2016, a structure that has a dwelling replacement cost of \$800,000 or more, or a single condominium unit that has a combined dwelling and contents replacement cost of \$800,000 or more, is not eligible for coverage by the corporation. Such dwellings insured by the corporation on December 31, 2015, may continue to be covered by the corporation until the end of the policy term.*

d. *Effective January 1, 2017, a structure that has a dwelling replacement cost of \$700,000 or more, or a single condominium unit that has a combined dwelling and contents replacement cost of \$700,000 or more, is not eligible for coverage by the corporation. Such dwellings insured by the corporation on December 31, 2016, may continue to be covered by the corporation until the end of the policy term.*

e. *Effective January 1, 2018, a structure that has a dwelling replacement cost of \$600,000 or more, or a single condominium unit that has a combined dwelling and contents replacement cost of \$600,000 or more, is not eligible for coverage by the corporation. Such dwellings insured by the corporation on December 31, 2017, may continue to be covered by the corporation until the end of the policy term.*

f. *Effective January 1, 2019, a structure that has a dwelling replacement cost of \$500,000 or more, or a single condominium unit that has a combined dwelling and contents replacement cost of \$500,000 or more, is not eligible for coverage by the corporation. Such dwellings insured by the corporation on December 31, 2018, may continue to be covered by the corporation until the end of the policy term.*

The requirements of sub-subparagraphs b.-f. do not apply in counties where the corporation provides more than 75 percent of the personal lines residential policies providing wind coverage. In such counties the eligibility requirements of sub-subparagraph a. apply.

4. It is the intent of the Legislature that policyholders, applicants, and agents of the corporation receive service and treatment of the highest possible level but never less than that generally provided in the voluntary market. It is also intended that the corporation be held to service standards no less than those applied to insurers in the voluntary market by the office with respect to responsiveness, timeliness, customer courtesy, and overall dealings with policyholders, applicants, or agents of the corporation.

5. *A new structure for which a notice of commencement has been issued on or after July 1, 2014, pursuant to s. 713.135, which is located seaward of the coastal construction control line created pursuant to s. 161.053, is ineligible for coverage through the corporation unless the structure meets the coastal code-plus building code criteria developed and recommended by the Florida Building Commission. Filing a notice of commencement for an addition to an existing structure that was built before July 1, 2014, requires that the addition be built according to the code-plus building criteria but does not require that the existing structure meet the code-plus criteria in order to be eligible for coverage through the corporation. Effective January 1, 2009, a personal lines residential structure that is located in the "wind borne debris region," as defined in s. 1609.2, International Building Code (2006), and that has an insured value on the structure of \$750,000 or more is not eligible for coverage by the corporation unless the structure has opening protections as required under the Florida Building Code for a newly constructed residential structure in that area. A residential structure shall be deemed to comply with this subparagraph if it has shutters or opening protections on all openings and if such opening protections complied with the Florida Building Code at the time they were installed.*

6. For any claim filed under any policy of the corporation, a public adjuster may not charge, agree to, or accept any compensation, payment, commission, fee, or other thing of value greater than 10 percent of the

additional amount actually paid over the amount that was originally offered by the corporation for any one claim.

(b)1. All insurers authorized to write one or more subject lines of business in this state are subject to assessment by the corporation and, for the purposes of this subsection, are referred to collectively as “assessable insurers.” Insurers writing one or more subject lines of business in this state pursuant to part VIII of chapter 626 are not assessable insurers; *however, but* insureds who procure one or more subject lines of business in this state pursuant to part VIII of chapter 626 are subject to assessment by the corporation and are referred to collectively as “assessable insureds.” An insurer’s assessment liability begins on the first day of the calendar year following the year in which the insurer was issued a certificate of authority to transact insurance for subject lines of business in this state and terminates 1 year after the end of the first calendar year during which the insurer no longer holds a certificate of authority to transact insurance for subject lines of business in this state.

2.a. All revenues, assets, liabilities, losses, and expenses of the corporation shall be divided into three separate accounts as follows:

(I) A personal lines account for personal residential policies issued by the corporation, or issued by the Residential Property and Casualty Joint Underwriting Association and renewed by the corporation, which provides comprehensive, multiperil coverage on risks that are not located in areas eligible for coverage by the Florida Windstorm Underwriting Association as those areas were defined on January 1, 2002, and for policies that do not provide coverage for the peril of wind on risks that are located in such areas;

(II) A commercial lines account for commercial residential and commercial nonresidential policies issued by the corporation, or issued by the Residential Property and Casualty Joint Underwriting Association and renewed by the corporation, which provides coverage for basic property perils on risks that are not located in areas eligible for coverage by the Florida Windstorm Underwriting Association as those areas were defined on January 1, 2002, and for policies that do not provide coverage for the peril of wind on risks that are located in such areas; and

(III) A coastal account for personal residential policies and commercial residential and commercial nonresidential property policies issued by the corporation, or transferred to the corporation, which provides coverage for the peril of wind on risks that are located in areas eligible for coverage by the Florida Windstorm Underwriting Association as those areas were defined on January 1, 2002. The corporation may offer policies that provide multiperil coverage and ~~the corporation shall continue to offer policies that provide coverage only for the peril of wind for risks located in areas eligible for coverage in the coastal account.~~ In issuing multiperil coverage, the corporation may use its approved policy forms and rates for the personal lines account. An applicant or insured who is eligible to purchase a multiperil policy from the corporation may purchase a multiperil policy from an authorized insurer without prejudice to the applicant’s or insured’s eligibility to prospectively purchase a policy that provides coverage only for the peril of wind from the corporation. An applicant or insured who is eligible for a corporation policy that provides coverage only for the peril of wind may elect to purchase or retain such policy and also purchase or retain coverage excluding wind from an authorized insurer without prejudice to the applicant’s or insured’s eligibility to prospectively purchase a policy that provides multiperil coverage from the corporation. It is the goal of the Legislature that there be an overall average savings of 10 percent or more for a policyholder who currently has a wind-only policy with the corporation, and an ex-wind policy with a voluntary insurer or the corporation, and who obtains a multiperil policy from the corporation. It is the intent of the Legislature that the offer of multiperil coverage in the coastal account be made and implemented in a manner that does not adversely affect the tax-exempt status of the corporation or creditworthiness of or security for currently outstanding financing obligations or credit facilities of the coastal account, the personal lines account, or the commercial lines account. ~~The coastal account must also include quota share primary insurance under subparagraph (c)2.~~ The area eligible for coverage under the coastal account also includes the area within Port Canaveral, which is bordered on the south by the City of Cape Canaveral, bordered on the west by the Banana River, and bordered on the north by Federal Government property.

b. The three separate accounts must be maintained as long as financing obligations entered into by the Florida Windstorm Under-

writing Association or Residential Property and Casualty Joint Underwriting Association are outstanding, in accordance with the terms of the corresponding financing documents. If the financing obligations are no longer outstanding, the corporation may use a single account for all revenues, assets, liabilities, losses, and expenses of the corporation. Consistent with this subparagraph and prudent investment policies that minimize the cost of carrying debt, the board shall exercise its best efforts to retire existing debt or obtain the approval of necessary parties to amend the terms of existing debt, *in order so as* to structure the most efficient plan *for consolidating to consolidate* the three separate accounts into a single account.

c. Creditors of the Residential Property and Casualty Joint Underwriting Association and the accounts specified in sub-sub-subparagraphs a.(I) and (II) may have a claim against, and recourse to, those accounts and no claim against, or recourse to, the account referred to in sub-sub-subparagraph a.(III). Creditors of the Florida Windstorm Underwriting Association have a claim against, and recourse to, the account referred to in sub-sub-subparagraph a.(III) and no claim against, or recourse to, the accounts referred to in sub-sub-subparagraphs a.(I) and (II).

d. Revenues, assets, liabilities, losses, and expenses not attributable to particular accounts shall be prorated among the accounts.

e. The Legislature finds that the revenues of the corporation are revenues that are necessary to meet the requirements set forth in documents authorizing the issuance of bonds under this subsection.

f. The income of the corporation may not inure to the benefit of any private person.

3. With respect to a deficit in an account:

a. After accounting for the Citizens policyholder surcharge imposed under sub-subparagraph i., if the remaining projected deficit incurred in the coastal account in a particular calendar year:

(I) Is not greater than 2 percent of the aggregate statewide direct written premium for the subject lines of business for the prior calendar year, the entire deficit shall be recovered through regular assessments of assessable insurers under paragraph (q) and assessable insureds.

(II) Exceeds 2 percent of the aggregate statewide direct written premium for the subject lines of business for the prior calendar year, the corporation shall levy regular assessments on assessable insurers under paragraph (q) and on assessable insureds in an amount equal to the greater of 2 percent of the projected deficit or 2 percent of the aggregate statewide direct written premium for the subject lines of business for the prior calendar year. Any remaining projected deficit shall be recovered through emergency assessments under sub-subparagraph d.

b. Each assessable insurer’s share of the amount being assessed under sub-subparagraph a. must be in the proportion that the assessable insurer’s direct written premium for the subject lines of business for the year preceding the assessment bears to the aggregate statewide direct written premium for the subject lines of business for that year. The assessment percentage applicable to each assessable insured is the ratio of the amount being assessed under sub-subparagraph a. to the aggregate statewide direct written premium for the subject lines of business for the prior year. Assessments levied by the corporation on assessable insurers under sub-subparagraph a. must be paid as required by the corporation’s plan of operation and paragraph (q). Assessments levied by the corporation on assessable insureds under sub-subparagraph a. shall be collected by the surplus lines agent at the time the surplus lines agent collects the surplus lines tax required by s. 626.932, and paid to the Florida Surplus Lines Service Office at the time the surplus lines agent pays the surplus lines tax to that office. Upon receipt of regular assessments from surplus lines agents, the Florida Surplus Lines Service Office shall transfer the assessments directly to the corporation as determined by the corporation.

c. After accounting for the Citizens policyholder surcharge imposed under sub-subparagraph i., the remaining projected deficits in the personal lines account and in the commercial lines account in a particular calendar year shall be recovered through emergency assessments under sub-subparagraph d.

d. Upon a determination by the *executive director, with the concurrence of the board of governors*, that a projected deficit in an account exceeds the amount that is expected to be recovered through regular assessments under sub-subparagraph a., plus the amount that is expected to be recovered through *policyholder* surcharges under sub-subparagraph i., the *executive director, with concurrence by the board*, after verification by the office, shall levy emergency assessments for as many years as necessary to cover the deficits, to be collected by assessable insurers and the corporation and collected from assessable insureds upon issuance or renewal of policies for subject lines of business, excluding National Flood Insurance policies. *The executive director shall notify the Financial Services Commission of the emergency assessments within 5 days after the board's concurrence with the executive director's determination that such assessments are necessary.* The amount collected in a particular year must be a uniform percentage of that year's direct written premium for subject lines of business and all accounts of the corporation, excluding National Flood Insurance Program policy premiums, as annually determined by the *executive director, with concurrence by the board*, and verified by the office. The office shall verify the arithmetic calculations involved in the board's determination within 30 days after receipt of the information on which the determination was based. The office shall notify assessable insurers and the Florida Surplus Lines Service Office of the date on which assessable insurers shall begin to collect and assessable insureds shall begin to pay such assessment. The date ~~must be at least~~ ~~may be not less than~~ 90 days after the date the corporation levies emergency assessments pursuant to this sub-subparagraph. Notwithstanding any other provision of law, the corporation and each assessable insurer that writes subject lines of business shall collect emergency assessments from its policyholders without such obligation being affected by any credit, limitation, exemption, or deferment. Emergency assessments levied by the corporation on assessable insureds shall be collected by the surplus lines agent at the time the surplus lines agent collects the surplus lines tax required by s. 626.932 and paid to the Florida Surplus Lines Service Office at the time the surplus lines agent pays the surplus lines tax to that office. The emergency assessments collected shall be transferred directly to the corporation on a periodic basis as determined by the corporation and held by the corporation solely in the applicable account. The aggregate amount of emergency assessments levied for an account ~~under this sub-subparagraph~~ in any calendar year may be less than but not exceed the greater of 10 percent of the amount needed to cover the deficit, plus interest, fees, commissions, required reserves, and other costs associated with financing the original deficit, or 10 percent of the aggregate statewide direct written premium for subject lines of business and all accounts of the corporation for the prior year, plus interest, fees, commissions, required reserves, and other costs associated with financing the deficit.

e. The corporation may pledge the proceeds of assessments, projected recoveries from the Florida Hurricane Catastrophe Fund, other insurance and reinsurance recoverables, policyholder surcharges and other surcharges, and other funds available to the corporation as the source of revenue for and to secure bonds issued under paragraph (q), bonds or other indebtedness issued under subparagraph (c)3., or lines of credit or other financing mechanisms issued or created under this subsection, or to retire any other debt incurred as a result of deficits or events giving rise to deficits, or in any other way that the *executive director, with the concurrence of the board*, determines will efficiently recover such deficits. The purpose of the lines of credit or other financing mechanisms is to provide additional resources to assist the corporation in covering claims and expenses attributable to a catastrophe. As used in this subsection, the term "assessments" includes regular assessments under sub-subparagraph a. or subparagraph (q)1. and emergency assessments under sub-subparagraph d. Emergency assessments collected under sub-subparagraph d. are not part of an insurer's rates, are not premium, and are not subject to premium tax, fees, or commissions; however, failure to pay the emergency assessment shall be treated as failure to pay premium. The emergency assessments ~~under sub-subparagraph d.~~ shall continue as long as any bonds issued or other indebtedness incurred with respect to a deficit for which the assessment was imposed remain outstanding, unless adequate provision has been made for the payment of such bonds or other indebtedness pursuant to the documents governing such bonds or indebtedness.

f. As used in this subsection for purposes of any deficit incurred on or after January 25, 2007, the term "subject lines of business" means insurance written by assessable insurers or procured by assessable in-

sureds for all property and casualty lines of business in this state, but not including workers' compensation or medical malpractice. As used in this sub-subparagraph, the term "property and casualty lines of business" includes all lines of business identified on Form 2, Exhibit of Premiums and Losses, in the annual statement required of authorized insurers under s. 624.424 and any rule adopted under this section, except for those lines identified as accident and health insurance and except for policies written under the National Flood Insurance Program or the Federal Crop Insurance Program. For purposes of this sub-subparagraph, the term "workers' compensation" includes both workers' compensation insurance and excess workers' compensation insurance.

g. The Florida Surplus Lines Service Office shall ~~annually~~ *annually* determine the aggregate statewide written premium in subject lines of business procured by assessable insureds and report that information to the corporation in a form and at a time the corporation specifies to ensure that the corporation can meet the requirements of this subsection and the corporation's financing obligations.

h. The Florida Surplus Lines Service Office shall verify the proper application by surplus lines agents of assessment percentages for regular assessments and emergency assessments levied under this subparagraph on assessable insureds and assist the corporation in ensuring the accurate, timely collection and payment of assessments by surplus lines agents as required by the corporation.

i. ~~In 2008 or thereafter~~, Upon a determination by the board of governors that an account has a projected deficit, the board shall levy a Citizens policyholder surcharge against all policyholders of the corporation.

(I) The surcharge shall be levied as a uniform percentage ~~of the premium for the policy~~ of up to 15 percent of ~~the policy~~ such premium, which funds shall be used to offset the deficit.

(II) The surcharge is payable upon cancellation or termination of the policy, upon renewal of the policy, or upon issuance of a new policy by the corporation within the first 12 months after the date of the levy or the period of time necessary to fully collect the surcharge amount.

(III) The corporation may not levy any regular assessments under paragraph (q) pursuant to sub-subparagraph a. or sub-subparagraph b. with respect to a particular year's deficit until the corporation has first levied the full amount of the surcharge authorized by this sub-subparagraph.

(IV) The surcharge is not considered premium and is not subject to commissions, fees, or premium taxes. However, failure to pay the surcharge shall be treated as failure to pay premium.

j. If the amount of any assessments or surcharges collected from corporation policyholders, assessable insurers or their policyholders, or assessable insureds exceeds the amount of the deficits, such excess amounts shall be remitted to and retained by the corporation in a reserve to be used by the corporation, as determined by the *executive director, with the concurrence of the board of governors*, and approved by the office, to pay claims or reduce any past, present, or future plan-year deficits or to reduce outstanding debt.

(c) The corporation's plan of operation:

1. Must provide for adoption of residential property and casualty insurance policy forms and commercial residential and nonresidential property insurance forms, which must be approved by the office before use. The corporation shall adopt the following policy forms:

a. Standard personal lines policy forms that are comprehensive multiperil policies providing full coverage of a residential property equivalent to the coverage provided in the private insurance market under an HO-3, HO-4, or HO-6 policy.

b. Basic personal lines policy forms that are policies similar to an HO-8 policy or a dwelling fire policy that provide coverage meeting the requirements of the secondary mortgage market, but which is more limited than the coverage under a standard policy.

c. Commercial lines residential and nonresidential policy forms that are generally similar to the basic perils of full coverage obtainable for

commercial residential structures and commercial nonresidential structures in the admitted voluntary market.

d. Personal lines and commercial lines residential property insurance forms that cover the peril of wind only. ~~Such~~ ~~The~~ forms are applicable only to residential properties located in areas eligible for coverage under the coastal account referred to in sub-subparagraph (b) 2.a.

e. Commercial lines nonresidential property insurance forms that cover the peril of wind only. ~~Such~~ ~~The~~ forms are applicable only to nonresidential properties located in areas eligible for coverage under the coastal account referred to in sub-subparagraph (b)2.a.

f. The corporation may adopt variations of the policy forms listed in sub-subparagraphs a.-e. which contain more restrictive coverage.

g. Effective January 1, 2013, the corporation shall offer a basic personal lines policy similar to an HO-8 policy with dwelling repair based on common construction materials and methods.

2. *Must provide that the corporation and an authorized insurer may enter into a risk-sharing agreement for the purpose of reducing the corporation's exposure. As used in this subparagraph, the term "risk-sharing agreement" means an agreement between the corporation and an authorized insurer for the corporation to retain part, but not all, of the risk for a specified group of policies or specified perils within a group of policies, as part of the terms for removal of policies from the corporation.*

a. *Entering into a risk-sharing agreement is voluntary and at the discretion of the corporation and the authorized insurer. To avoid unnecessary expense, the executive director, with concurrence of the board of governors, may limit the corporation's participation in risk-sharing agreements to those participants capable and willing to assume a minimum of 25 percent of the exposure on at least 100,000 policies and may specify other limitations. A risk-sharing agreement in which the corporation retains part of the risk may not exceed 5 years.*

b. *The risk-sharing agreement may cover policies in any account and may cover any perils. The corporation may act as a reinsurer or a cedent under a risk sharing agreement or an excess of loss agreement. If the corporation is the reinsurer, the insurance policy forms and endorsements must be approved by the office, cover all perils that are the subject of the risk-sharing agreement, and cover at least the same limits as the corporation policies being replaced.*

c. *The terms of each risk-sharing agreement must ensure that the consideration received by the corporation is commensurate with the risk retained by the corporation and the risk assumed by the authorized insurer. The corporation may not share risk for bad faith.*

d. *The risk-sharing agreement must specify the proportion of exposure that the authorized insurer reports to the Florida Hurricane Catastrophe Fund and the exposure retained by the corporation. Each shall pay premium and receive reimbursements from the fund for the exposure that they retain or assume as provided in the risk-sharing agreement. The risk retained or assumed is eligible for coverage by the fund and is not considered reinsurance for purposes of coverage by the fund. However, the authorized insurer and the corporation may report participation in the risk sharing agreement on their financial statements as reinsurance if appropriate according to the characteristics of the agreement based on statutory accounting rules and instructions.*

e. *Notwithstanding any other provision of law:*

(I) *Policies offered coverage by the corporation or an authorized insurer through a risk-sharing agreement are not eligible for coverage by the corporation outside of the agreement; and*

(II) *A risk-sharing agreement between the corporation and an authorized insurer is not subject to the requirements of a take-out or keep-out program under s. 627.3517 and this subsection, except that the agreement must be filed by the authorized insurer with the office for review and approval before the execution of the agreement by the insurer.*

f. *To ensure that exposures are accurately reported to the Florida Hurricane Catastrophe Fund, the corporation and each insurer participating in a risk-sharing agreement under this subparagraph must report its exposure under covered policies to the fund as required under s.*

215.555(5)(c), including the requirement that, by September 1 of each year, each insurer notify the board of its insured values under covered policies as of June 30 of that year. Each report must also specify the percentage of liability applicable to the corporation and the percentage applicable to the insurer. Pursuant to its authority under s. 215.555, the State Board of Administration shall adopt rules to administer this subparagraph.

2. ~~Must provide that the corporation adopt a program in which the corporation and authorized insurers enter into quota share primary insurance agreements for hurricane coverage, as defined in s. 627.4025(2)(a), for eligible risks, and adopt property insurance forms for eligible risks which cover the peril of wind only.~~

a. ~~As used in this subsection, the term:~~

(I) ~~"Quota share primary insurance" means an arrangement in which the primary hurricane coverage of an eligible risk is provided in specified percentages by the corporation and an authorized insurer. The corporation and authorized insurer are each solely responsible for a specified percentage of hurricane coverage of an eligible risk as set forth in a quota share primary insurance agreement between the corporation and an authorized insurer and the insurance contract. The responsibility of the corporation or authorized insurer to pay its specified percentage of hurricane losses of an eligible risk, as set forth in the agreement, may not be altered by the inability of the other party to pay its specified percentage of losses. Eligible risks that are provided hurricane coverage through a quota share primary insurance arrangement must be provided policy forms that set forth the obligations of the corporation and authorized insurer under the arrangement, clearly specify the percentages of quota share primary insurance provided by the corporation and authorized insurer, and conspicuously and clearly state that the authorized insurer and the corporation may not be held responsible beyond their specified percentage of coverage of hurricane losses.~~

(II) ~~"Eligible risks" means personal lines residential and commercial lines residential risks that meet the underwriting criteria of the corporation and are located in areas that were eligible for coverage by the Florida Windstorm Underwriting Association on January 1, 2002.~~

b. ~~The corporation may enter into quota share primary insurance agreements with authorized insurers at corporation coverage levels of 90 percent and 50 percent.~~

e. ~~If the corporation determines that additional coverage levels are necessary to maximize participation in quota share primary insurance agreements by authorized insurers, the corporation may establish additional coverage levels. However, the corporation's quota share primary insurance coverage level may not exceed 90 percent.~~

d. ~~Any quota share primary insurance agreement entered into between an authorized insurer and the corporation must provide for a uniform specified percentage of coverage of hurricane losses, by county or territory as set forth by the corporation board, for all eligible risks of the authorized insurer covered under the agreement.~~

e. ~~Any quota share primary insurance agreement entered into between an authorized insurer and the corporation is subject to review and approval by the office. However, such agreement shall be authorized only as to insurance contracts entered into between an authorized insurer and an insured who is already insured by the corporation for wind coverage.~~

f. ~~For all eligible risks covered under quota share primary insurance agreements, the exposure and coverage levels for both the corporation and authorized insurers shall be reported by the corporation to the Florida Hurricane Catastrophe Fund. For all policies of eligible risks covered under such agreements, the corporation and the authorized insurer must maintain complete and accurate records for the purpose of exposure and loss reimbursement audits as required by fund rules. The corporation and the authorized insurer shall each maintain duplicate copies of policy declaration pages and supporting claims documents.~~

g. ~~The corporation board shall establish in its plan of operation standards for quota share agreements which ensure that there is no discriminatory application among insurers as to the terms of the agreements, pricing of the agreements, incentive provisions if any, and consideration paid for servicing policies or adjusting claims.~~

~~h. The quota share primary insurance agreement between the corporation and an authorized insurer must set forth the specific terms under which coverage is provided, including, but not limited to, the sale and servicing of policies issued under the agreement by the insurance agent of the authorized insurer producing the business, the reporting of information concerning eligible risks, the payment of premium to the corporation, and arrangements for the adjustment and payment of hurricane claims incurred on eligible risks by the claims adjuster and personnel of the authorized insurer. Entering into a quota sharing insurance agreement between the corporation and an authorized insurer is voluntary and at the discretion of the authorized insurer.~~

3.a. ~~May provide that the corporation may employ or otherwise contract with individuals or other entities to provide administrative or professional services that may be appropriate to effectuate the plan. The corporation may borrow funds by issuing bonds or by incurring other indebtedness, and shall have other powers reasonably necessary to effectuate the requirements of this subsection, including, without limitation, the power to issue bonds and incur other indebtedness in order to refinance outstanding bonds or other indebtedness. The corporation may seek judicial validation of its bonds or other indebtedness under chapter 75. The corporation may issue bonds or incur other indebtedness, or have bonds issued on its behalf by a unit of local government pursuant to subparagraph (q)2. in the absence of a hurricane or other weather-related event, upon a determination by the corporation, subject to approval by the office, that such action would enable it to efficiently meet the financial obligations of the corporation and that such financings are reasonably necessary to effectuate the requirements of this subsection. The corporation may take all actions needed to facilitate tax-free status for such bonds or indebtedness, including formation of trusts or other affiliated entities. The corporation may pledge assessments, projected recoveries from the Florida Hurricane Catastrophe Fund, other reinsurance recoverables, *Citizens* policyholder surcharges and other surcharges, and other funds available to the corporation as security for bonds or other indebtedness. In recognition of s. 10, Art. I of the State Constitution, prohibiting the impairment of obligations of contracts, it is the intent of the Legislature that no action not be taken whose purpose is to impair any bond indenture or financing agreement or any revenue source committed by contract to such bond or other indebtedness.~~

b. ~~May provide that the corporation employ or otherwise contract with individuals or other entities to provide administrative or professional services that may be appropriate to effectuate the plan. To ensure that the corporation is operating in an efficient and economic manner while providing quality service to policyholders, applicants, and agents, the board shall commission an independent third-party consultant having expertise in insurance company management or insurance company management consulting to prepare a report and make recommendations on the relative costs and benefits of outsourcing various policy issuance and service functions to private servicing carriers or entities performing similar functions in the private market for a fee, rather than performing such functions in-house. In making such recommendations, the consultant shall consider how other residual markets, both in this state and around the country, outsource appropriate functions or use servicing carriers to better match expenses with revenues that fluctuate based on a widely varying policy count. The report must be completed by July 1, 2012. Upon receiving the report, the executive director, with the concurrence of the board, shall develop a plan to implement the report and submit the plan for review, modification, and approval to the Financial Services Commission. Upon the commission's approval of the plan, the board shall begin implementing the plan by January 1, 2013.~~

4. Must require that the corporation operate subject to the supervision and approval of a board of governors consisting of ~~nine~~ eight individuals who are residents of this state and who are, from different geographical areas of the this state, one of whom is appointed by the Governor and serves solely to advocate on behalf of the consumer. The appointment of a consumer representative by the Governor is in addition to the appointments authorized under sub-subparagraph a.

a. The Governor, the Chief Financial Officer, the President of the Senate, and the Speaker of the House of Representatives shall each appoint two members of the board. All board members, except those appointed by the speaker, must be confirmed by the Senate during the legislative session following their appointment. At least one of the two members appointed by each appointing officer must have demonstrated expertise in insurance and must be is deemed to be within the scope of the exemption provided under in s. 112.313(7)(b). The Chief Financial

Officer shall designate one of the appointees as chair for the purpose of presiding over the orderly conduct of meetings. An appointee serves as chair for no more than one term. All board members serve at the pleasure of the appointing officer. All members of the board are subject to removal at will by the officers who appointed them. All board members, including the chair, shall must be appointed to serve for 3-year terms beginning annually on a date designated by the plan. However, for the first term beginning on or after July 1, 2009, each appointing officer shall appoint one member of the board for a 2 year term and one member for a 3 year term. A board vacancy shall be filled for the unexpired term by the appointing officer. The Chief Financial Officer shall appoint a technical advisory group to provide information and advice to the executive director and the board in connection with the corporation's board's duties under this subsection. The executive director shall be appointed by and serve at the pleasure of the Governor and the Chief Financial Officer. and Senior managers of the corporation shall be appointed by the executive director, with the concurrence of engaged by the board, and serve at the pleasure of the executive director board. Appointment of the Any executive director appointed on or after July 1, 2006, is subject to confirmation by the Senate upon original appointment and upon the election or reelection of the Governor and Chief Financial Officer if retained. The executive director is responsible for employing other staff as the corporation may require, subject to review and concurrence by the board.

b. The board shall create a Market Accountability Advisory Committee to assist the corporation in developing awareness of its rates and its customer and agent service levels in relationship to the voluntary market insurers writing similar coverage.

(I) The members of the advisory committee consist of the following 11 persons, one of whom must be elected chair by the members of the committee: four representatives, one appointed by the Florida Association of Insurance Agents, one by the Florida Association of Insurance and Financial Advisors, one by the Professional Insurance Agents of Florida, and one by the Latin American Association of Insurance Agencies; three representatives appointed by the insurers with the three highest voluntary market share of residential property insurance business in the state; one representative from the Office of Insurance Regulation; one consumer appointed by the board who is insured by the corporation at the time of appointment to the committee; one representative appointed by the Florida Association of Realtors; and one representative appointed by the Florida Bankers Association. All members shall be appointed to 3-year terms, serve at the pleasure of the board of governors, and may serve for consecutive terms.

(II) The committee shall report to the corporation at each board meeting on insurance market issues that which may include rates and rate competition within with the voluntary market; service, including policy issuance, claims processing, and general responsiveness to policyholders, applicants, and agents; and matters relating to depopulation.

5. Must provide a procedure for determining the eligibility of a risk for coverage by the corporation which applies to both new and renewal policies, as follows:

a. Subject to s. 627.3517, with respect to personal lines residential risks, if the risk is offered coverage from an authorized insurer at the insurer's approved rate under a standard policy including wind coverage or, if consistent with the insurer's underwriting rules as filed with the office, a basic policy including wind coverage, for a new application to the corporation for coverage, the risk is not eligible for any policy issued by the corporation unless the premium for coverage from the authorized insurer is more than 15 percent greater than the premium for comparable coverage from the corporation. For renewal policies, the risk is not eligible for a policy issued by the corporation unless the premium for coverage from an authorized insurer is more than 5 percent higher than the premium for comparable coverage from the corporation. If the risk is not able to obtain such offer, the risk is eligible for a standard policy including wind coverage or a basic policy including wind coverage issued by the corporation; however, if the risk could not be insured under a standard policy including wind coverage regardless of market conditions, the risk is eligible for a basic policy including wind coverage unless rejected under subparagraph 8. However, a policyholder of the corporation or a policyholder removed from the corporation through an assumption agreement until the end of the assumption period remains eligible for coverage from the corporation regardless of any offer of coverage from an authorized insurer or surplus lines insurer. The corporation shall determine the type of policy to be provided on the basis of

objective standards specified in the underwriting manual and based on generally accepted underwriting practices.

(I) If the risk accepts an offer of coverage through the market assistance plan or through a mechanism established by the corporation before a policy is issued to the risk by the corporation or during the first 30 days of coverage by the corporation, and the producing agent who submitted the application to the plan or to the corporation is not currently appointed by the insurer, the insurer shall:

(A) Pay to the producing agent of record ~~of the policy~~ for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record ~~of the policy~~ to continue servicing the policy for at least 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-sub-paragraph (A).

(II) If the corporation enters into a contractual agreement for a take-out plan, the producing agent of record of the corporation policy is entitled to retain any unearned commission on the policy, and the insurer shall:

(A) Pay to the producing agent of record, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record to continue servicing the policy for at least 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-sub-paragraph (A).

b. With respect to commercial lines residential risks, ~~for a new application to the corporation for coverage~~, if the risk is offered coverage under a policy including wind coverage from an authorized insurer at its approved rate, the risk is not eligible for a policy issued by the corporation unless the premium for coverage from the authorized insurer is more than 15 percent greater than the premium for comparable coverage from the corporation. If the risk is not able to obtain any such offer, the risk is eligible for a policy including wind coverage issued by the corporation. ~~However, a policyholder of the corporation or a policyholder removed from the corporation through an assumption agreement until the end of the assumption period remains eligible for coverage from the corporation regardless of an offer of coverage from an authorized insurer or surplus lines insurer.~~

(I) If the risk accepts an offer of coverage through the market assistance plan or through a mechanism established by the corporation before a policy is issued to the risk by the corporation or during the first 30 days of coverage by the corporation, and the producing agent who submitted the application to the plan or the corporation is not currently appointed by the insurer, the insurer shall:

(A) Pay to the producing agent of record ~~of the policy~~, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record ~~of the policy~~ to continue servicing the policy for at least 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-sub-paragraph (A).

(II) If the corporation enters into a contractual agreement for a take-out plan, the producing agent of record of the corporation policy is entitled to retain any unearned commission on the policy, and the insurer shall:

(A) Pay to the producing agent of record, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record to continue servicing the policy for at least 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-sub-paragraph (A).

c. For purposes of determining comparable coverage under sub-sub-paragraphs a. and b., the comparison must be based on those forms and coverages that are reasonably comparable. The corporation may rely on a determination of comparable coverage and premium made by the producing agent who submits the application to the corporation, made in the agent's capacity as the corporation's agent. A comparison may be made solely of the premium with respect to the main building or structure ~~only~~ on the following basis: the same coverage A or other building limits; the same percentage hurricane deductible that applies on an annual basis or that applies to each hurricane for commercial residential property; the same percentage of ordinance and law coverage, if the same limit is offered by both the corporation and the authorized insurer; the same mitigation credits, to the extent the same types of credits are offered both by the corporation and the authorized insurer; the same method for loss payment, such as replacement cost or actual cash value, if the same method is offered both by the corporation and the authorized insurer in accordance with underwriting rules; and any other form or coverage that is reasonably comparable as determined by the board. If an application is submitted to the corporation for wind-only coverage in the coastal account, the premium for the corporation's wind-only policy plus the premium for the ex-wind policy that is offered by an authorized insurer to the applicant must be compared to the premium for multiperil coverage offered by an authorized insurer, subject to the standards for comparison specified in this subparagraph. If the corporation or the applicant requests from the authorized insurer a breakdown of the premium of the offer by types of coverage so that a comparison may be made by the corporation or its agent and the authorized insurer refuses or is unable to provide such information, the corporation may treat the offer as not being an offer of coverage from an authorized insurer at the insurer's approved rate.

6. Must include rules for classifications of risks and rates.

7. Must provide that if premium and investment income for an account attributable to a particular calendar year are in excess of projected losses and expenses for the account attributable to that year, such excess ~~shall~~ be held in surplus in the account. Such surplus must be available to defray deficits in that account as to future years and used for that purpose before assessing assessable insurers and assessable insureds as to any calendar year.

8. Must provide objective criteria and procedures ~~that are to be~~ uniformly applied to all applicants in determining whether an individual risk is so hazardous as to be uninsurable. In making this determination and in establishing the criteria and procedures, the following must be considered:

a. Whether the likelihood of a loss for the individual risk is substantially higher than for other risks of the same class; and

b. Whether the uncertainty associated with the individual risk is such that an appropriate premium cannot be determined.

The acceptance or rejection of a risk by the corporation shall be construed as the private placement of insurance, and the provisions of chapter 120 do not apply.

9. Must provide that the corporation make its best efforts to procure catastrophe reinsurance at reasonable rates, to cover its projected 100-year probable maximum loss as determined by the board of governors.

10. *Must provide that* the policies issued by the corporation ~~must~~ provide that if the corporation or the market assistance plan obtains an offer from an authorized insurer to cover the risk at its approved rates, the risk is no longer eligible for renewal through the corporation, except as otherwise provided in this subsection.

11. *Must provide that* corporation policies and applications ~~must~~ include a notice that the corporation policy could, under this section, be replaced with a policy issued by an authorized insurer which does not provide coverage identical to the coverage provided by the corporation. The notice must also specify that acceptance of corporation coverage creates a conclusive presumption that the applicant or policyholder is aware of this potential.

12. May establish, subject to approval by the office, different eligibility requirements and operational procedures for any line or type of coverage for any specified county or area if the board determines that such changes are justified due to the voluntary market being sufficiently stable and competitive in such area or for such line or type of coverage and that consumers who, in good faith, are unable to obtain insurance through the voluntary market through ordinary methods continue to have access to coverage from the corporation. If coverage is sought in connection with a real property transfer, the requirements and procedures may not provide an effective date of coverage later than the date of the closing of the transfer as established by the transferor, the transferee, and, if applicable, the lender.

13. Must provide that, with respect to the coastal account, any assessable insurer *that has with* a surplus as to policyholders of \$25 million or less writing 25 percent or more of its total countrywide property insurance premiums in this state may ~~petition the office~~, within the first 90 days of each calendar year, *petition the office* to qualify as a limited apportionment company. A regular assessment levied by the corporation on a limited apportionment company for a deficit incurred by the corporation for the coastal account may be paid to the corporation on a monthly basis as the assessments are collected by the limited apportionment company from its insureds. ~~The, but a~~ limited apportionment company must begin collecting the regular assessments *within not later than* 90 days after the regular assessments are levied by the corporation, and the regular assessments must be paid in full within 15 months after being levied by the corporation. A limited apportionment company shall collect from its policyholders any emergency assessment imposed under sub-subparagraph (b)3.d. The plan must provide that, if the office determines that any regular assessment will result in an impairment of the surplus of a limited apportionment company, the office may direct that all or part of such assessment be deferred as provided in subparagraph (q)4. However, an emergency assessment to be collected from policyholders under sub-subparagraph (b)3.d. may not be limited or deferred.

14. Must provide that the corporation appoint as its licensed agents only those agents who *at the time of initial appointment* also hold an appointment as defined in s. 626.015(3) with an insurer who ~~at the time of the agent's initial appointment by the corporation~~ is authorized to write and is actually writing personal lines residential property coverage, commercial residential property coverage, or commercial non-residential property coverage within the state. *As a condition of continued appointment, agents of the corporation must maintain appropriate documentation specified by the corporation which warrants and certifies that alternative coverage was annually sought for each risk placed by that agent with the corporation in accordance with s. 627.3518. After January 1, 2014, if an agent places a policy with the corporation which was ineligible for coverage based on eligibility standards at the time of placement, agent commissions may not be paid on that policy.*

15. Must provide a premium payment plan option to its policyholders which, at a minimum, allows for quarterly and semiannual payment of premiums. A monthly payment plan may, but is not required to, be offered.

16. *Must make available a policy for mobile homes or manufactured homes with a minimum insured value of at least \$3,000. Must limit* Coverage on mobile homes or manufactured homes built before 1994 *is limited* to actual cash value of the dwelling rather than replacement

costs of the dwelling. *Such coverage must also include the following attached structures:*

a. *Screened enclosures that are aluminum framed or that are not covered by the same or substantially the same materials as those of the primary dwelling;*

b. *Carports that are aluminum or that are not covered by the same or substantially the same materials as those of the primary dwelling; and*

c. *Patios that have a roof covering constructed of materials that are not the same or substantially the same materials as those of the primary dwelling.*

17. May provide such limits of coverage as the board determines, consistent with the requirements of this subsection.

18. May require commercial property to meet specified hurricane mitigation construction features as a condition of eligibility for coverage.

19. Must provide that new or renewal policies issued by the corporation on or after January 1, 2012, which cover sinkhole loss do not include coverage for any loss to appurtenant structures, driveways, sidewalks, decks, or patios that are directly or indirectly caused by sinkhole activity. The corporation shall exclude such coverage using a notice of coverage change, which may be included with the policy renewal, and not by issuance of a notice of nonrenewal of the excluded coverage upon renewal of the current policy.

20. *Must, as of July January 1, 2014 2012, must* require that the agent obtain from an applicant for coverage from the corporation an acknowledgment signed by the applicant, which includes, at a minimum, the following statement:

ACKNOWLEDGMENT OF POTENTIAL SURCHARGE
AND ASSESSMENT LIABILITY:

1. AS A POLICYHOLDER OF CITIZENS PROPERTY INSURANCE CORPORATION, I UNDERSTAND THAT IF THE CORPORATION SUSTAINS A DEFICIT AS A RESULT OF HURRICANE LOSSES OR FOR ANY OTHER REASON, MY POLICY COULD BE SUBJECT TO SURCHARGES, WHICH WILL BE DUE AND PAYABLE UPON RENEWAL, CANCELLATION, OR TERMINATION OF THE POLICY, AND THAT THE SURCHARGES COULD BE AS HIGH AS 45 PERCENT OF MY PREMIUM, OR A DIFFERENT AMOUNT AS IMPOSED BY THE FLORIDA LEGISLATURE.

2. *I UNDERSTAND THAT I CAN AVOID THE CITIZENS POLICYHOLDER SURCHARGE, WHICH COULD BE AS HIGH AS 45 PERCENT OF MY PREMIUM, BY OBTAINING COVERAGE FROM A PRIVATE MARKET INSURER AND THAT TO BE ELIGIBLE FOR COVERAGE BY CITIZENS I MUST FIRST TRY TO OBTAIN PRIVATE MARKET COVERAGE BEFORE APPLYING FOR OR RENEWING COVERAGE WITH CITIZENS. I UNDERSTAND THAT PRIVATE MARKET INSURANCE RATES ARE REGULATED AND APPROVED BY THE STATE.*

3. ~~2.~~ I ~~ALSO~~ UNDERSTAND THAT I MAY BE SUBJECT TO EMERGENCY ASSESSMENTS TO THE SAME EXTENT AS POLICYHOLDERS OF OTHER INSURANCE COMPANIES, OR A DIFFERENT AMOUNT AS IMPOSED BY THE FLORIDA LEGISLATURE.

4. ~~3.~~ I ~~ALSO~~ UNDERSTAND THAT CITIZENS PROPERTY INSURANCE CORPORATION IS NOT SUPPORTED BY THE FULL FAITH AND CREDIT OF THE STATE OF FLORIDA.

a. The corporation shall maintain, in electronic format or otherwise, a copy of the applicant's signed acknowledgment and provide a copy of the statement to the policyholder as part of *his or her* ~~the first~~ renewal after the effective date of this subparagraph.

b. The signed acknowledgment form creates a conclusive presumption that the policyholder understood and accepted his or her potential surcharge and assessment liability as a policyholder of the corporation.

(g) The *executive director, with the concurrence of the* board, shall determine whether it is more cost-effective and in the best interests of the corporation to use legal services provided by in-house attorneys employed by the corporation rather than contracting with outside

counsel. In making such determination, the board shall document its findings and ~~shall~~ consider: the expertise needed; whether time commitments exceed in-house staff resources; whether local representation is needed; the travel, lodging and other costs associated with in-house representation; and such other factors that the board determines are relevant.

(i)1. The Office of the Internal Auditor is established within the corporation to provide a central point for coordination of and responsibility for activities that promote accountability, integrity, and efficiency to the policyholders and to the taxpayers of this state. The internal auditor shall be appointed by the board of governors, shall report to and be under the general supervision of the board of governors, and is not subject to supervision by ~~an any~~ employee of the corporation. Administrative staff and support shall be provided by the corporation. The internal auditor shall be appointed without regard to political affiliation. It is the duty and responsibility of the internal auditor to:

a. Provide direction for, supervise, conduct, and coordinate audits, investigations, and management reviews relating to the programs and operations of the corporation.

b. Conduct, supervise, or coordinate other activities carried out or financed by the corporation for the purpose of promoting efficiency in the administration of, or preventing and detecting fraud, abuse, and mismanagement in, its programs and operations.

c. Submit final audit reports, reviews, or investigative reports to the board of governors, the executive director, the members of the Financial Services Commission, and the President of the Senate and the Speaker of the House of Representatives.

d. Keep the *executive director and the* board of governors informed concerning fraud, abuses, and internal control deficiencies relating to programs and operations administered or financed by the corporation, recommend corrective action, and report on the progress made in implementing corrective action.

e. *Cooperate and coordinate activities with the corporation's inspector general.*

~~e. Report expeditiously to the Department of Law Enforcement or other law enforcement agencies, as appropriate, whenever the internal auditor has reasonable grounds to believe there has been a violation of criminal law.~~

2. On or before February 15, the internal auditor shall prepare an annual report evaluating the effectiveness of the internal controls of the corporation and providing recommendations for corrective action, if necessary, and summarizing the audits, reviews, and investigations conducted by the office during the preceding fiscal year. The final report shall be furnished to the board of governors and the executive director, the President of the Senate, the Speaker of the House of Representatives, and the Financial Services Commission.

(m)1. The Auditor General shall conduct an operational audit of the corporation ~~annually every 3 years~~ to evaluate management's performance in administering laws, policies, and procedures governing the operations of the corporation in an efficient and effective manner. The scope of the review ~~must shall~~ include, but is not limited to, evaluating claims handling, customer service, take-out programs and bonuses; financing arrangements made to address a 100-year probable maximum loss; personnel costs and administration; underwriting, including processes designed to ensure compliance with policy eligibility requirements of law; procurement of goods and services; internal controls; ~~and the~~ internal audit function; and related internal controls. A copy of the report shall be provided to the corporation's board, the President of the Senate, the Speaker of the House of Representatives, each member of the Financial Services Commission, and the Office of Insurance Regulation. The initial audit must be completed by February 1, ~~2009~~.

2. *The executive director, with the concurrence of the board, shall contract with an independent auditing firm to conduct a performance audit of the corporation every 2 years. The objectives of the audit include, but are not limited to, an evaluation, within the context of insurance industry best practices, of the corporation's strategic planning processes, the functionality of the corporation's organizational structure, the compensation levels of senior management, and the overall management and*

operations of the corporation. A copy of the audit report shall be provided to the corporation's board, the President of the Senate, the Speaker of the House of Representatives, each member of the Financial Services Commission, the Office of Insurance Regulation, and the Auditor General. The initial audit must be completed by June 1, 2014.

(q)1. The corporation shall certify to the office its needs for annual assessments as to a particular calendar year, and for any interim assessments that it deems ~~to be~~ necessary to sustain operations as to a particular year pending the receipt of annual assessments. Upon verification, the office shall approve such certification, and the corporation shall levy such annual or interim assessments. Such assessments shall be prorated as provided in paragraph (b). The corporation shall take all reasonable and prudent steps necessary to collect the amount of assessments due from each assessable insurer, including, if prudent, filing suit to collect the assessments, and the office may provide such assistance to the corporation it deems appropriate. If the corporation is unable to collect an assessment from any assessable insurer, the uncollected assessments shall be levied as an additional assessment against the assessable insurers and any assessable insurer required to pay an additional assessment as a result of such failure to pay shall have a cause of action against ~~the such~~ nonpaying assessable insurer. Assessments ~~must shall~~ be included as an ~~appropriate factor~~ in the making of rates. The failure of a surplus lines agent to collect and remit any regular or emergency assessment levied by the corporation is ~~considered to be~~ a violation of s. 626.936 and subjects the surplus lines agent to the penalties provided in that section.

2. The governing body of any unit of local government, any residents of which are insured by the corporation, may issue bonds as defined in s. 125.013 or s. 166.101 ~~from time to time~~ to fund an assistance program, in conjunction with the corporation, for the purpose of defraying deficits of the corporation. In order to avoid needless and indiscriminate proliferation, duplication, and fragmentation of such assistance programs, ~~the any~~ unit of local government, ~~any residents of which are insured by the corporation,~~ may provide for the payment of losses, regardless of whether or not the losses occurred within or outside of the territorial jurisdiction of the local government. Revenue bonds under this subparagraph may not be issued until validated pursuant to chapter 75, unless a state of emergency is declared by executive order or proclamation of the Governor pursuant to s. 252.36 ~~which makes~~ making such findings as are necessary to determine that it is in the best interests of, and necessary for, the protection of the public health, safety, and general welfare of residents of this state and declaring it an essential public purpose to permit certain municipalities or counties to issue such bonds as will permit relief to claimants and policyholders of the corporation. Any such unit of local government may enter into ~~such~~ contracts with the corporation and with any other entity created pursuant to this subsection as ~~are~~ necessary to carry out this paragraph. Any bonds issued ~~are under this subparagraph shall be~~ payable from and secured by moneys received by the corporation from emergency assessments under sub-subparagraph (b)3.d., and assigned and pledged to or on behalf of the unit of local government for the benefit of the holders of such bonds. The funds, credit, property, and taxing power of the state or of the unit of local government ~~may shall~~ not be pledged for the payment of such bonds.

3.a. The corporation shall adopt one or more programs subject to approval by the office for the reduction of both new and renewal writings ~~by in~~ the corporation. *The corporation may consider any prudent and not unfairly discriminatory approach to reducing corporation writings.*

a. *The corporation may adopt a credit against assessment liability or other liability which provides an incentive for insurers to take and keep risks out of the corporation by maintaining or increasing voluntary writings in counties or areas in which corporation risks are highly concentrated, and a program to provide a formula under which an insurer voluntarily taking risks out of the corporation by maintaining or increasing voluntary writings is relieved, wholly or partially, from assessments under sub-subparagraph (b)3.a.*

b. ~~Beginning January 1, 2008,~~ Any program the corporation adopts for the payment of bonuses to an insurer for each risk the insurer removes from the corporation ~~must shall~~ comply with s. 627.3511(2) and may not exceed the amount referenced in s. 627.3511(2) for each risk removed. ~~The corporation may consider any prudent and not unfairly discriminatory approach to reducing corporation writings, and may adopt a credit against assessment liability or other liability that provides~~

~~an incentive for insurers to take risks out of the corporation and to keep risks out of the corporation by maintaining or increasing voluntary writings in counties or areas in which corporation risks are highly concentrated and a program to provide a formula under which an insurer voluntarily taking risks out of the corporation by maintaining or increasing voluntary writings will be relieved wholly or partially from assessments under sub-subparagraph (b)3.a. However, Any "take-out bonus" or payment to an insurer must be conditioned on the property being insured for at least 5 years by the insurer, unless canceled or nonrenewed by the policyholder. If the policy is canceled or nonrenewed by the policyholder before the end of the 5-year period, the amount of the take-out bonus must be prorated for the time period the policy was insured. If ~~When~~ the corporation enters into a contractual agreement for a take-out plan, the producing agent of record of the corporation policy is entitled to retain any unearned commission on such policy, and the insurer shall either:~~

(I) Pay to the producing agent of record of the policy, for the first year, an amount which is the greater of the insurer's usual and customary commission for the type of policy written or a policy fee equal to the usual and customary commission of the corporation; or

(II) Offer to allow the producing agent of record ~~of the policy~~ to continue servicing the policy for ~~at least a period of not less than~~ 1 year and offer to pay the agent the insurer's usual and customary commission for the type of policy written. If the producing agent is unwilling or unable to accept appointment by the new insurer, the new insurer shall pay the agent in accordance with sub-sub-subparagraph (I).

~~c.b.~~ Any credit or exemption from regular assessments adopted under this subparagraph shall last ~~up to no longer than the~~ 3 years ~~after following~~ the cancellation or expiration of the policy by the corporation. With the approval of the office, the board may extend such credits for an additional year if the insurer guarantees an additional year of renewability for all policies removed from the corporation, or for 2 additional years if the insurer guarantees 2 additional years of renewability for all policies so removed.

~~d.e.~~ ~~There shall be no~~ credit, limitation, exemption, or deferment from emergency assessments ~~to be~~ collected from policyholders pursuant to sub-subparagraph (b)3.d. ~~is prohibited.~~

4. The corporation plan shall provide for the deferment, in whole or in part, of the assessment of an assessable insurer, other than an emergency assessment collected from policyholders pursuant to sub-subparagraph (b)3.d., if the office finds that payment of the assessment would endanger or impair the solvency of the insurer. ~~If in the event~~ an assessment against an assessable insurer is deferred in whole or in part, the amount by which such assessment is deferred may be assessed against the other assessable insurers in a manner consistent with the basis for assessments set forth in paragraph (b).

5. ~~Effective July 1, 2007,~~ In order to evaluate the costs and benefits of approved take-out plans, if the corporation pays a bonus or other payment to an insurer for an approved take-out plan, it shall maintain a record of the address or such other identifying information on the property or risk removed in order to track if and when the property or risk is later insured by the corporation.

6. Any policy taken out, assumed, or removed from the corporation is, as of the effective date of the take-out, assumption, or removal, direct insurance issued by the insurer and not by the corporation, even if the corporation continues to service the policies. This subparagraph applies to policies of the corporation and not policies taken out, assumed, or removed from any other entity.

6. *The corporation may adopt one or more programs to encourage authorized insurers to remove policies from the corporation through a loan from the corporation to an insurer secured by a surplus note that contains such necessary and reasonable provisions as the corporation requires. Such surplus note is subject to the review and approval of the office pursuant to s. 628.401. The corporation may include, but is not limited to, provisions regarding the maximum size of a loan to an insurer, capital matching requirements, the relationship between the aggregate number of policies or amount of loss exposure removed from the association and the amount of a loan, retention requirements related to policies removed from the corporation, and limitations on the number of insurers receiving loans from the corporation under any one management*

group in whatever form or arrangement. If a loan secured by a surplus note is provided to a new mutual insurance company, the corporation may require the board of the new mutual insurer to have a majority of independent board members, may restrict the ability of the new mutual insurer to convert to a stock insurer while the mutual insurer owes any principal or interest under the surplus note to the corporation, establish a capital match requirement of up to \$1 of private capital for each \$4 of the corporation's loan to a new mutual insurer, and limit the eligibility of a new mutual insurer for a waiver of the ceding commission traditionally associated with take-out programs from the corporation to those new mutual insurers that agree contractually to maintain an expense ratio below 20 per cent of written premium. For this purpose, the term "expense ratio" means the sum of agent commissions and other acquisition expenses; general and administrative expenses; and premium taxes, licenses, and fees, divided by the gross written premium.

(t) For the purposes of s. 199.183(1), the corporation ~~is shall be~~ ~~considered~~ a political subdivision of the state and ~~is shall be~~ exempt from the corporate income tax. The premiums, assessments, investment income, and other revenue of the corporation are funds received for providing property insurance coverage as required by this subsection, paying claims for ~~state residents Florida citizens~~ insured by the corporation, securing and repaying debt obligations issued by the corporation, and conducting all other activities of the corporation, and ~~are shall~~ not be considered taxes, fees, licenses, or charges for services imposed by the Legislature on individuals, businesses, or agencies outside state government. Bonds and other debt obligations issued by or on behalf of the corporation are not to be considered "state bonds" within the meaning of s. 215.58(8). ~~The corporation is not subject to the procurement provisions of chapter 287, and~~ Policies and decisions of the corporation relating to incurring debt, levying of assessments and the sale, issuance, continuation, terms and claims under corporation policies, and all services relating thereto, are not subject to ~~the provisions of~~ chapter 120. The corporation is not required to obtain or to hold a certificate of authority issued by the office, nor is it required to participate as a member insurer of the Florida Insurance Guaranty Association. However, the corporation is required to pay, in the same manner as an authorized insurer, assessments levied by the Florida Insurance Guaranty Association. It is the intent of the Legislature that the tax exemptions provided in this paragraph ~~will~~ augment the financial resources of the corporation to better enable the corporation to fulfill its public purposes. Any debt obligations issued by the corporation, their transfer, and the income therefrom, including any profit made on the sale thereof, ~~is shall~~ at all times be free from taxation of every kind by the state and any political subdivision or local unit or other instrumentality thereof; however, this exemption does not apply to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations other than the corporation.

(z) In enacting the provisions of this section, the Legislature recognizes that both the Florida Windstorm Underwriting Association and the Residential Property and Casualty Joint Underwriting Association have entered into financing arrangements that obligate each entity to service its debts and maintain the capacity to repay funds secured under these financing arrangements. It is the intent of the Legislature that ~~nothing in~~ this section ~~not~~ be construed to compromise, diminish, or interfere with the rights of creditors under such financing arrangements. It is further the intent of the Legislature to preserve the obligations of the Florida Windstorm Underwriting Association and Residential Property and Casualty Joint Underwriting Association with regard to outstanding financing arrangements, with such obligations passing entirely and unchanged to the corporation and, specifically, to the applicable account of the corporation. So long as any bonds, notes, indebtedness, or other financing obligations of the Florida Windstorm Underwriting Association or the Residential Property and Casualty Joint Underwriting Association are outstanding, under the terms of the financing documents pertaining to them, ~~the executive director of the corporation, with the concurrence of the governing board, of the corporation~~ shall have and shall exercise the authority to levy, charge, collect, and receive all premiums, assessments, surcharges, charges, revenues, and receipts that the associations had authority to levy, charge, collect, or receive under the provisions of subsection (2) and this subsection, respectively, as they existed on January 1, 2002, to provide moneys, without exercise of the authority provided by this subsection, in at least the amounts, and by the times, as would be provided under those former provisions of subsection (2) or this subsection, respectively, so that the value, amount, and collectability of any assets, revenues, or

revenue source pledged or committed to, or any lien thereon securing such outstanding bonds, notes, indebtedness, or other financing obligations ~~is will~~ not be diminished, impaired, or adversely affected by the amendments made by this section ~~and~~ and to permit compliance with all provisions of financing documents pertaining to such bonds, notes, indebtedness, or other financing obligations, or the security or credit enhancement for them, and any reference in this subsection to bonds, notes, indebtedness, financing obligations, or similar obligations, of the corporation ~~shall~~ include like instruments or contracts of the Florida Windstorm Underwriting Association and the Residential Property and Casualty Joint Underwriting Association to the extent not inconsistent with the ~~provisions of the~~ financing documents pertaining to them.

(gg) *The Office of Inspector General is established within the corporation to provide a central point for coordination of and responsibility for activities that promote accountability, integrity, and efficiency. The office shall be headed by an inspector general, which is a senior management position that involves planning, coordinating, and performing activities assigned to and assumed by the inspector general for the corporation.*

1. *The inspector general shall be appointed by the Financial Services Commission and may be removed from office only by the commission. The inspector general shall be appointed without regard to political affiliation.*

a. *At a minimum, the inspector general must possess a bachelor's degree from an accredited college or university and 8 years of professional experience related to the duties of an inspector general as described in this paragraph, of which 5 years must have been at a supervisory level.*

b. *Until June 30, 2014, the inspector general shall be under the general supervision of the Financial Services Commission and not subject to the supervision of any employee of the corporation. Beginning July 1, 2014, the inspector general shall report to, and be under the supervision of, the chair of the board of governors. The executive director or corporation staff may not prevent or prohibit the inspector general from initiating, carrying out, or completing any review, evaluation, or investigation.*

2. *The inspector general shall initiate, direct, coordinate, participate in, and perform studies, reviews, evaluations, and investigations designed to assess management practices; compliance with laws, rules, and policies; and program effectiveness and efficiency. This includes:*

a. *Conducting internal examinations; investigating allegations of fraud, waste, abuse, malfeasance, mismanagement, employee misconduct, or violations of corporation policies; and conducting any other investigations as directed by the Financial Services Commission or as independently determined.*

b. *Evaluating and recommending actions regarding security, the ethical behavior of personnel and vendors, and compliance with rules, laws, policies, and personnel matters; and rendering ethics opinions.*

c. *Overseeing or participating in personnel and administrative policy compliance and management, operational reviews, and conducting and selecting human resources-related advice and consultation.*

d. *In conjunction with the ethics and compliance officer, evaluating the application of a corporation code of ethics, providing input on the design and content of ethics-related policy training courses, educating employees on the code and on appropriate conduct, and checking for compliance.*

e. *Participating in policy development and review. This includes working collaboratively with the ethics and compliance officer in the creation, modification, and maintenance of personnel and administrative services policies and in the identification of policy enhancements; and researching policy-related issues.*

f. *Participating in the activities of the senior management team and evaluating the management's compliance with recommended solutions.*

g. *Cooperating and coordinating activities with the chief of internal audit, but not conducting internal audits.*

h. *Maintaining records of investigations and discipline in accordance with established policies.*

i. *Supervising and directing the tasks and assignments of the staff assigned to assist with the inspector general's projects. This includes regular review and feedback regarding work in progress and upon completion and providing input regarding relevant training and staff development activities as warranted.*

j. *Directing, planning, preparing, and presenting interim and final reports and oral briefings to the Financial Services Commission and the executive director which communicate the results of studies, reviews, and investigations.*

k. *Reporting expeditiously to the Department of Law Enforcement or other law enforcement agencies, as appropriate, whenever the inspector general has reasonable grounds to believe there has been a violation of criminal law.*

l. *Providing the executive director and board chairman with independent and objective assessments of programs and activities.*

m. *Complying with the General Principles and Standards for Offices of Inspector General as published and revised by the Association of Inspectors General.*

3. *At least annually, the inspector general shall provide a report to the President of the Senate and the Speaker of the House of Representatives regarding the corporation's clearinghouse and the extent to which policies are being returned to the voluntary market. This report must include an analysis regarding the effectiveness of the clearinghouse in encouraging voluntary market participation in depopulation.*

Section 8. Effective October 1, 2013, paragraph (e) of subsection (6) of section 627.351, Florida Statutes, is amended to read:

627.351 Insurance risk apportionment plans.—

(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

(e) *The corporation is subject to s. 287.057 for the purchase of commodities and contractual services except as otherwise provided in this paragraph. Services provided by tradepersons or technical experts to assist a licensed adjuster in the evaluation of individual claims are not subject to the procurement requirements of this section. Additionally, the procurement of financial services providers and underwriters must be made pursuant to s. 627.3513. Purchases that equal or exceed \$2,500, but are less than \$25,000, shall be made by receipt of written quotes, written record of telephone quotes, or informal bids, whenever practical. The procurement of goods or services valued at or over \$25,000 shall be subject to competitive solicitation, except in situations where the goods or services are provided by a sole source or are deemed an emergency purchase; the services are exempted from competitive solicitation requirements under s. 287.057(3)(f); or the procurement of services is subject to s. 627.3513. Justification for the sole sourcing or emergency procurement must be documented. Contracts for goods or services valued at or more than over \$100,000 are subject to approval by the board.*

1. *The corporation is an agency for the purposes of s. 287.057, except for subsection (22) of that section for which the corporation is an eligible user.*

a. *The authority of the Department of Management Services and the Chief Financial Officer under s. 287.057 extends to the corporation as if the corporation were an agency.*

b. *The executive director of the corporation is the agency head under s. 287.057, except for resolution of bid protests for which the board would serve as the agency head.*

2. *The corporation must provide notice of a decision or intended decision concerning a solicitation, contract award, or exceptional purchase by electronic posting. Such notice must contain the following statement: "Failure to file a protest within the time prescribed in this section constitutes a waiver of proceedings."*

a. *A person adversely affected by the corporation's decision or intended decision to award a contract pursuant to s. 287.057(1) or s. 287.057(3)(c) who elects to challenge the decision must file a written notice*

of protest with the executive director of the corporation within 72 hours after the corporation posts a notice of its decision or intended decision. For a protest of the terms, conditions, and specifications contained in a solicitation, including any provisions governing the methods for ranking bids, proposals, replies, awarding contracts, reserving rights of further negotiation, or modifying or amending any contract, the notice of protest must be filed in writing within 72 hours after the posting of the solicitation. Saturdays, Sundays, and state holidays are excluded in the computation of the 72-hour time period.

b. A formal written protest must be filed within 10 days after the date the notice of protest is filed. The formal written protest must state with particularity the facts and law upon which the protest is based. Upon receipt of a formal written protest that has been timely filed, the corporation must stop the solicitation or contract award process until the subject of the protest is resolved by final board action unless the executive director sets forth in writing particular facts and circumstances that require the continuance of the solicitation or contract award process without delay in order to avoid an immediate and serious danger to the public health, safety, or welfare. The corporation must provide an opportunity to resolve the protest by mutual agreement between the parties within 7 business days after receipt of the formal written protest. If the subject of a protest is not resolved by mutual agreement within 7 business days, the corporation's board must place the protest on the agenda and resolve it at its next regularly scheduled meeting. The protest must be heard by the board at a publicly noticed meeting in accordance with procedures established by the board.

c. In a protest of an invitation-to-bid or request-for-proposals procurement, submissions made after the bid or proposal opening which amend or supplement the bid or proposal may not be considered. In protesting an invitation-to-negotiate procurement, submissions made after the corporation announces its intent to award a contract, reject all replies, or withdraw the solicitation that amends or supplements the reply may not be considered. Unless otherwise provided by law, the burden of proof rests with the party protesting the corporation's action. In a competitive-procurement protest, other than a rejection of all bids, proposals, or replies, the corporation's board must conduct a *de novo* proceeding to determine whether the corporation's proposed action is contrary to the corporation's governing statutes, the corporation's rules or policies, or the solicitation specifications. The standard of proof for the proceeding is whether the corporation's action was clearly erroneous, contrary to competition, arbitrary, or capricious. In any bid-protest proceeding contesting an intended corporation action to reject all bids, proposals, or replies, the standard of review by the board is whether the corporation's intended action is illegal, arbitrary, dishonest, or fraudulent.

d. Failure to file a notice of protest or failure to file a formal written protest constitutes a waiver of proceedings.

3. Contract actions and decisions by the board under this paragraph are final. Any further legal remedy must be made in the Circuit Court of Leon County.

Section 9. The purchase of commodities and contractual services by Citizens Property Insurance Corporation commenced before October 1, 2013, is governed by the law in effect on September 30, 2013.

Section 10. Effective January 1, 2014, paragraph (n) of subsection (6) of section 627.351, Florida Statutes, is amended to read:

627.351 Insurance risk apportionment plans.—

(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

(n)1. ~~Rates for coverage provided by the corporation must be actuarially sound and subject to s. 627.062. Except as otherwise provided in this paragraph, rates for coverage provided by the corporation must be actuarially sound and not competitive with approved rates charged in the admitted voluntary market in order for the corporation to function as a residual market mechanism that provides insurance only if insurance cannot be procured in the voluntary market.~~

a. In establishing actuarially sound rates the corporation shall include an appropriate catastrophe risk load factor that reflects the actual catastrophic risk exposure retained by the corporation.

b. The corporation shall file its recommended rates with the office at least annually. ~~The corporation shall provide any additional information regarding the rates which the office requires. The office shall consider the recommendations of the board and issue a final order establishing the rates for the corporation within 45 days after the recommended rates are filed. The corporation may not pursue an administrative challenge or judicial review of the final order of the office.~~

c. ~~In territories located in a county where the corporation provides more than 75 percent of personal lines residential policies providing wind coverage, subparagraph 3. applies to all new personal lines residential policies written by the corporation in such territories.~~

2. In addition to the rates otherwise determined pursuant to this paragraph, the corporation shall impose and collect an amount equal to the premium tax provided in s. 624.509 to augment the financial resources of the corporation.

~~3. After the public hurricane loss projection model under s. 627.06281 has been found to be accurate and reliable by the Florida Commission on Hurricane Loss Projection Methodology, the model shall serve as the minimum benchmark for determining the windstorm portion of the corporation's rates. This subparagraph does not require or allow the corporation to adopt rates lower than the rates otherwise required or allowed by this paragraph.~~

4. ~~The rate filings for the corporation which were approved by the office and took effect January 1, 2007, are rescinded, except for those rates that were lowered. As soon as possible, the corporation shall begin using the lower rates that were in effect on December 31, 2006, and provide refunds to policyholders who paid higher rates as a result of that rate filing. The rates in effect on December 31, 2006, remain in effect for the 2007 and 2008 calendar years except for any rate change that results in a lower rate. The next rate change that may increase rates shall take effect pursuant to a new rate filing recommended by the corporation and established by the office, subject to this paragraph.~~

~~5. Beginning on July 15, 2009, and annually thereafter, the corporation must make a recommended actuarially sound rate filing for each personal and commercial line of business it writes, to be effective no earlier than January 1, 2010.~~

~~3.6. Beginning on or after January 1, 2010, and notwithstanding the board's recommended rates and the office's final order regarding the corporation's filed rates under subparagraph 1., The corporation shall annually implement a rate increase that which, except for sinkhole coverage, does not exceed 10 percent for any single policy issued by the corporation, excluding coverage changes and surcharges, for residential policyholders who:~~

a. ~~Were initially insured by the corporation before January 1, 2014, and who have been continuously insured by the corporation since that date; or~~

b. ~~Were previously insured with the corporation on or before December 31, 2013, were continuously insured with the corporation until being depopulated by a private insurer on or after January 1, 2014, and who, through no fault of their own, were nonrenewed by the private insurer within 18 months after being removed from the corporation and, after submitting an application to the clearinghouse pursuant to the rating requirements of s. 627.3518(5)(a), are eligible for coverage with the corporation.~~

4.7. The corporation may also implement an increase to reflect the effect on the corporation of the cash buildup factor pursuant to s. 215.555(5)(b).

~~5.8. The corporation's implementation of rates as prescribed in subparagraph 3. 6. shall cease for any line of business written by the corporation upon the corporation's implementation of actuarially sound rates. Thereafter, the corporation shall annually make a recommended actuarially sound rate filing implementing such rates for each commercial and personal line of business the corporation writes.~~

6. ~~The corporation shall annually certify to the office that its rates comply with the requirements of this paragraph. If any adjustment in the rates or rating factors of the corporation is necessary to ensure such compliance, the corporation shall make and implement such adjustments~~

and file its revised rates and rating factors with the office. If the office thereafter determines that the revised rates and rating factors fail to comply with this paragraph, it shall notify the corporation and require the corporation to amend its rates or rating factors in conjunction with its next rate filing. The office must notify the corporation by electronic means of any rate filing it approves for any insurer among the insurers referred to in this paragraph.

7. By January 1, 2014, the board shall provide recommendations to the Legislature on how to provide relief to a policyholder whose premium reflects the full rate required under subparagraph 1. and who demonstrates a financial need at the time of application or renewal, including the impact of any phase-in pursuant to s. 627.0629 of required rates under subparagraph 1.

Section 11. Section 627.3518, Florida Statutes, is created to read:

627.3518 *Citizens Property Insurance Corporation clearinghouse.*—The Legislature recognizes that Citizens Property Insurance Corporation has authority to establish a clearinghouse as a separate organizational unit within the corporation for the purpose of determining the eligibility of new and renewal risks, excluding commercial residential, seeking coverage through the corporation and facilitating the identification and diversion of ineligible applicants and current policyholders from the corporation into the voluntary insurance market. The purpose of this section is to augment that authority by providing a framework for the corporation to implement such program by January 1, 2014.

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

(a) “Clearinghouse” means the clearinghouse diversion program created under this section.

(b) “Corporation” means Citizens Property Insurance Corporation.

(c) “Exclusive agent” means a licensed insurance agent who has agreed, by contract, to act exclusively for one company or group of affiliated insurance companies and is disallowed by the provisions of that contract to directly write for any other unaffiliated insurer absent express consent from the company or group of affiliated insurance companies.

(d) “Independent agent” means a licensed insurance agent not described in paragraph (c).

(2) In order to confirm eligibility with the corporation and to enhance the access of new applicants for coverage and existing policyholders of the corporation to offers of coverage from authorized and eligible insurers, the corporation shall establish a clearinghouse for personal residential risks in order to facilitate the diversion of ineligible applicants and existing policyholders from the corporation into the voluntary insurance market. The corporation shall also develop appropriate procedures for facilitating the diversion of ineligible applicants and existing policyholders for commercial residential coverage into the private insurance market, and shall report such procedures to the President of the Senate and the Speaker of the House of Representatives by July 1, 2015.

(3) The clearinghouse has the same rights and responsibilities in carrying out its duties as a licensed general lines agent, but is not required to employ or engage a licensed general lines agent or to maintain an insurance agency license in order to solicit and place insurance coverage. In establishing the clearinghouse, the corporation may:

(a) Require all new applications and all policies due for renewal to be submitted to the clearinghouse in order to facilitate obtaining an offer of coverage from an authorized insurer before binding or renewing coverage by the corporation.

(b) Employ or otherwise contract with individuals or other entities to provide administrative or professional services in order to carry out the plan within the corporation in accordance with the applicable purchasing requirements under s. 627.351.

(c) Enter into a contract with an authorized or eligible insurer participating in the clearinghouse and accept an appointment by such insurer.

(d) Provide funds to operate the clearinghouse. Insurers and agents participating in the clearinghouse are not required to pay a fee to offset or

partially offset the cost of the clearinghouse, or use the clearinghouse for the renewal of policies initially written through the clearinghouse.

(e) Develop an enhanced application for obtaining information that will assist private insurers in determining whether to make an offer of coverage through the clearinghouse.

(f) Before approving new applications for coverage by the corporation, require that every application be subject to a period of 2 business days during which an insurer participating in the program may select the application for coverage. The insurer may issue a binder on any policy selected for coverage for at least 30 days but not more than 60 days.

(4) An authorized or eligible insurer may participate in the clearinghouse; however, participation is not mandatory. An insurer that makes an offer of coverage to a new applicant or renews a policy for a policyholder through the clearinghouse:

(a) Is not required to individually appoint an agent whose customer is underwritten and bound through the clearinghouse. Notwithstanding s. 626.112, an insurer is not required to appoint an agent on a policy underwritten through the clearinghouse if that policy remains with the insurer. An insurer may appoint an agent whose customer is initially underwritten and bound through the clearinghouse. If an insurer accepts a policy from an agent who is not appointed pursuant to this paragraph and thereafter accepts a policy from such agent, the provisions of s. 626.112 requiring appointment apply to the agent.

(b) Must enter into a limited agency agreement with each agent who is not appointed in accordance with paragraph (a) and whose customer is underwritten and bound through the clearinghouse.

(c) Must enter into its standard agency agreement with each agent whose customer is underwritten and bound through the clearinghouse if that agent has been appointed by the insurer pursuant to s. 626.112.

(d) Must comply with s. 627.4133(2).

(e) Must allow authorized or eligible insurers participating in the clearinghouse to participate through their single, designated managing general agent or broker; however, the provisions of paragraph (6)(a) regarding ownership, control, and use of the expirations apply.

(f) Must pay the producing agent a commission equal to that paid by the corporation or the usual and customary commission paid by the insurer for that line of business, whichever is greater.

(5)(a) Notwithstanding s. 627.3517, an applicant for new coverage is not eligible for coverage from the corporation if the applicant is offered coverage from an authorized insurer through the clearinghouse at a premium that is at or below the eligibility threshold established under s. 627.351(6)(c)5.a.

(b) Notwithstanding any other provisions of law, if a renewing policyholder of the corporation is offered coverage from an authorized insurer for a personal lines risk at a premium that is no more than 5 percent above the corporation’s renewal premium for comparable coverage, the risk is not eligible for coverage with the corporation.

(c) Notwithstanding s. 626.916(1), if an applicant for new or renewal coverage from the corporation does not receive an offer of coverage from an authorized insurer, the applicant may choose to accept an offer of coverage from an eligible insurer or its broker under ss. 626.913-626.937. Such offer of coverage from an eligible insurer does not make the risk ineligible for coverage with the corporation.

(d) An applicant for new or renewal coverage from the corporation may choose to accept any offer of coverage received through the clearinghouse from an authorized insurer.

(e) Section 627.351(6)(c)5.a.(I) and b.(I) does not apply to an offer of coverage from an authorized insurer obtained through the clearinghouse.

(f) The 45-day notice of nonrenewal required under s. 627.4133(2)(b) 4.b. applies when a policy is nonrenewed by the corporation because the risk has received an offer of coverage pursuant to this section which renders the risk ineligible for coverage by the corporation.

(6) An independent agent who submits a new application for coverage or who is the agent of record on a renewal policy submitted to the clearinghouse:

(a) Is granted and must maintain ownership and the exclusive use of expirations, records, or other written or electronic information directly related to such application or renewal written through the corporation or through an insurer participating in the clearinghouse, notwithstanding s. 627.351(6)(c)5.a.(I)(B) and (II)(B). Such ownership is granted for as long as the insured remains with the agency or until sold or surrendered in writing by the agent. A contract with the corporation or required by the corporation may not amend, modify, interfere with, or limit such rights of ownership. Such expirations, records, or other written or electronic information may be used to review an application or issue a policy or for any other purpose necessary for placing business through the clearinghouse.

(b) Is not required to be appointed by an insurer participating in the clearinghouse for policies written solely through the clearinghouse, notwithstanding s. 626.112.

(c) May accept an appointment from an insurer participating in the clearinghouse.

(d) May enter into a standard or limited agency agreement with the insurer, at the insurer's option.

An applicant ineligible for coverage under subsection (5) remains ineligible if the applicant's independent agent is unwilling or unable to enter into a standard or limited agency agreement with an insurer participating in the clearinghouse.

(7) An exclusive agent who submits a new application for coverage or who is the agent of record on a renewal policy submitted to the clearinghouse:

(a) Must maintain ownership and the exclusive use of expirations, records, or other written or electronic information directly related to such application or renewal written through the corporation or through an insurer participating in the clearinghouse, notwithstanding s. 627.351(6)(c)5.a.(I)(B) and (II)(B). A contract with the corporation or required by the corporation may not amend, modify, interfere with, or limit such rights of ownership. Such expirations, records, or other written or electronic information may be used to review an application or issue a policy or for any other purpose necessary for placing business through the clearinghouse.

(b) Is not required to be appointed by an insurer participating in the clearinghouse for policies written solely through the clearinghouse, notwithstanding s. 626.112.

(c) Must only facilitate the placement of an offer of coverage from an insurer whose limited servicing agreement is approved by that exclusive agent's exclusive insurer.

(d) May enter into a limited servicing agreement with the insurer making an offer of coverage, and may do so only after the exclusive agent's insurer has approved the terms of the agreement. The exclusive agent's insurer must approve a limited service agreement for the clearinghouse if the insurer has approved a service agreement with the agent for other purposes.

An applicant is ineligible for coverage under subsection (5) if the applicant's exclusive agent is unwilling or unable to enter into a standard or limited agency agreement with a participating insurer making an offer of coverage to that applicant.

(8) Submission of an application to the clearinghouse for coverage by the corporation does not constitute the binding of coverage, and the failure of the clearinghouse to obtain an offer of coverage by an insurer is not considered acceptance of coverage of the risk by the corporation.

(9) The clearinghouse may not include commercial nonresidential policies.

Section 12. Section 627.3519, Florida Statutes, is amended to read:

627.3519 Annual report of aggregate net probable maximum losses, financing options, and potential assessments.—By ~~no later than~~ Feb-

ruary 1 of each year, the Florida Hurricane Catastrophe Fund and Citizens Property Insurance Corporation ~~Financial Services Commission~~ shall provide to the Legislature a report of their aggregate net probable maximum losses, financing options, and potential assessments to the Legislature and the Financial Services Commission of the Florida Hurricane Catastrophe Fund and Citizens Property Insurance Corporation. Each report must include the respective 50-year, 100-year, and 250-year probable maximum losses of the fund and the corporation; analysis of all reasonable financing strategies for each such probable maximum loss, including the amount and term of debt instruments and risk transfer products; specification of the percentage assessments that would be needed to support each of the financing strategies; and calculations of the aggregate assessment burden on Florida property and casualty policyholders for each of the probable maximum losses. ~~The commission shall require the fund and the corporation to provide the commission with such data and analysis as the commission considers necessary to prepare the report.~~

Section 13. Temporary keepout program.—Citizens Property Insurance Corporation shall implement a temporary keepout program beginning July 1, 2013, and ending on the date the clearinghouse program established under s. 627.3518, Florida Statutes, is operational.

(1) Subject to procedures adopted by the corporation, the program shall provide an opportunity for new applicants for personal residential multiperil coverage with the corporation to be offered coverage with authorized insurers through the market assistance plan established under s. 627.3515, Florida Statutes.

(2) The program is subject to all of the following:

(a) The corporation may not accept a new personal residential multiperil application for coverage within 72 hours after submission of the risk to the market assistance plan under subsection (1).

(b) Section 627.3517, Florida Statutes, relating to consumer choice of agent does not apply to applications for coverage accepted by authorized insurers under the program.

(c) Insurers issuing policies under this section are subject to s. 627.3518(3), Florida Statutes, relating to agent appointment, and are not subject to s. 627.351(6)(c)5.a.(I), Florida Statutes, relating to agent payment.

(d) Notwithstanding s. 626.916(1), Florida Statutes, if an applicant for new or renewal coverage from the corporation does not receive an offer of coverage from an eligible insurer, the applicant may accept an offer from a designated broker of an insurer eligible under ss. 626.913-626.937, Florida Statutes.

(e) An exclusive agent must only facilitate the placement of an offer of coverage from an insurer whose limited servicing agreement is approved by that exclusive agent's exclusive insurer.

An applicant is ineligible for coverage if the applicant's agent is unwilling or unable to enter into a standard or limited agency agreement with a participating insurer making an offer of coverage to that applicant.

(3) This section expires on January 1, 2014, or when the clearinghouse program established under s. 627.3518, Florida Statutes, becomes operational, whichever occurs first.

Section 14. Section 627.352, Florida Statutes, is created to read:

627.352 Catastrophe Risk Capital Access Facility.—

(1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds and declares that:

(a) A growing and competitive private sector market for residential property insurance is in the public interest.

(b) The global market for catastrophe risk has expanded dramatically, resulting in the availability of billions of dollars in additional risk capital for insurers and new and innovative alternative risk-transfer mechanisms.

(c) Having access to additional risk capital and risk-transfer mechanisms provides an opportunity for property insurers in this state to

expand their capacity to write additional business and diversify their catastrophe risk, which will serve the public interest of fostering private sector market growth.

(d) Despite an expansion in the amount of available global risk capital, state property insurers in general, and smaller state property insurers in particular, face challenges accessing global markets if the relatively small amount of risk finance required by any one company is not economically viable in the larger global market.

(e) It is the intent of the Legislature to establish a self-regulating mechanism to facilitate the access of property insurers generally, and smaller property insurers in particular, to global risk capital markets and risk-transfer mechanisms for property risks in this state.

(2) **FACILITY CREATED.**—A nonprofit association, to be known as the Catastrophe Risk Capital Access Facility, is hereby created.

(a) The facility must operate pursuant to a plan of operation adopted by the governing board, except that the initial plan of operation shall be recommended by the initial governing board and adopted by the office after consultation with potential participating insurers and other interested parties.

(b) The facility is not intended to be, and may not function as, an insurer, reinsurer, or other risk-bearing entity, and is not a state agency, board, or commission.

(3) **MEMBERSHIP.**—An insurer holding a certificate of authority to transact property insurance in this state is eligible to become a member of the facility. To become a member, an insurer must file a declaration of intent with the office by September 30, 2013.

(4) **INITIAL GOVERNING BOARD.**—

(a) Each insurer that timely files a declaration under subsection (3) is a member of the initial governing board of the facility and has a vote proportional to its share of direct premium for property insurance written in this state as of December 31, 2012. At a minimum, three insurers must file a declaration of intent to constitute an initial governing board and activate the facility.

(b) The initial governing board must hold its first meeting at a time and place specified by the office. At the first meeting, the initial governing board must elect one of its members to serve as chair.

(c) The initial governing board must submit a recommended plan of operation to the office by December 1, 2013. The initial governing board may retain staff or professionals to assist in the preparation of the proposed plan of operation.

(d) The initial governing board must provide the presiding officers and minority party leaders of the Legislature with recommendations and draft legislation addressing the facility's need, if any, for exemptions from public records and open meetings laws by December 31, 2013.

(e) The functions of the initial governing board terminate upon the election of a governing board as provided in the plan of operation.

(5) **GOVERNING BOARD.**—Beginning on the effective date of the plan of operation, the facility shall operate under a seven-member governing board composed of representatives of member insurers, appointed as specified in the plan of operation.

(6) **PLAN OF OPERATION.**—The plan of operation:

(a) Must specify the following functions of the facility:

1. Aggregating the demand of members for risk finance for state property risks from global capital markets.

2. Designing and executing risk-transfer tools such as insurance-linked securities and other appropriate instruments for state property risks for members; using special purpose vehicles or onshore or offshore protected cells, as appropriate, to increase members' access to risk capital for state property risks; and making use of any other financial instruments or reinsurance or pooling arrangements that may develop in the market.

3. Identifying and coordinating appropriate risk-transfer products and opportunities for state property risks, initially targeting layers of coverage below, alongside, and above the coverage provided by the Florida Hurricane Catastrophe Fund.

4. Establishing and maintaining regular and ongoing contact with global risk capital market participants, institutions, and investors in order to identify opportunities that satisfy and coordinate with insurer demand for additional risk capital for state property risks.

(b) Must provide that in conducting its affairs, the facility may not:

1. Take a position in, or provide financial support for, any risk-transfer transaction.

2. Be a guarantor of premium or make any other financial guarantees to a member.

3. Enter into any contract on the part of the state or create any state contractual obligations.

4. Impose or levy any taxes, assessments, or similar charges.

(c) Must provide for funding the expenses of the facility, including an initial charge that applies to all members and subsequent charges to members on a pro rata basis.

(d) Must provide additional annual enrollment periods for eligible insurers to become members of the facility.

(e) Must provide for the election and terms of the governing board.

(f) May provide for the appointment or retention of staff and professionals as the governing board deems appropriate.

(g) Must require the facility to submit a biennial report and annual independent audits to the members of the Financial Services Commission and the presiding officers of the Legislature by December 31 of each even-numbered year beginning in 2014.

(7) **IMMUNITY FROM LIABILITY.**—No liability on the part of, and no cause of action of any nature, may arise against the facility or its agents or employees, the governing board, or the department or office or their representatives for any action taken by them in the performance of their powers and duties under this section.

Section 15. Subsection (1) of section 627.410, Florida Statutes, is amended to read:

627.410 Filing, approval of forms.—

(1) A ~~no~~ basic insurance policy or annuity contract form, or application form where written application is required and is to be made a part of the policy or contract, ~~or~~ group certificates issued under a master contract delivered in this state, or printed rider or endorsement form or form of renewal certificate, ~~may not shall~~ be delivered or issued for delivery in this state, unless the form has been filed with the office by or ~~on~~ ~~in~~ behalf of the insurer ~~that which~~ proposes to use such form and has been approved by the office. This provision does not apply to surety bonds or to policies, riders, endorsements, or forms of unique character ~~that which~~ are designed for and used with ~~relation to~~ insurance ~~on upon~~ a particular subject, (other than ~~as to~~ health insurance), or ~~that which~~ relate to the manner of ~~distributing~~ distribution of benefits or to the reservation of rights and benefits under life or health insurance policies and are used at the request of the individual policyholder, contract holder, or certificateholder. ~~For As to~~ group insurance policies effectuated and delivered outside this state but covering persons resident in this state, the group certificates to be delivered or issued for delivery in this state shall be filed with the office for information purposes only.

Section 16. Paragraph (b) of subsection (1) of section 627.706, Florida Statutes, is amended to read:

627.706 Sinkhole insurance; catastrophic ground cover collapse; definitions.—

(1)

(b) The insurer shall make available, for an appropriate additional premium, coverage for sinkhole losses on any structure, including the contents of personal property contained therein, *in an amount equal to the full amount of coverage on the structure. The insurer may also offer less coverage equal to 25 or 50 percent of the amount of coverage on the structure, with an appropriate reduction in the additional premium to the extent provided in the form to which the coverage attaches.* The insurer may require an inspection of the property before issuance of sinkhole loss coverage. A policy for residential property insurance may include a deductible amount applicable to sinkhole losses equal to 1 percent, 2 percent, 5 percent, or 10 percent of the policy dwelling limits, with appropriate premium discounts offered with each deductible amount.

Section 17. Except as otherwise expressly provided in the act, 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 property insurance; amending s. 215.555, F.S.; changing the name of the Florida Hurricane Catastrophe Fund Finance Corporation to the State Board of Administration Finance Corporation; amending s. 624.155, F.S.; providing that Citizens Property Insurance Corporation is an insurer subject to civil actions as an agent of the state covered by sovereign immunity; amending s. 626.752, F.S., relating to the exchange of business between an agent and insurer; providing an exemption from the requirements of that section to the corporation or certain private entities under certain circumstances; amending s. 627.062, F.S.; requiring the Office of Insurance Regulation to calculate and publish insurance inflation factors for use in residential property insurance filings; prohibiting the office from disapproving a rate as excessive due to the insurer's purchase of reinsurance for certain purposes; deleting obsolete provisions; conforming cross-references; amending s. 627.0628, F.S.; adding a member to the Florida Commission on Hurricane Loss Projection Methodology; amending s. 627.0629, F.S.; requiring insurers to provide notice of mitigation discounts in a residential property insurance rate filing; amending s. 627.351, F.S.; revising legislative intent with respect to the corporation; reducing the value of residential structures that can be covered by the corporation; revising the corporation's eligibility criteria for structures located seaward of the coastal construction control line; requiring the corporation's board of governors to concur with certain decisions by the executive director; providing for risk-sharing agreements between the corporation and other insurers and specifying the requirements and limitations of such agreements; revising provisions relating to the appointment of the board of governors and the executive director; providing that renewal policies are not eligible for continued coverage by the corporation unless the premium for comparable coverage from an authorized insurer exceeds a certain percentage; deleting provisions allowing a policyholder removed from the corporation to remain eligible for coverage regardless of an offer of coverage from an authorized insurer; revising corporation criteria for appointing agents; requiring the corporation to provide coverage for mobile homes or manufactured homes and related structures; requiring disclosure of potential corporation surcharges and policyholder obligations to try and obtain private market coverage; revising provisions relating to the Auditor General's review of the corporation; requiring the board to contract with an independent auditing firm to conduct performance audits; authorizing the corporation to adopt programs that encourage insurers to remove policies from the corporation through a loan secured by a surplus note; deleting a provision exempting the corporation from state procurement requirements; requiring the corporation to have an inspector general; providing for appointment; providing duties; requiring an annual report to the Legislature; revising provisions relating to purchases by the corporation; providing that the corporation is subject to state agency purchasing requirements; requiring the corporation to provide notice of purchasing decisions; providing procedures for protesting such decisions; providing applicability; revising the corporation's rate standards; requiring that corporation rates be competitive with approved rates charged in the admitted market, actuarially sound, and include a catastrophe risk factor; requiring the corporation to annually certify its rates; requiring the board of directors to provide recommendations to the Legislature on ways of providing rate relief to those who demonstrate a financial need; deleting obsolete provisions; creating s. 627.3518, F.S.; establishing a clearinghouse within the corporation for identifying and diverting insurance coverage to private insurers; providing definitions; providing requirements and duties of the corporation, insurers, and agents; amending s. 627.3519, F.S.; revising requirements relating to the

preparation of the annual reports relating to the Florida Hurricane Catastrophe Fund and Citizens Property Insurance Corporation; establishing a temporary keepout program that allows authorized insurers to provide coverage to applicants for coverage through the corporation through the market assistance program until the clearinghouse is operational; providing program components; providing for expiration; creating s. 627.352, F.S.; creating the Catastrophe Risk Capital Access Facility to facilitate insurer access to global risk capital markets and risk-transfer mechanisms; providing legislative findings and intent; providing that the facility may not operate as an insurer, reinsurer, or other risk-bearing entity, and is not a state agency, board, or commission; providing for membership; providing for an initial governing board which must submit a proposed plan of operation to the Office of Insurance Regulation and recommendations relating to public records and open meetings to the Legislature by a certain date; providing for termination of the initial board; providing for a permanent board; specifying provisions that must be addressed by the plan of operation; providing immunity from liability for the board; amending s. 627.410, F.S.; conforming provisions to changes made by the act; amending s. 627.706, F.S.; authorizing an insurer to offer a reduced amount of sinkhole coverage with an appropriate reduction in premium; providing effective dates.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendments was allowed:

Senator Simmons moved the following amendments to **Amendment 1 (420058)** which were adopted by two-thirds vote:

Amendment 1A (649412)—Delete lines 2465-2468 and insert: *from an authorized insurer for a personal lines risk at a premium that is equal to or less than the corporation's renewal premium for comparable coverage, the risk is not eligible for coverage with the corporation.*

Amendment 1B (561924) (with title amendment)—Delete lines 1395 and 1396 and insert: *by the corporation if the premium for coverage from an authorized insurer is equal to or less than the*

And the title is amended as follows:

Delete line 2833 and insert: amount; deleting provisions allowing a

Amendment 1 (420058) as amended was adopted by two-thirds vote.

On motion by Senator Simmons, **CS for SB 1770** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—24

Mr. President	Galvano	Montford
Abruzzo	Gardiner	Negron
Altman	Gibson	Richter
Bean	Grimsley	Simmons
Benacquisto	Hays	Soto
Bradley	Latvala	Stargel
Dean	Lee	Thompson
Detert	Margolis	Thrasher

Nays—15

Brandes	Flores	Ring
Braynon	Garcia	Sachs
Clemens	Hukill	Simpson
Diaz de la Portilla	Joyner	Smith
Evers	Legg	Sobel

INTRODUCTION OF FORMER SENATORS

Senator Lee recognized former Senator Rudy Garcia who was present in the gallery.

THE PRESIDENT PRESIDING

SB 1042—A bill to be entitled An act relating to public meetings; providing definitions; providing an exemption from public meeting requirements for that portion of a meeting of a duly constituted criminal justice commission at which specified members of the commission discuss active criminal intelligence information or active criminal investigative information currently being considered by, or which may foreseeably come before, the commission; providing for future review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—as amended April 16 was read the third time by title.

Pending further consideration of SB 1042 as amended, on motion by Senator Abruzzo, by two-thirds vote CS for HB 361 was withdrawn from the Committees on Criminal Justice; Governmental Oversight and Accountability; and Rules.

On motion by Senator Abruzzo, by two-thirds vote—

CS for HB 361—A bill to be entitled An act relating to public meetings; providing definitions; providing an exemption from public meeting requirements for that portion of a meeting of a duly constituted criminal justice commission at which members of the commission discuss active criminal intelligence information or active criminal investigative information currently being considered by, or which may foreseeably come before, the commission; providing for future review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for SB 1042 as amended and read the second time by title.

On motion by Senator Abruzzo, by two-thirds vote CS for HB 361 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Table with 3 columns: Mr. President, Flores, Richter, Abruzzo, Galvano, Ring, Altman, Garcia, Sachs, Bean, Gibson, Simmons, Benacquisto, Grimsley, Simpson, Bradley, Hays, Smith, Brandes, Hukill, Sobel, Braynon, Joyner, Soto, Clemens, Latvala, Stargel, Dean, Legg, Thompson, Detert, Margolis, Thrasher, Diaz de la Portilla, Montford

Nays—1

Lee

Vote after roll call:

Yea—Evers

Nay to Yea—Lee

Consideration of CS for SB 964 was deferred.

CS for CS for SB 972—A bill to be entitled An act relating to transportation development; amending s. 163.3180, F.S.; providing that local governments that implement transportation concurrency must allow an applicant for a development agreement to satisfy transportation concurrency requirements if certain criteria are met, and must provide the basis upon which landowners will be assessed a proportionate share of the cost of addressing certain transportation impacts; encouraging a local government that repeals transportation concurrency to adopt an alternative mobility funding system that is subject to certain requirements; providing an effective date.

—as amended April 24 was read the third time by title.

Pending further consideration of CS for CS for SB 972 as amended, on motion by Senator Hukill, by two-thirds vote CS for CS for CS for HB 319 was withdrawn from the Committees on Community Affairs; Transportation; and Rules.

On motion by Senator Hukill, by two-thirds vote—

CS for CS for CS for HB 319—A bill to be entitled An act relating to community transportation projects; amending s. 163.3180, F.S., relating to transportation concurrency; revising and providing requirements for local governments that continue to implement a transportation concurrency system; revising provisions for applicants for rezoning or a permit for a planned development to satisfy concurrency requirements; providing for such provisions to apply to development agreements; authorizing a local government to accept contributions from multiple applicants to satisfy such requirements under certain conditions; requiring local governments to provide the basis upon which landowners will be assessed certain costs; encouraging local governments without transportation concurrency to adopt an alternative mobility funding system; prohibiting alternative systems from denying, timing, or phasing a development application process if the developer agrees to pay for identified transportation impacts; requiring mobility fees to comply with the dual rational nexus test; prohibiting alternative systems from holding new developments responsible for existing deficiencies; providing an effective date.

—a companion measure, was substituted for CS for CS for SB 972 as amended and by two-thirds vote read the second time by title.

On motion by Senator Hukill, by two-thirds vote CS for CS for CS for HB 319 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Table with 3 columns: Mr. President, Evers, Margolis, Abruzzo, Flores, Richter, Altman, Galvano, Ring, Bean, Garcia, Sachs, Benacquisto, Gibson, Simmons, Bradley, Grimsley, Simpson, Brandes, Hays, Smith, Braynon, Hukill, Sobel, Clemens, Joyner, Soto, Dean, Latvala, Stargel, Detert, Lee, Thompson, Diaz de la Portilla, Legg, Thrasher

Nays—None

SB 1066—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information contained in dental workforce surveys submitted by dentists or dental hygienists to the Department of Health; providing exceptions to the exemption; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Richter, SB 1066 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—36

Table with 3 columns: Mr. President, Braynon, Garcia, Abruzzo, Clemens, Gibson, Altman, Dean, Grimsley, Bean, Detert, Hays, Benacquisto, Evers, Hukill, Bradley, Flores, Joyner, Brandes, Galvano, Latvala

Lee	Ring	Sobel
Legg	Sachs	Soto
Margolis	Simmons	Stargel
Montford	Simpson	Thompson
Richter	Smith	Thrasher

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla

CS for HB 95—A bill to be entitled An act relating to charitable contributions; amending s. 726.102, F.S.; defining the terms “charitable contribution” and “qualified religious or charitable entity or organization”; amending s. 726.109, F.S.; providing that a transfer of a charitable contribution that is received in good faith by a qualified religious or charitable entity or organization is not a fraudulent transfer; providing exceptions; amending ss. 213.758, 718.704, and 721.05, F.S.; conforming cross-references; providing for applicability; providing an effective date.

—was read the third time by title.

On motion by Senator Detert, **CS for HB 95** was passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—2

Brandes Ring

Vote after roll call:

Yea—Altman

CS for CS for SB 468—A bill to be entitled An act relating to property and casualty insurance rates, fees, and forms; amending s. 215.555, F.S.; postponing the date that repeals the Florida Hurricane Catastrophe Fund emergency assessment exemption for medical malpractice insurance premiums; amending s. 627.062, F.S.; exempting medical malpractice insurance that covers certain providers and practitioners from specified rate filing requirements; revising provisions relating to notification of rate changes to codify the amendments made to s. 627.062(3)(d)3., F.S., by s. 1, ch. 2011-160, Laws of Florida, in lieu of the amendments made by s. 12, ch. 2011-39, Laws of Florida, and making editorial changes; amending s. 627.410, F.S.; conforming provisions to changes made by the act; creating s. 627.4102, F.S.; providing for an informational filing of certain forms that are exempt from the Office of Insurance Regulation’s approval process; requiring an informational filing to include a notarized certification from the insurer and providing a statement that must be included in the certification; authorizing the office to require prior review and approval of a form that is not in compliance; requiring a Notice of Change In Policy Terms form to be filed with a changed renewal policy; providing for construction and applicability; providing an effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Hukill, **CS for CS for SB 468** as amended was passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Evers	Ring
Abruzzo	Galvano	Sachs
Altman	Gardiner	Simmons
Bean	Gibson	Simpson
Benacquisto	Grimsley	Smith
Bradley	Hays	Sobel
Brandes	Hukill	Soto
Braynon	Latvala	Stargel
Clemens	Legg	Thrasher
Dean	Montford	
Detert	Richter	

Nays—5

Diaz de la Portilla	Garcia	Thompson
Flores	Joyner	

Consideration of **CS for HB 7065** and **SB 1830** was deferred.

HB 21—A bill to be entitled An act relating to background screening for noninstructional contractors on school grounds; amending s. 1012.467, F.S.; requiring the Department of Education to create a uniform, statewide identification badge to be worn by noninstructional contractors signifying that a contractor has met specified requirements; requiring school district issuance and recognition of the identification badge; providing for validity period of the identification badge; providing for a uniform cost for receipt of the identification badge to be borne by the contractor; providing an exception for certain contractors; providing an effective date.

—was read the third time by title.

On motion by Senator Grimsley, **HB 21** was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Grimsley

Consideration of **CS for SB 1302** was deferred.

CS for SB 1398—A bill to be entitled An act relating to real estate appraisers; amending s. 475.617, F.S.; revising terminology applicable to education requirements for registered trainee appraisers, certified residential appraisers, and certified general appraisers; authorizing qualifying education courses completed by applicants for registration as a trainee or certification as a residential appraiser or general appraiser to be completed through distance learning; revising the education and experience requirements for certified residential appraisers and certified general appraisers according to certain real property appraiser qualification criteria adopted by the Appraiser Qualifications Board of the Appraisal Foundation on a specified date; authorizing the use of a dis-

tance learning course; providing requirements for a distance learning course and a final examination; providing an effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Hukill, **CS for SB 1398** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

CS for SB 1768—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 119.071, F.S., relating to an exemption from public records requirements for personal identifying information of an applicant or recipient of para-transit services; making clarifying changes; saving the exemption from repeal under the Open Government Sunset Review Act; providing an effective date.

—was read the third time by title.

On motion by Senator Brandes, **CS for SB 1768** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—1

Joyner

Vote after roll call:

Nay to Yea—Joyner

SB 1784—A bill to be entitled An act relating to military installations; amending s. 253.025, F.S.; authorizing the Board of Trustees of the Internal Improvement Trust Fund to acquire certain nonconservation lands to buffer a military installation against encroachment; amending s. 288.980, F.S.; providing legislative findings; providing functions of the Military Base Protection Program; authorizing the Department of Economic Opportunity to annually recommend nonconservation lands for acquisition through fee simple purchase or less-than-fee interest purchase to the Board of Trustees of the Internal Improvement Trust Fund for the purpose of preventing the encroachment of military installations;

requiring the board of trustees to also consider land acquisition recommendations of the Florida Defense Support Task Force; authorizing funds appropriated to the Military Base Protection Program to be used for land acquisition to prevent or reduce encroachment of military installations; providing a definition for the term “nonconservation lands”; providing an effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Altman, **SB 1784** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for HB 623—A bill to be entitled An act relating to wine; amending s. 564.05, F.S.; providing an exception to the maximum allowable capacity for an individual container of wine sold in this state; providing that certain wine sold or offered for sale by specified vendors shall be in the unopened original container; providing an effective date.

—was read the third time by title.

On motion by Senator Simpson, **CS for HB 623** was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Richter

DISCLOSURE

Pursuant to Senate Rule 1.39, I am disclosing that certain provisions in **CS for CS for SB 658** provide a special private gain or loss to a principal by whom I or my spouse, parent, or child is retained or employed. The nature of the interest and the persons or entities involved are specified below:

The passage or defeat of this bill on the floor of the Senate will inure a special private gain or loss to a principal of which I am a board member. However, this will not affect my compensation as a board member of the

company, and I will not personally receive a special private gain or loss from the passage or defeat of this bill.

As established by Senate Rule, I may vote on this matter.

Senator John Thrasher, 6th District

NOTE: CS for CS for SB 658 is a companion bill to CS for HB 623.

CS for CS for HB 537—A bill to be entitled An act relating to growth management; 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; providing an effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Simpson, **CS for CS for HB 537** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for CS for HB 935—A bill to be entitled An act relating to the Florida False Claims Act; amending s. 68.081, F.S.; revising a cross-reference; deleting a statement of purpose; amending s. 68.082, F.S.; deleting, revising, and providing definitions; revising conditions under which a person is liable for a specified civil penalty; amending s. 68.083, F.S.; revising terminology; revising language concerning who may intervene or bring a related action after a person files an action under the act; creating s. 68.0831, F.S.; providing for contingent effect; providing a definition; authorizing the Department of Legal Affairs to issue subpoenas for specified purposes before the institution of civil proceedings; providing requirements for the content and service of subpoenas; providing that such subpoenas may not require specified protected documents or testimony; specifying that the department's power to require the appearance of witnesses or production of documents or other tangible evidence located outside the state is unaffected; providing for petitions to modify or set aside subpoenas; providing for orders to comply with subpoenas; providing for the examination of witnesses; providing for review of transcripts of testimony; authorizing the department to stipulate to protective orders of submitted documents and information; providing for natural persons who decline to testify or produce documents after asserting a privilege against self-incrimination to be ordered to testify or produce documents; providing for contempt to comply with such orders; providing for examination of testimony, answers, or materials by the person who produced such materials or answers; providing for construction; prohibiting specified actions by a person knowing or having reason to believe that a subpoena is pending; providing civil penalties; amending s. 68.084, F.S.; clarifying that the department may dismiss actions at any point; revising language concerning the costs to the department for continuing to receive pleadings and transcripts of an action after it has elected to withdraw; providing that the state may elect

to pursue available alternative remedies, including administrative proceedings; specifying what constitutes a final finding or conclusion in an alternative proceeding that is binding on all parties to an action under the act; amending s. 68.085, F.S.; providing for successful plaintiffs to receive, in addition to a portion of the amount recovered, awards of expenses and attorney fees and costs; amending s. 68.086, F.S.; deleting references to awards of attorney fees to successful plaintiffs; revising provisions relating to awards of attorney fees to the department; amending s. 68.087, F.S.; revising terminology; revising provisions relating to dismissal of an action if substantially the same allegations or transactions as alleged in the action were publicly disclosed; amending s. 68.089, F.S.; providing for the treatment for statutes of limitations purposes of pleadings filed in interventions by the department; amending s. 68.09, F.S.; providing for estoppel as to certain matters following a final judgment or decree rendered in favor of the state or the Federal Government in certain criminal proceedings; providing effective dates.

—was read the third time by title.

On motion by Senator Thrasher, **CS for CS for HB 935** was passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Hukill

HB 1297—A bill to be entitled An act relating to public records; amending s. 68.083, F.S.; providing an exemption from public records requirements for the complaint and information held by the Department of Legal Affairs pursuant to an investigation of a violation of s. 68.082, F.S., relating to false claims against the state; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing for specified disclosure; specifying duration of the exemption; specifying conditions under which an investigation is considered complete; providing a statement of public necessity; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Thrasher, **HB 1297** 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—38

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

Thompson Thrasher

Nays—None

CS for HB 953—A bill to be entitled An act relating to warrants; amending s. 901.02, F.S.; specifying when an arrest warrant may be issued; authorizing a judge to electronically sign an arrest warrant if certain conditions are met; providing that an arrest warrant is signed by a judge at the time the judge affixes his or her signature or electronic signature to the warrant; defining the term “electronic signature”; amending s. 933.07, F.S.; authorizing a judge to electronically sign a search warrant if certain conditions are met; providing that a search warrant is signed by a judge at the time the judge affixes his or her signature or electronic signature to the warrant; defining the term “electronic signature”; providing an effective date.

—was read the third time by title.

On motion by Senator Gardiner, CS for HB 953 was passed and certified to the House. The vote on passage was:

Yeas—37

Table with 3 columns: Name, Flores, Montford. Lists names of senators who voted in favor of CS for HB 953.

Nays—None

CS for CS for SB 1442—A bill to be entitled An act relating to alarm systems; amending s. 489.503, F.S.; revising an exemption from licensure related to low-voltage electrical work performed by certain persons and entities; exempting from licensure certain employees and sales representatives of alarm system contractors; providing for construction; creating s. 553.793, F.S.; providing definitions; providing applicability; requiring a local enforcement agency to offer for sale uniform basic permit labels to contractors; specifying a maximum price and providing exceptions; prohibiting a local enforcement agency from applying a certain condition to the purchase of a label; providing that permits expire after a specific time period; requiring contractors to post an unused label in a specified place before commencing work on a low-voltage alarm system project; requiring contractors to submit a Uniform Notice of a Low-Voltage Alarm System Project within a specified period; providing that failure to submit such notice may result in disciplinary action; prescribing a form for a Uniform Notice of a Low-Voltage Alarm System Project; authorizing a local enforcement agency to inspect; prohibiting municipalities, counties, districts, or other entities of local government from adopting or maintaining an ordinance or rule inconsistent with this section; providing that a label is not required for the subsequent maintenance, inspection, or service of a permitted alarm system; providing an effective date.

—was read the third time by title.

Pending further consideration of CS for CS for SB 1442, on motion by Senator Lee, by two-thirds vote CS for CS for CS for HB 973 was withdrawn from the Committees on Regulated Industries; and Criminal Justice.

On motion by Senator Lee by two-thirds vote—

CS for CS for CS for HB 973—A bill to be entitled An act relating to low-voltage systems; amending s. 489.503, F.S.; revising an exemption from licensure related to low-voltage electrical work performed by cer-

tain persons and entities; exempting from licensure certain employees and sales representatives of alarm system contractors; providing for construction; creating s. 553.793, F.S.; providing definitions; providing for applicability; requiring local enforcement agencies to offer for sale uniform basic permit labels to contractors for a specified cost; requiring contractors to post an unused label in a specified place before commencing work on a low-voltage alarm system project; requiring contractors to submit a Uniform Notice of a Low-Voltage Alarm System Project within a specified period; prescribing a form for such notice; providing inspection procedures and requirements for low-voltage alarm system projects; prohibiting specified local governments from adopting or maintaining certain ordinances and rules; providing that an additional uniform basic permit label shall not be required to perform work on certain alarm systems; providing for applicability; providing an effective date.

—a companion measure, was substituted for CS for CS for SB 1442 and read the second time by title.

On motion by Senator Lee, by two-thirds vote CS for CS for CS for HB 973 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Table with 3 columns: Name, Flores, Montford. Lists names of senators who voted in favor of CS for CS for CS for HB 973.

Nays—None

CS for HB 341—A bill to be entitled An act relating to uninsured motorist insurance coverage; amending s. 627.727, F.S.; providing that, under certain circumstances, specified persons who elect non-stacking limitations on their uninsured motorist insurance coverage are conclusively presumed to have made an informed, knowing acceptance of the limitations on behalf of all insureds; providing an effective date.

—was read the third time by title.

On motion by Senator Montford, CS for HB 341 was passed and certified to the House. The vote on passage was:

Yeas—38

Table with 3 columns: Name, Flores, Montford. Lists names of senators who voted in favor of CS for HB 341.

Nays—None

SB 736—A bill to be entitled An act relating to limitations relating to deeds and wills; amending s. 95.231, F.S.; providing for limitations of actions when a deed or will is on record; providing that a person claiming

an interest in real property affected by amendments made in the act has until a specified date to file a claim or defense in court to determine the validity of the instrument; providing that if a claim or defense is filed within the specified period, the validity of the instrument is determined without regard to these amendments; providing an effective date.

—was read the third time by title.

On motion by Senator Richter, **SB 736** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for CS for SB 874—A bill to be entitled An act relating to open parties; amending s. 856.015, F.S.; revising definitions; prohibiting a person from allowing a party to take place if a minor is in possession of or consuming alcohol or drugs; revising an exemption; providing criminal penalties; conforming provisions; providing an effective date.

—was read the third time by title.

On motion by Senator Galvano, **CS for CS for SB 874** was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—1

Garcia

Vote after roll call:

Yea—Detert

CS for CS for CS for SB 390—A bill to be entitled An act relating to veterans’ organizations; defining terms; prohibiting a business entity from advertising or holding itself out to the public as a veterans’ organization or similar entity under certain circumstances; providing that an entity that violates the restrictions on advertizing violates the Florida Deceptive and Unfair Trade Practices Act; authorizing certain veterans’ organizations to enforce the prohibition against false advertising; providing for criminal penalties; amending s. 817.312, F.S.; prohibiting misrepresentation as a service member or veteran and wearing military or veterans’ uniform, medal, or insignia; providing an effective date.

—was read the third time by title.

On motion by Senator Dean, **CS for CS for CS for SB 390** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for CS for CS for SB 580—A bill to be entitled An act relating to homeowners’ associations; amending s. 468.436, F.S.; providing grounds for disciplinary actions against community association managers; amending s. 720.303, F.S.; requiring official records to be maintained within a specified distance of the association for a specified time; authorizing associations to maintain such records online; requiring associations to allow a member to use a portable device to make an electronic copy of the official records and prohibiting associations from charging a fee for such an electronic copy; removing provisions allowing the association to charge fees for personnel costs related to records access; requiring budgets to designate permissible uses of reserve accounts; requiring a community association manager, or the association in the absence of a community association manager, to report certain information to the Division of Florida Condominiums, Timeshares, and Mobile Homes; providing an expiration date for the reporting requirements; creating s. 720.3033, F.S.; requiring association directors to file with the association secretary written certification that they have read certain association documents, will uphold the documents, and will uphold their fiduciary responsibility to the members; providing for an educational certificate in lieu of written certification; providing that such certification is valid while the director is on the board; providing penalties for failure to file such certification; requiring the association secretary to retain such certification for 5 years; requiring the board to follow specified procedures relating to contracts or transactions between the association and certain entities; providing for disclosure of the contract or transaction to members; providing for the cancellation of such contract or transaction under certain circumstances; prohibiting any association officer, director, or manager from soliciting or receiving certain personal benefits from any person providing or offering to provide goods or services to the association and providing for removal for knowingly taking such action; providing an exception; providing for the removal of any director or officer charged with a felony theft or embezzlement offense involving association funds or property; providing for the reinstatement of such person under certain circumstances; prohibiting a member with pending criminal charges from certain positions; requiring the association to maintain insurance or a bond to cover funds that will be in the custody of the association or its management agent; providing a definition; authorizing an association to waive the requirement of obtaining an insurance policy or fidelity bond under certain conditions; amending s. 720.306, F.S.; requiring that a copy of an amendment to the governing documents be provided to the members within 30 days after it is recorded; revising procedures for the election of directors; amending s. 720.307, F.S.; providing additional circumstances for authorizing members to elect a majority of association board members; providing circumstances under which members other than the developer are authorized to elect a specified number of members to the board of directors; amending s. 720.3075, F.S.; providing public policy regarding prohibited clauses in association documents; providing prohibited clauses in association documents; amending s. 720.3085, F.S.; defining the term “previous owner” to exclude certain associations from provisions relating to the liability of previous owners of parcels for unpaid assessments; lim-

iting a present owner’s liability for certain assessments; providing an effective date.

—as amended April 24 was read the third time by title.

Pending further consideration of **CS for CS for CS for SB 580** as amended, on motion by Senator Hays, by two-thirds vote **CS for HB 7119** was withdrawn from the Committees on Regulated Industries; Community Affairs; and Rules.

On motion by Senator Hays, by two-thirds vote—

CS for HB 7119—A bill to be entitled An act relating to homeowners’ associations; amending s. 468.436, F.S.; providing grounds for disciplinary actions against community association managers; amending s. 720.303, F.S.; requiring official records to be maintained within a specified distance of the association for a specified time; authorizing associations to maintain such records online; requiring associations to allow a member to use a portable device to make an electronic copy of the official records and prohibiting associations from charging a fee for such an electronic copy; removing provisions allowing the association to charge fees for personnel costs related to records access; requiring budgets to designate permissible uses of reserve accounts; requiring a community association manager, or the association in the absence of a community association manager, to report certain information to the Division of Florida Condominiums, Timeshares, and Mobile Homes; providing an expiration date for the reporting requirements; creating s. 720.3033, F.S.; requiring association directors to file with the association secretary written certification that they have read certain association documents, will uphold the documents, and will uphold their fiduciary responsibility to the members; providing for an educational certificate in lieu of written certification; providing that such certification is valid while the director is on the board; providing penalties for failure to file such certification; requiring the association to retain such certification for 5 years; requiring the board to follow specified procedures relating to contracts or transactions between the association and certain entities; providing for disclosure of the contract or transaction to members; providing for the cancellation of such contract or transaction under certain circumstances; prohibiting any association officer, director, or manager from soliciting or receiving certain personal benefits from any person providing or offering to provide goods or services to the association; providing for removal from office for violations; providing an exception; providing for the removal of any director or officer charged with a felony theft or embezzlement offense involving association funds or property; providing for the reinstatement of such person under certain circumstances; prohibiting a member with pending criminal charges from certain positions; requiring the association to maintain insurance or a bond to cover funds that will be in the custody of the association or its management agent; providing a definition; authorizing an association to waive the requirement of obtaining an insurance policy or fidelity bond under certain conditions; amending s. 720.306, F.S.; requiring the association to provide copies of amendments to the governing documents to members under certain conditions; revising procedures for the election of directors; amending s. 720.307, F.S.; providing additional circumstances for authorizing members to elect a majority of association board members; providing circumstances under which members other than the developer are authorized to elect a specified number of members to the board of directors; amending s. 720.3075, F.S.; providing public policy regarding amendments to governing documents in associations under developer control; amending s. 720.3085, F.S.; defining the term “previous owner” to exclude certain associations from provisions relating to the liability of previous owners of parcels for unpaid assessments; limiting a present owner’s liability for certain assessments; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 580** as amended and by two-thirds vote read the second time by title.

On motion by Senator Hays, by two-thirds vote **CS for HB 7119** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Bradley	Dean
Abruzzo	Brandes	Detert
Bean	Braynon	Diaz de la Portilla
Benacquisto	Clemens	Evers

Flores	Latvala	Simpson
Galvano	Lee	Smith
Garcia	Legg	Sobel
Gardiner	Margolis	Soto
Gibson	Montford	Stargel
Grimley	Richter	Thompson
Hays	Ring	Thrasher
Hukill	Sachs	
Joyner	Simmons	

Nays—None

Vote after roll call:

Yea—Altman

CS for CS for SB 1410—A bill to be entitled An act relating to fire safety and prevention; providing a directive to the Division of Law Revision and Information to create part I of ch. 633, F.S., entitled “General Provisions”; transferring, renumbering, and amending s. 633.021, F.S.; revising and providing definitions; transferring, renumbering, and amending s. 633.01, F.S.; revising provisions relating to the authority of the State Fire Marshal; removing references to the Life Safety Code; revising the renewal period for firesafety inspector requirements for certification; conforming cross-references; authorizing the State Fire Marshal to administer oaths and take testimony; authorizing the State Fire Marshal to enter into contracts with private entities for the administration of examinations; transferring, renumbering, and amending s. 633.163, F.S.; revising provisions relating to the disciplinary authority of the State Fire Marshal; authorizing the State Fire Marshal to deny, suspend, or revoke the licenses of certain persons; providing terms and conditions of probation; transferring and renumbering s. 633.15, F.S., relating to the force and effect of ch. 633, F.S., and rules adopted by the State Fire Marshal on municipalities, counties, and special districts having fire safety responsibilities; transferring, renumbering, and amending s. 633.101, F.S.; revising provisions relating to hearings, investigations, and recordkeeping duties and the authority of the State Fire Marshal; authorizing the State Fire Marshal to designate an agent for various purposes related to hearings; providing for the issuance of subpoenas; requiring the State Fire Marshal to investigate certain fires and explosions under certain circumstances; transferring, renumbering, and amending s. 633.111, F.S.; requiring the State Fire Marshal to keep records of all fires and explosions; transferring, renumbering, and amending s. 633.02, F.S.; revising provisions relating to the authority of agents of the State Fire Marshal; transferring and renumbering s. 633.14, F.S., relating to the powers of agents of the State Fire Marshal to make arrests, conduct searches and seizures, serve summonses, and carry firearms; transferring, renumbering, and amending s. 633.121, F.S., relating to persons authorized to enforce laws and rules of the State Fire Marshal; revising terminology; transferring, renumbering, and amending s. 633.151, F.S.; clarifying provisions relating to impersonating the State Fire Marshal, a firefighter, a firesafety inspector, or a volunteer firefighter, for which a criminal penalty is provided; transferring, renumbering, and amending s. 633.171, F.S.; providing penalties for rendering a fire protection system required by statute or by rule inoperative; providing penalties for using the certificate of another person, holding a license or certificate and allowing another person to use the license or certificate, and using or allowing the use of any certificate or permit by any individual or organization other than the individual to whom the certificate or permit is issued; conforming a cross-reference; transferring, renumbering, and amending s. 633.175, F.S., relating to investigation of fraudulent insurance claims and crimes and immunity of insurance companies supplying information relative thereto; defining the term “consultant”; revising provisions to include investigation of explosions in fraudulent insurance claim investigations; authorizing the State Fire Marshal to adopt rules to implement provisions relating to an insurance company’s investigation of a suspected fire or explosion by intentional means; revising terminology; conforming a cross-reference; transferring, renumbering, and amending s. 633.45, F.S.; clarifying and revising the powers and duties of the Division of State Fire Marshal; requiring the division to establish by rule uniform minimum standards for the employment and training of firefighters and volunteer firefighters; requiring the division to establish by rule minimum curriculum requirements and criteria for the approval of education or training providers; requiring the division to specify by rule standards

for the approval, denial of approval, probation, suspension, and revocation of approval of education or training providers and facilities for training firefighters and volunteer firefighters; requiring the division to specify by rule standards for the certification, denial of certification, probation, and revocation of certification for instructors; requiring the division to establish by rule minimum training qualifications for persons serving as specified fire safety coordinators; requiring the division to issue specified licenses, certificates, and permits; conforming cross-references; creating s. 633.132, F.S.; establishing fees to be collected by the division; authorizing the division to establish by rule fees necessary to cover administrative costs and to collect such fees in advance; providing for the appropriation and deposit of all funds collected by the State Fire Marshal pursuant to ch. 633, F.S.; transferring and renumbering s. 633.39, F.S., relating to acceptance by the division of donations of property and grants of money; transferring, renumbering, and amending s. 633.115, F.S., relating to the Fire and Emergency Incident Information Reporting Program; making technical changes; conforming a cross-reference; creating s. 633.138, F.S.; providing requirements with respect to notice of change of address of record for, and notice of felony actions against, a licensee, permittee, or certificateholder; transferring, renumbering and amending s. 633.042, F.S.; revising the "Reduced Cigarette Ignition Propensity Standard and Firefighter Protection Act" to include preemption by the act of local laws and rules; providing a directive to the Division of Law Revision and Information to create part II of ch. 633, F.S., entitled "Fire Safety and Prevention"; transferring, renumbering, and amending s. 633.0215, F.S., relating to the Florida Fire Prevention Code; conforming cross-references; deleting an obsolete provision; transferring, renumbering, and amending s. 633.72, F.S., relating to the Florida Fire Code Advisory Council; revising membership of the council; providing for semiannual meetings of the council; authorizing the council to review proposed changes to the Florida Fire Prevention Code and specified uniform firesafety standards; conforming cross-references; transferring, renumbering, and amending s. 633.022, F.S., relating to uniform firesafety standards; revising applicability of uniform firesafety standards; removing obsolete provisions; transferring, renumbering, and amending s. 633.025, F.S., relating to minimum firesafety standards; deleting references to the Life Safety Code; conforming provisions to changes made by the act; conforming a cross-reference; transferring, renumbering, and amending s. 633.026, F.S., relating to informal interpretations of the Florida Fire Prevention Code and legislative intent with respect thereto; conforming provisions to changes made by the act; conforming cross-references; revising terminology to provide for declaratory statements rather than formal interpretations in nonbinding interpretations of Florida Fire Prevention Code provisions; transferring, renumbering, and amending s. 633.052, F.S., relating to ordinances relating to fire safety and penalties for violation; conforming terminology; providing that a special district may enact any ordinance relating to fire safety codes that is identical to ch. 633, F.S., or any state law, except as to penalty; transferring, renumbering, and amending s. 633.081, F.S., relating to inspection of buildings and equipment; clarifying persons authorized to inspect buildings and structures; conforming cross-references; revising requirements of persons conducting fire safety inspections; revising the period of validity of, and continuing education requirements for, fire safety inspector certificates; requiring repeat training for certified firesafety inspectors whose certification has lapsed for a specified period; revising grounds for denial, refusal to renew, suspension, or revocation of a fire safety inspector certificate; requiring the department to provide by rule for the certification of Fire Code Administrators; transferring, renumbering, and amending s. 633.085, F.S., relating to inspection of state buildings and premises; defining the terms "high-hazard occupancy" and "state-owned building"; providing for identification of state-owned buildings or state-leased buildings or space; authorizing, rather than requiring, the State Fire Marshal or agents thereof to conduct performance tests on any electronic fire warning and smoke detection system, and any pressurized air-handling unit, in any state-owned building or state-leased building or space on a recurring basis; requiring the State Fire Marshal or agents thereof to ensure that fire drills are conducted in all high-hazard state-owned buildings or high-hazard state-leased occupancies at least annually; requiring that all new construction or renovation, alteration, or change of occupancy of any existing, state-owned building or state-leased building or space comply with uniform firesafety standards; authorizing the division to inspect state-owned buildings and spaces and state-leased buildings and spaces as necessary before occupancy and during construction, renovation, or alteration to ascertain compliance with uniform firesafety standards; requiring the division to issue orders to cease construction, renovation, or alteration, or to preclude occupancy, of a

state-owned or state-leased building or space for noncompliance; transferring, renumbering, and amending s. 633.027, F.S., relating to buildings with light-frame truss-type construction; conforming cross-references; transferring, renumbering, and amending s. 633.60, F.S., relating to automatic fire sprinkler systems for one-family dwellings, two-family dwellings, and mobile homes; conforming a cross-reference; transferring and renumbering s. 633.557, F.S., relating to the nonapplicability of the act to owners of property who are building or improving farm out-buildings and standpipe systems installed by plumbing contractors; transferring, renumbering, and amending s. 633.161, F.S., relating to violations and enforcement of ch. 633, F.S., orders resulting from violations, and penalties for violation; conforming cross-references; providing a directive to the Division of Law Revision and Information to create part III of ch. 633, F.S., entitled "Fire Protection and Suppression"; transferring, renumbering, and amending s. 633.511, F.S., relating to the Florida Fire Safety Board; conforming provisions to changes made by the act; conforming cross-references; requiring the board to act in an advisory capacity; authorizing the board to review complaints and make recommendations; providing for election of officers, quorum, and compensation of the board; requiring the board to adopt a seal; transferring, renumbering, and amending s. 633.061, F.S., relating to licensure to install or maintain fire suppression equipment; removing the fee schedule from such provisions; revising provisions relating to fire equipment dealers who wish to withdraw a previously filed halon equipment exemption affidavit; providing conditions that an applicant for a license of any class who has facilities located outside the state must meet in order to obtain a required equipment inspection; providing for the adoption of rules with respect to the establishment and calculation of inspection costs; revising and clarifying provisions that exclude from licensure for a specified period applicants having a previous criminal conviction; defining the term "convicted"; providing conditions under which a licensed fire equipment dealer may apply to convert the license currently held to a higher or lower licensing category; providing a procedure for an applicant who passes an examination for licensure or permit but fails to meet remaining qualifications within 1 year after the application date; transferring, renumbering, and amending s. 633.065, F.S., relating to requirements for installation, inspection, and maintenance of fire suppression equipment; conforming a cross-reference; transferring, renumbering, and amending s. 633.071, F.S., relating to standard service tags required on all fire extinguishers and preengineered systems; conforming a cross-reference; transferring, renumbering, and amending s. 633.082, F.S., relating to inspection of fire control systems, fire hydrants, and fire protection systems; conforming a cross-reference; making technical changes; transferring, renumbering, and amending s. 633.083, F.S., relating to the prohibited sale or use of certain types of fire extinguishers and penalty therefor; making a technical change; transferring, renumbering, and amending s. 633.162, F.S., relating to fire suppression system contractors and disciplinary actions with respect thereto; conforming cross-references; clarifying provisions; transferring, renumbering, and amending s. 633.521, F.S., relating to certification as fire protection system contractor; clarifying provisions and making technical changes; conforming cross-references; transferring, renumbering, and amending s. 633.551, F.S., relating to county and municipal powers and the effect of ch. 75-240, Laws of Florida; making technical changes; transferring and renumbering s. 633.527, F.S., relating to records concerning an applicant and the extent of confidentiality; transferring and renumbering s. 633.531, F.S., relating to statewide effectiveness and nontransferability of certificates; transferring, renumbering, and amending s. 633.534, F.S., relating to the issuance of certificates to individuals and business organizations; making a technical change; transferring, renumbering, and amending s. 633.537, F.S., relating to renewal and expiration of certificates; deleting an obsolete provision; deleting a provision which prescribes the biennial renewal fee for an inactive status certificate; making technical changes; transferring, renumbering, and amending s. 633.539, F.S., relating to requirements for installation, inspection, and maintenance of fire protection systems; conforming a cross-reference; transferring, renumbering, and amending s. 633.541, F.S., relating to the prohibition against contracting as a fire protection contractor without a certificate and penalty for violation thereof; conforming cross-references; making a technical change; transferring, renumbering, and amending s. 633.547, F.S., relating to disciplinary action concerning fire protection system contractors; revising provisions that authorize the State Fire Marshal to suspend a fire protection system contractor's or permittee's certificate; deleting provisions authorizing revocation of a certificate for a specified period; conforming a cross-reference; transferring, renumbering, and amending s. 633.549, F.S., relating to violations that are subject to injunction; making a

technical change; transferring and renumbering s. 633.554, F.S., relating to application of ch. 633, F.S., regulating contracting and contractors; transferring, renumbering, and amending s. 633.70, F.S., relating to jurisdiction of the State Fire Marshal over alarm system contractors and certified unlimited electrical contractors; conforming a cross-reference; transferring and renumbering s. 633.701, F.S., relating to requirements for fire alarm system equipment; transferring, renumbering, and amending s. 633.702, F.S., relating to prohibited acts regarding alarm system contractors or certified unlimited electrical contractors and penalties for violations; making technical changes; providing a directive to the Division of Law Revision and Information to create part IV of ch. 633, F.S., entitled "Fire Standards and Training"; transferring, renumbering, and amending s. 633.31, F.S.; revising provisions relating to the Firefighters Employment, Standards, and Training Council; providing for an additional member of the council; providing for organization of the council, meetings, quorum, compensation, and adoption of a seal; providing for special powers of the council in connection with the employment and training of firefighters; transferring, renumbering, and amending s. 633.42, F.S., relating to the authority of fire service providers to establish qualifications and standards for hiring, training, or promoting firefighters which exceed the minimum set by the department; conforming terminology; creating s. 633.406, F.S.; specifying classes of certification awarded by the division; authorizing the division to establish specified additional certificates by rule; transferring, renumbering, and amending s. 633.35, F.S.; revising provisions relating to firefighter and volunteer firefighter training and certification; requiring the division to establish by rule specified courses and course examinations; providing that courses may only be administered by specified education or training providers and taught by certified instructors; revising provisions with respect to payment of training costs and payment of tuition for attendance at approved courses; providing requirements for issuance by the division of a firefighter certificate of compliance; providing requirements for issuance by the division of a Volunteer Firefighter Certificate of Completion; authorizing the division to issue a Special Certificate of Compliance; providing requirements and limitations with respect thereto; providing procedures and requirements for reexamination after failure of an examination; increasing the required number of hours of the structural fire training program; providing for a Forestry Certificate of Compliance and prescribing the rights, privileges, and benefits thereof; transferring, renumbering, and amending s. 633.34, F.S., relating to qualifications for certification as a firefighter; revising provisions relating to disqualifying offenses; providing requirements of the division with respect to suspension or revocation of a certificate; making technical changes; conforming cross-references; transferring, renumbering, and amending s. 633.352, F.S., relating to firefighter employment and volunteer firefighter service; revising provisions relating to retention of certification as a firefighter; defining the term "active"; transferring, renumbering, and amending s. 633.41, F.S.; prohibiting a fire service provider from employing an individual as a firefighter or supervisor of firefighters and from retaining the services of an individual volunteering as a firefighter or a supervisor of firefighters without required certification; requiring a fire service provider to make a diligent effort to determine possession of required certification prior to employing or retaining an individual for specified services; defining the term "diligent effort"; requiring a fire service provider to notify the division of specified hirings, retentions, terminations, decisions not to retain a firefighter, and determinations of failure to meet certain requirements; authorizing the division to conduct site visits to fire departments to monitor compliance; defining the term "employ"; conforming cross-references; transferring, renumbering, and amending s. 633.38, F.S., relating to curricula and standards for advanced and specialized training prescribed by the division; revising terminology to conform; conforming cross-references; transferring, renumbering, and amending s. 633.382, F.S., relating to supplemental compensation for firefighters who pursue specified higher educational opportunities; removing definitions; requiring the State Fire Marshal to determine, and adopt by rule, course work or degrees that represent the best practices toward supplemental compensation goals; specifying that supplemental compensation shall be paid to qualifying full-time employees of a fire service provider; conforming terminology; clarifying provisions; specifying that policy guidelines be adopted by rule; classifying the division as a fire service provider responsible for the payment of supplemental compensation to full-time firefighters employed by the division; transferring, renumbering, and amending s. 633.353, F.S., relating to falsification of qualifications; clarifying provisions that provide a penalty for falsification of qualifications provided to the Bureau of Fire Standards and Training of the division; transferring, renumbering, and amending s.

633.351, F.S., relating to disciplinary action and standards for revocation of certification; providing definitions; providing conditions for ineligibility to apply for certification under ch. 633, F.S.; providing conditions for permanent revocation of certification, prospective application of such provisions, and retroactive application with respect to specified convictions; revising provisions relating to revocation of certification; providing requirements with respect to application for certification; requiring specified submission of fingerprints; providing a fee; providing requirements of the Department of Law Enforcement with respect to submitted fingerprints; transferring, renumbering, and amending s. 633.43, F.S., relating to the establishment of the Florida State Fire College; conforming a provision to changes made by the act; transferring, renumbering, and amending s. 633.44, F.S., relating to the purposes of the Florida State Fire College and part IV of ch. 633, F.S.; expanding such purpose; conforming a cross-reference; transferring, renumbering, and amending s. 633.48, F.S., relating to the superintendent of the Florida State Fire College; conforming a cross-reference; transferring, renumbering, and amending s. 633.461, F.S., relating to uses of funds from the Insurance Regulatory Trust Fund; clarifying provisions; transferring and renumbering s. 633.47, F.S., relating to the procedure for making expenditures on behalf of the Florida State Fire College; transferring, renumbering, and amending s. 633.49, F.S., relating to the use of buildings, equipment, and other facilities of the fire college; conforming a cross-reference; transferring, renumbering, and amending s. 633.50, F.S., relating to additional duties of the Division of State Fire Marshal related to the Florida State Fire College; conforming cross-references; transferring and renumbering s. 633.46, F.S., relating to fees to be charged for training; providing a directive to the Division of Law Revision and Information to create part V of ch. 633, F.S., entitled "Florida Firefighters Occupational Safety and Health Act"; transferring, renumbering, and amending s. 633.801, F.S., relating to a short title; conforming a cross-reference; transferring, renumbering, and amending s. 633.802, F.S., relating to definitions; revising definitions of "firefighter employee," "firefighter employer," and "firefighter place of employment"; transferring, renumbering, and amending s. 633.803, F.S., relating to legislative intent to enhance firefighter occupational safety and health in the state; clarifying provisions; conforming cross-references; transferring, renumbering, and amending s. 633.821, F.S., relating to assistance by the division in facilitating firefighter employee workplace safety; revising references to publications; removing obsolete provisions; revising requirements and responsibilities of the division; transferring, renumbering, and amending s. 633.817, F.S., relating to remedies available to the division for noncompliance with part V of ch. 633, F.S.; conforming cross-references; transferring and renumbering s. 633.805, F.S., relating to a required study by the division of firefighter employee occupational diseases; transferring, renumbering, and amending s. 633.806, F.S., relating to certain duties of the division; revising provisions that require the division to make studies, investigations, inspections, and inquiries with respect to compliance with part V of ch. 633, F.S., or rules authorized thereunder, and the causes of firefighter employee injuries, illnesses, safety-based complaints, or line-of-duty deaths in firefighter employee places of employment; authorizing the division to adopt by rule procedures for conducting inspections and inquiries of firefighter employers under part V of ch. 633, F.S.; authorizing the division to enter premises to investigate compliance; providing a criminal penalty; conforming references; transferring, renumbering, and amending s. 633.807, F.S., relating to safety responsibilities of firefighter employers; revising definitions of the terms "safe" and "safety"; transferring, renumbering, and amending s. 633.809, F.S.; relating to firefighter employers with a high frequency of firefighter employee work-related injuries; revising provisions relating to required safety inspections; clarifying that the division may not assess penalties as a result of such inspections; requiring firefighter employers to submit a plan for the correction of noncompliance issues to the division for approval in accordance with division rule; providing procedures if a plan is not submitted, does not provide corrective actions, is incomplete, or is not implemented; providing for workplace safety committees and coordinators, including mandatory negotiations during collective bargaining; requiring the division to adopt rules; providing for compensation of the workplace safety committee; authorizing cancellation of an insurance plan due to noncompliance; transferring, renumbering, and amending s. 633.811, F.S., relating to firefighter employer penalties; prescribing additional administrative penalties for firefighter employers for violation of, or refusal to comply with, part V of ch. 633, F.S.; providing for location of hearings; transferring, renumbering, and amending s. 633.812, F.S., relating to specified cooperation by the division with the Federal Government; clarifying requirements from which private fire-

fighter employers are exempt; eliminating a prerequisite to exemption for specified firefighter employers; requiring reinspection after specified noncompliance; transferring, renumbering, and amending s. 633.816, F.S., relating to firefighter employee rights and responsibilities; conforming cross-references; transferring, renumbering, and amending s. 633.818, F.S., relating to false statements; conforming a cross-reference; prohibiting a person from committing certain fraudulent acts in any matter within the jurisdiction of the division; providing criminal penalties; providing a statute of limitation; transferring, renumbering, and amending s. 633.814, F.S., relating to disbursement of expenses to administer part V of ch. 633, F.S.; conforming a cross-reference; amending s. 112.011, F.S.; removing provisions that exclude from employment for a specified period an applicant for employment with a fire department who has a prior felony conviction; amending s. 112.191, F.S.; revising provisions relating to adjustments in payments of accidental death benefits for firefighters; amending s. 120.541, F.S.; revising a cross-reference to conform with changes made in the act; amending s. 196.081, F.S.; revising a cross-reference to conform with changes made in the act; repealing s. 633.024, F.S., relating to legislative findings and intent with respect to ensuring effective fire protection of vulnerable nursing home residents, the expedited retrofit of existing nursing homes through a limited state loan guarantee, and funding thereof; repealing s. 633.0245, F.S., relating to the State Fire Marshal Nursing Home Fire Protection Loan Guarantee Program; repealing s. 633.03, F.S., relating to investigations of fire and reports; repealing s. 633.0421, F.S., relating to preemption of the reduced cigarette ignition propensity standard by the state; repealing s. 633.13, F.S., relating to the authority of State Fire Marshal agents; repealing s. 633.167, F.S., relating to the authority of the State Fire Marshal to place certain persons on probation; repealing s. 633.18, F.S., relating to hearings and investigations by the State Fire Marshal; repealing s. 633.30, F.S., relating to definitions with respect to standards for firefighting; repealing s. 633.32, F.S., relating to organization, meetings, quorum, compensation, and seal of the Firefighters Employment, Standards, and Training Council; repealing s. 633.33, F.S., relating to special powers of the Firefighters Employment, Standards, and Training Council in connection with the employment and training of firefighters; repealing s. 633.37, F.S., relating to payment of tuition at approved training programs by the employing agency; repealing s. 633.445, F.S., relating to the State Fire Marshal Scholarship Grant Program; repealing s. 633.514, F.S., relating to Florida Fire Safety Board duties, meetings, officers, quorum, and compensation; repealing s. 633.517, F.S.; relating to the authority of the State Fire Marshal to adopt rules, administer oaths, and take testimony; repealing s. 633.524, F.S., relating to certificate and permit fees assessed under ch. 633, F.S., and the use and deposit thereof; repealing s. 633.804, F.S., relating to the adoption of rules governing firefighter employer and firefighter employee safety inspections and consultations; repealing s. 633.808, F.S., relating to division authority; repealing s. 633.810, F.S., relating to workplace safety committees and safety coordinators; repealing s. 633.813, F.S., relating to cancellation of an insurance policy for failure to implement a safety and health program; repealing s. 633.815, F.S., relating to penalties for refusing entry to a firefighter place of employment for the purposes of investigations or inspections by the division; repealing s. 633.819, F.S., relating to matters within the jurisdiction of the division and fraudulent acts, penalties, and statute of limitations; repealing s. 633.820, F.S., relating to the applicability of specified sections of ch. 633, F.S., to volunteer firefighters and volunteer fire departments; amending ss. 112.1815, 112.191, 112.81, 119.071, 120.80, 121.0515, 125.01, 125.01045, 125.56, 166.0446, 175.032, 175.121, 218.23, 252.515, 255.45, 258.0145, 281.02, 384.287, 395.0163, 400.232, 400.915, 429.41, 429.44, 429.73, 447.203, 468.602, 468.609, 489.103, 489.105, 496.404, 509.032, 513.05, 553.73, 553.77, 553.79, 590.02, 627.4107, 893.13, 934.03, 943.61, 1002.33, 1002.34, 1013.12, and 1013.38, F.S.; conforming cross-references; updating terminology; providing an effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Simmons, **CS for CS for SB 1410** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Brandes	Diaz de la Portilla
Abruzzo	Braynon	Evers
Altman	Clemens	Flores
Bean	Dean	Galvano
Bradley	Detert	Garcia

Gardiner	Lee	Simmons
Gibson	Legg	Simpson
Grimsley	Margolis	Smith
Hays	Montford	Sobel
Hukill	Richter	Soto
Joyner	Ring	Thompson
Latvala	Sachs	Thrasher

Nays—None

Vote after roll call:

Yea—Benacquisto

SB 1424—A bill to be entitled An act relating to public records; amending s. 338.155, F.S.; clarifying provisions; providing that personal identifying information about individuals related to the payment of tolls, which is held by the Department of Transportation and certain other entities, is exempt from public records requirements; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing legislative findings and a statement of public necessity; providing an effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Evers, **SB 1424** as amended 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—37

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

Nays—None

Vote after roll call:

Yea—Bradley, Stargel

CS for CS for CS for HB 375—A bill to be entitled An act relating to onsite sewage treatment and disposal systems; amending s. 381.0065, F.S.; deleting provisions relating to the development of performance criteria applicable to engineer-designed systems; revising requirements for maintenance entity service agreements for certain engineer-designed systems; authorizing certain property owners to be approved and permitted as maintenance entities for performance-based treatment systems under certain conditions; requiring owners of performance-based treatment unit systems to obtain certain permits; 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; deleting a requirement for maintenance entities to obtain certain permits; authorizing electronic submission of certain reports; authorizing certain property owners to be approved and permitted as maintenance entities for aerobic treatment unit systems under certain conditions; providing requirements for such maintenance entity service agreements; prohibiting manufacturers from denying certain septic tank contractors access to aerobic treatment unit system training and spare parts; au-

thorizing certain replacement parts for aerobic treatment unit systems; requiring maintenance entities to maintain documentation for such replacement parts; requiring owners of aerobic treatment unit systems to obtain certain permits; providing an effective date.

—was read the third time by title.

On motion by Senator Smith, **CS for CS for CS for HB 375** was passed 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
Brandes	Hays	Simpson
Braynon	Hukill	Smith
Clemens	Joyner	Sobel
Dean	Latvala	Soto
Detert	Lee	Stargel
Diaz de la Portilla	Legg	Thompson
Evers	Margolis	Thrasher

Nays—None

CS for SB 1014—A bill to be entitled An act relating to public records; amending s. 397.334, F.S.; exempting from public records requirements information from the initial screenings for participation in a treatment-based drug court program, substance abuse screenings, behavioral health evaluations, and subsequent treatment status reports regarding a participant or a person considered for participation in a treatment-based drug court program; providing for future repeal and legislative review of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Garcia, **CS for SB 1014** 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—39

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

Nays—None

Consideration of **CS for CS for CS for SB 1734** was deferred.

SB 1848—A bill to be entitled An act relating to public records; providing a public records exemption for the identity of individuals who make certain allegations or provide certain information to the inspector general of Citizens Property Insurance Corporation and for information relating to a resulting investigation; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Simmons, **SB 1848** 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—38

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
Clemens	Latvala	Soto
Dean	Lee	Stargel
Detert	Legg	Thompson
Diaz de la Portilla	Margolis	Thrasher
Evers	Montford	

Nays—1

Joyner

SB 1850—A bill to be entitled An act relating to public records; amending s. 627.3518, F.S.; providing an exemption from public records requirements for all proprietary business information submitted by an insurer to the Citizens Property Insurance Corporation’s clearinghouse; providing a definition; providing exemption; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Simmons, **SB 1850** as amended 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—36

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
Clemens	Hukill	Sobel
Dean	Latvala	Soto
Detert	Lee	Stargel
Diaz de la Portilla	Legg	Thompson

Nays—2

Joyner Thrasher

CS for HB 223—A bill to be entitled An act relating to insurance; amending s. 627.421, F.S.; authorizing the posting of specified types of insurance policies and endorsements on an insurer’s Internet website in lieu of mailing or delivery to the insured if the insurer complies with certain conditions; providing an effective date.

—was read the third time by title.

On motion by Senator Detert, **CS for HB 223** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Garcia, Simmons

HB 1157—A bill to be entitled An act relating to health flex plans; amending s. 408.909, F.S.; revising the definition of the terms “health care coverage” or “health flex plan coverage” to include certain specified benefits; deleting the section’s expiration date; providing an effective date.

—was read the third time by title.

On motion by Senator Bean, **HB 1157** was passed 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
Brandes	Hays	Simpson
Braynon	Hukill	Smith
Clemens	Joyner	Sobel
Dean	Latvala	Soto
Detert	Lee	Stargel
Diaz de la Portilla	Legg	Thompson
Evers	Margolis	Thrasher

Nays—None

CS for CS for SB 1210—A bill to be entitled An act relating to family law; amending s. 61.30, F.S.; providing for consideration of time-sharing schedules or time-sharing arrangements as a factor in the adjustment of awards of child support; providing legislative intent; amending s. 90.204, F.S.; authorizing judges in family cases to take judicial notice of certain court records without prior notice to the parties when imminent danger to persons or property has been alleged and it is impractical to give prior notice; providing for a deferred opportunity to present evidence; requiring a notice of such judicial notice having been taken to be filed within a specified period; providing that the term “family cases” has the same meaning as provided in the Rules of Judicial Administration; amending ss. 741.30, 784.046, and 784.0485, F.S.; creating an exception to a prohibition against using evidence other than the verified pleading or affidavit in an ex parte hearing for a temporary injunction for protection against domestic violence, repeat violence, sexual violence, dating violence, or stalking; providing an effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Soto, **CS for CS for SB 1210** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Detert

SB 1800—A bill to be entitled An act relating to public records; amending s. 119.071, F.S., relating to a public records exemption for agency records concerning complaints of employment discrimination; saving the exemption from repeal under the Open Government Sunset Review Act; removing the scheduled repeal of the exemption; providing an effective date.

—was read the third time by title.

Pending further consideration of **SB 1800**, on motion by Senator Ring, by two-thirds vote **HB 7145** was withdrawn from the Committee on Rules.

On motion by Senator Ring, by two-thirds vote—

HB 7145—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 119.071, F.S., which provides an exemption from public record requirements for employment discrimination complaints and other records; removing the scheduled repeal of the exemption; providing an effective date.

—a companion measure, was substituted for **SB 1800** and read the second time by title.

On motion by Senator Ring, by two-thirds vote **HB 7145** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Legg

CS for SB 1756—A bill to be entitled An act relating to public records; creating s. 595.409, F.S.; providing an exemption from public records requirements for personal identifying information of an applicant for or participant in a school food and nutrition service program held by the Department of Agriculture and Consumer Services, the Department of

Children and Families, or the Department of Education; providing for specified disclosure; providing for applicability; providing for legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a contingent effective date.

—was read the third time by title.

Pending further consideration of **CS for SB 1756**, on motion by Senator Montford, by two-thirds vote **HB 7089** was withdrawn from the Committees on Agriculture; Governmental Oversight and Accountability; and Rules.

On motion by Senator Montford, by two-thirds vote—

HB 7089—A bill to be entitled An act relating to public records; creating s. 595.409, Florida Statutes; providing an exemption from public records requirements for personal identifying information of an applicant for or participant in a school food and nutrition service program, as defined in s. 595.402, F.S., held by the Department of Agriculture and Consumer Services, the Department of Children and Families, or the Department of Education; providing for specified disclosure; providing for applicability; providing for legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a contingent effective date.

—a companion measure, was substituted for **CS for SB 1756** and read the second time by title.

On motion by Senator Montford, by two-thirds vote **HB 7089** was read the third time by title, 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—39

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

Nays—None

SB 1830—A bill to be entitled An act relating to ad valorem taxation; amending s. 192.047, F.S.; providing that the postmark date of commercial mail delivery service is considered the date of filing for certain ad valorem applications or returns; creating s. 192.048, F.S.; allowing certain ad valorem communications to be sent electronically in lieu of first-class mail; providing requirements; amending s. 193.122, F.S.; requiring a property appraiser to publish notices of date of tax roll certifications and extensions on the property appraiser’s website; amending s. 193.155, F.S.; providing that a change of ownership for purposes of assessing property at just value does not apply to lessees entitled to the homestead; extending the time for appealing a value adjustment board’s denial of a taxpayer’s application to transfer prior homestead assessment limitations to a new homestead; amending s. 193.451, F.S.; providing that aquacultural crops are exempt from taxation until marketable; amending s. 193.461, F.S., relating to the classification of agricultural land for tax assessment to revise the definition of “agricultural purposes” to include algaculture; amending s. 193.703, F.S.; authorizing a county to waive the annual application requirement for a reduction in the assessed value of homestead property used to provide living quarters for the parents or grandparents of the owner or spouse of the owner; requiring the property owner to notify the property appraiser if the reduction no longer applies; providing for tax, penalty, and interest assessments if the property owner improperly received reductions; providing for liens; amending s. 196.031, F.S.; deleting the express requirement that titleholders of homesteads live on the homestead in

order to qualify for homestead tax exemption; amending s. 196.075, F.S., as amended by s. 1 of chapter 2012-57, Laws of Florida; clarifying that local governments that provide additional homestead exemptions to persons 65 and older may provide exemptions up to a certain amount; repealing s. 196.082(1)(b) and (3)(a), F.S., relating to the requirement that a veteran applying for a discount on the ad valorem tax owed on homestead property be a state resident at the time of entering military service; amending s. 196.1978, F.S.; removing the ability of a general partner classified as a 501(c)(3) organization to qualify as a limited partnership for the affordable housing property tax exemption; providing for retroactive application; amending s. 196.198, F.S.; clarifying the ownership of property used for education purposes and exempt from ad valorem taxation; amending s. 4 of chapter 2012-45, Laws of Florida; providing that taxes imposed by school districts in certain areas are not included in determining the taxes that must be transmitted to St. Lucie County pursuant to the transfer of property from St. Lucie County to Martin County; providing an effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Hukill, **SB 1830** as amended was passed 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
Brandes	Hays	Simpson
Braynon	Hukill	Smith
Clemens	Joyner	Sobel
Dean	Latvala	Soto
Detert	Lee	Stargel
Diaz de la Portilla	Legg	Thompson
Evers	Margolis	Thrasher

Nays—None

SPECIAL ORDER CALENDAR

On motion by Senator Flores, the Senate resumed consideration of—

CS for CS for SB 1718—A bill to be entitled An act relating to discretionary sales surtaxes; amending s. 212.055, F.S.; authorizing a county defined in s. 125.011(1), F.S., to levy a surtax up to a specified amount for the benefit of a Florida College System institution and a state university in the county pursuant to an ordinance conditioned to take effect upon approval in a county referendum; requiring the ordinance to include a plan for the use of the proceeds; providing referendum requirements and procedures; requiring that the proceeds from the surtax be transferred into a specified account and managed in a specified manner; establishing an oversight board with specified duties, responsibilities, and requirements relating to the expenditure of surtax proceeds; providing for the appointment of members of the oversight board; requiring that the board of trustees of each institution receiving surtax proceeds prepare an annual plan for submission to the oversight board for approval; providing that state funding may not be reduced because an institution receives surtax funds; providing for the scheduled expiration of the surtax; providing an effective date.

—which was previously considered this day.

Senator Flores moved the following amendment which was adopted:

Amendment 1 (250858)—Delete line 123 and insert: *term and may be reappointed. A vacancy on the board shall be filled for the unexpired*

Pursuant to Rule 4.19, **CS for CS for SB 1718** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Ring, the Senate resumed consideration of—

CS for CS for SB 770—A bill to be entitled An act relating to neighborhood improvement districts; amending s. 163.506, F.S.; providing that an ordinance that creates a neighborhood improvement district may authorize the district to exercise certain powers, in addition to those already granted to such districts; specifying such powers; conditioning the exercise of those powers on resolution and referendum; providing an effective date.

—which was previously considered and amended this day.

Pursuant to Rule 4.19, **CS for CS for SB 770** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Hays—

CS for CS for SB 1016—A bill to be entitled An act relating to dentistry; amending s. 627.6474, F.S.; prohibiting a contract between a health insurer and a dentist from requiring the dentist to provide services at a fee set by the insurer under certain circumstances; providing that covered services are those services listed as a benefit that the insured is entitled to receive under a contract; prohibiting an insurer from providing merely de minimis reimbursement or coverage; requiring that fees for covered services be set in good faith and not be nominal; prohibiting a health insurer from requiring as a condition of a contract that a dentist participate in a discount medical plan; amending s. 636.035, F.S.; prohibiting a contract between a prepaid limited health service organization and a dentist from requiring the dentist to provide services at a fee set by the organization under certain circumstances; providing that covered services are those services listed as a benefit that a subscriber of a prepaid limited health service organization is entitled to receive under a contract; prohibiting a prepaid limited health service organization from providing merely de minimis reimbursement or coverage; requiring that fees for covered services be set in good faith and not be nominal; prohibiting the prepaid limited health service organization from requiring as a condition of a contract that a dentist participate in a discount medical plan; amending s. 641.315, F.S.; prohibiting a contract between a health maintenance organization and a dentist from requiring the dentist to provide services at a fee set by the organization under certain circumstances; providing that covered services are those services listed as a benefit that a subscriber of a health maintenance organization is entitled to receive under a contract; prohibiting a health maintenance organization from providing merely de minimis reimbursement or coverage; requiring that fees for covered services be set in good faith and not be nominal; prohibiting the health maintenance organization from requiring as a condition of a contract that a dentist participate in a discount medical plan; providing for application of the act; amending s. 766.1115, F.S.; revising a definition; requiring a contract with a governmental contractor for health care services to include a provision for a health care provider licensed under ch. 466, F.S., as an agent of the governmental contractor, to allow a patient or a parent or guardian of the patient to voluntarily contribute a fee to cover costs of dental laboratory work related to the services provided to the patient without forfeiting sovereign immunity; prohibiting the contribution from exceeding the actual amount of the dental laboratory charges; providing that the contribution complies with the requirements of s. 766.1115, F.S.; providing for applicability; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1016** was placed on the calendar of Bills on Third Reading.

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 Friday, April 26.

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 Friday, April 26.

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 Thursday, April 25, 2013: CS for CS for SB 306, CS for SB 448, CS for SB 642, CS for CS for SB 654, CS for CS for CS for SB 726, CS for SB 754, CS for CS for SB 848, CS for SB 864, CS for SB 1046, CS for SB 1048, CS for CS for SB 1110, CS for SB 1372, CS for SB 1420, SB 1464, CS for SB 1468, CS for SB 1664, CS for SB 474, CS for CS for SB 490, CS for SB 536, CS for SB 634, CS for SB 714, CS for SB 716, CS for SB 824, CS for SB 834, SB 986, CS for CS for SB 1016, CS for SB 1098, CS for CS for SB 1122, CS for SB 1172, CS for SB 1260, CS for CS for CS for SB 1594, CS for SB 1166, CS for CS for SB 556, CS for SB 522, CS for SB 404, CS for SB 402, CS for SB 400, SB 236, CS for SB 504, CS for CS for SB 676, SB 788, CS for SB 802, SB 936, CS for SB 938, CS for SB 948, CS for SB 1040, CS for SB 1094, CS for SB 1150, SB 1330, CS for SB 1628, CS for CS for SB 436, CS for SB 546, CS for SB 770, CS for SB 842, CS for SB 852, CS for SB 928, SB 1036, CS for SB 1074, CS for SB 1126, CS for SB 1140, CS for SB 1188, CS for SB 1404, CS for SB 1434, CS for SB 1458, CS for SB 1690, CS for SB 1718, SB 1750, SB 1828, CS for CS for SB 442, CS for SB 1412, CS for SB 606.

Respectfully submitted,
John Thrasher, Rules Chair
Lizbeth Benacquisto, Majority Leader
Christopher L. Smith, Minority Leader

The Committee on Appropriations recommends the following pass: CS for SB 154; CS for SB 288; CS for SB 370; CS for CS for CS for SB 500; CS for SB 644; SB 742; CS for SB 860; CS for SB 1350; CS for SB 1390; CS for CS for SB 1636

The bills were placed on the Calendar.

The Committee on Appropriations recommends committee substitutes for the following: CS for SB 896; CS for SB 980

The bills with committee substitute attached were referred to the Committee on Rules under the original reference.

The Committee on Appropriations recommends committee substitutes for the following: CS for CS for SB 84; CS for SB 150; CS for SB 156; CS for CS for SB 242; CS for CS for SB 274; SB 410; CS for SB 582; SB 662; CS for SB 732; CS for SB 844; SB 862; SB 916; CS for CS for SB 958; CS for SB 960; CS for SB 1024; SB 1026; SB 1064; CS for SB 1132; SB 1190; CS for CS for SB 1192; SB 1200; SB 1246; SB 1280; CS for SB 1352; CS for SB 1388; CS for SB 1408; SB 1630; CS for CS for SB 1644; CS for SB 1684; CS for SB 1722; SB 1816; SB 1844; SB 1884

The bills with committee substitute attached were placed on the Calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Appropriations; Governmental Oversight and Accountability; and Community Affairs; and Senators Diaz de la Portilla and Bean—

CS for CS for CS for SB 84—A bill to be entitled An act relating to public-private partnerships; amending s. 154.11, F.S.; revising the powers of a public health trust; amending s. 255.60, F.S.; authorizing certain public entities to contract for public service works with not-for-profit organizations; revising eligibility and contract requirements for not-for-profit organizations contracting with certain public entities; creating s. 287.05712, F.S.; providing definitions; providing legislative findings and intent relating to the construction or improvement by private entities of facilities used predominantly for a public purpose; creating a task force to establish specified guidelines; providing procurement procedures; providing requirements for project approval; providing project qualifications and process; providing for notice to affected local jurisdictions; providing for interim and comprehensive agreements between a public and a private entity; providing for use fees; providing

for financing sources for certain projects by a private entity; providing powers and duties of private entities; providing for expiration or termination of agreements; providing for the applicability of sovereign immunity for public entities with respect to qualified projects; providing for construction of the act; creating s. 336.71, F.S.; authorizing counties to enter into public-private partnership agreements for construction of roads under certain circumstances; providing bid exemption for such projects under certain circumstances; providing for a public notice and meeting; providing applicability; providing an effective date.

By the Committees on Appropriations; and Education; and Senators Altman, Garcia, Bean, and Bradley—

CS for CS for SB 150—A bill to be entitled An act relating to deaf and hard-of-hearing students; amending s. 1003.55, F.S.; requiring that a student's language and communication needs, including certain opportunities, be considered in the development of an individual education plan for a deaf or hard-of-hearing student; 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 communication plan to each school district and provide technical assistance; providing an effective date.

By the Committees on Appropriations; and Community Affairs; and Senator Detert—

CS for CS for SB 156—A bill to be entitled An act relating to building construction; amending s. 162.12, F.S.; revising notice requirements in the Local Government Code Enforcement Boards Act; amending ss. 255.20 and 255.2575, F.S.; requiring governmental entities to specify certain products associated with public works projects; providing for applicability; amending s. 255.257, F.S.; requiring state agencies to use certain building rating systems and building codes for each new construction and renovation project; amending s. 381.0065, F.S.; specifying that certain actions relating to onsite sewage treatment and removal are not required if a bedroom is not added during a remodeling addition or modification to a single-family home; prohibiting a remodeling addition or modification from certain coverage or encroachment; authorizing a local health board to review specific plans; requiring a review to be completed within a specific time period after receipt of specific plans; amending s. 489.103, F.S.; providing for additional exemptions; amending s. 489.105, F.S.; revising definitions; amending s. 489.111, F.S.; revising eligibility criteria to take the swimming pool/spa examination; providing that amendments to s. 489.113(2), F.S., enacted in s. 11, ch. 2012-13, Laws of Florida, are remedial and intended to clarify existing law; providing for retroactivity; amending s. 489.127, F.S.; revising civil penalties; authorizing a local building department to retain 75 percent of certain fines collected if it transmits 25 percent to the Department of Business and Professional Regulation; amending s. 489.131, F.S.; deleting legislative intent referring to a local agency's enforcement of regulatory laws; deleting the definitions of "minor violation" and "notice of noncompliance"; deleting provisions that provide for what a notice of noncompliance should or should not include; deleting a provision that provides for further disciplinary proceedings for certain licensees; amending s. 489.514, F.S.; extending the date by which an applicant must make application for a license to be grandfathered; amending s. 489.531, F.S.; revising a maximum civil penalty; amending s. 553.71, F.S.; providing a definition for the term "local technical amendment"; amending s. 553.73, F.S.; prohibiting any provision of the International Residential Code relating to mandated fire sprinklers from incorporation into the Florida Building Code; amending s. 553.74, F.S.; revising membership of the Florida Building Commission; amending s. 553.79, F.S.; authorizing a site plan to be maintained at the worksite as an electronic copy; requiring the copy to be open to inspection by certain officials; amending s. 553.842, F.S.; requiring an application for state approval of a certain product to be approved by the department after the application and related documentation are complete; amending ss. 553.901, 553.902, 553.903, 553.904, 553.905, and 553.906, F.S.; requiring the Florida Building Commission to adopt the Florida Building Code-Energy Conservation; conforming subsequent sections of the thermal efficiency code; amending s. 553.912, F.S.; requiring replacement air conditioning systems in residential applications to use energy-saving quality installation procedures; providing that certain existing heating and cooling equipment is not required to meet the minimum equipment

efficiencies; amending s. 553.991, F.S.; revising the purpose of the Florida Building Energy-Efficiency Rating Act; repealing s. 553.992, F.S., relating to the adoption of a rating system; amending s. 553.993, F.S.; providing definitions; amending s. 553.994, F.S.; providing for the applicability of building energy-efficiency rating systems; amending s. 553.995, F.S.; deleting a minimum requirement for the building energy-efficiency rating systems; revising language; deleting provisions relating to a certain interest group; deleting provisions relating to the Department of Business and Professional Regulation; amending s. 553.996, F.S.; requiring building energy-efficiency rating system providers to provide certain information; amending s. 553.997, F.S.; deleting a provision relating to the department; amending s. 553.998, F.S.; revising provisions relating to rating compliance; providing effective dates.

By the Committees on Appropriations; Governmental Oversight and Accountability; and Banking and Insurance; and Senator Hukill—

CS for CS for CS for SB 242—A bill to be entitled An act relating to the Interstate Insurance Product Regulation Compact; providing legislative findings and intent; providing purposes; providing definitions; providing for the establishment of an Interstate Insurance Product Regulation Commission; providing responsibilities of the commission; specifying the commission as an instrumentality of the compacting states; providing for venue; specifying the commission as a separate, not-for-profit entity; providing powers of the commission; providing for organization of the commission; providing for membership, voting, and bylaws; designating the Commissioner of Insurance Regulation as the representative of the state on the commission; allowing the commissioner to designate a person to represent the state on the commission, as is necessary, to fulfill the duties of being a member of the commission; providing for a management committee, officers, and personnel of the commission; providing authority of the management committee; providing for legislative and advisory committees; providing for qualified immunity, defense, and indemnification of members, officers, employees, and representatives of the commission; providing for meetings and acts of the commission; providing rules and operating procedures; providing rulemaking functions of the commission; providing for opting out of uniform standards; providing procedures and requirements; providing for commission records and enforcement; authorizing the commission to adopt rules; providing for disclosure of certain information; specifying that certain records, data, or information of the commission, wherever received, by and in possession of the Office of Insurance Regulation is subject to ch. 119, F.S.; requiring the commission to monitor for compliance; providing for dispute resolution; providing for product filing and approval; requiring the commission to establish filing and review processes and procedures; providing for review of commission decisions regarding filings; providing for finance of commission activities; providing for payment of expenses; authorizing the commission to collect filing fees for certain purposes; providing for approval of a commission budget; exempting the commission from all taxation, except as otherwise provided; prohibiting the commission from pledging the credit of any compacting states without authority; requiring the commission to keep complete accurate accounts, provide for audits, and make annual reports to the Governors and Legislatures of compacting states; providing for amendment of the compact; providing for withdrawal from the compact, default by compacting states, and dissolution of the compact; providing severability and construction; providing for binding effect of this compact and other laws; prospectively opting out of all uniform standards adopted by the commission involving long-term care insurance products; adopting all other existing uniform standards that have been adopted by the commission; providing a procedure for opting out of and adopting new uniform standards or amendments to existing standards; providing for the preemption of certain state laws; requiring the office to notify the Legislature of any new uniform standards or amendments to existing standards; providing that the commission is subject to certain state tax requirements; providing for public access to records; authorizing the Financial Services Commission to adopt rules to implement this act; providing that if any part of this act is invalidated the entire act is invalid; providing an effective date.

By the Committees on Appropriations; Rules; and Transportation; and Senators Dean, Evers, and Latvala—

CS for CS for CS for SB 274—A bill to be entitled An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.;

creating a Freemasonry 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; providing an effective date.

By the Committee on Appropriations; and Senator Bean—

CS for SB 410—A bill to be entitled An act relating to money services businesses; amending s. 560.310, F.S.; requiring licensees engaged in check cashing to submit certain transaction information to the Office of Financial Regulation related to the payment instruments cashed; requiring the office to maintain the transaction information in a centralized check cashing database; requiring the office to issue a competitive solicitation for a database to maintain certain transaction information relating to check cashing; authorizing the office to request funds and to submit draft legislation after certain requirements are met; authorizing the Financial Services Commission to adopt rules; providing an effective date.

By the Committees on Appropriations; and Commerce and Tourism; and Senator Galvano—

CS for CS for SB 582—A bill to be entitled An act relating to manufacturing development; creating s. 163.325, F.S.; providing a short title; establishing the Manufacturing Competitiveness Act; creating s. 163.3251, F.S.; providing definitions; creating s. 163.3252, F.S.; authorizing local governments to establish a local manufacturing development program that provides for master development approval for certain sites; providing specific time periods for action by local governments; requiring the Department of Economic Opportunity to develop a model ordinance containing specified information and provisions; requiring a local manufacturing development program ordinance to include certain information; providing certain restrictions on the termination of a local manufacturing development program; creating s. 163.3253, F.S.; requiring the department, in cooperation with participating agencies, to establish a manufacturing development coordinated approval process for certain manufacturers; requiring participating agencies to coordinate and review applications for certain manufacturers; requiring participating agencies to coordinate and review applications for certain state development approvals; requiring the department to convene a meeting when requested by a certain manufacturer; requiring participating agencies to attend meetings convened by the department; specifying that the department is not required to mediate between the participating agencies and a manufacturer; providing that the department may not be a party to certain proceedings involving state development approvals; requiring that the coordinated approval process have no effect on the department's economic development incentive approval process; providing for requests for additional information and specifying time periods; requiring participating agencies to take final action on applications within a certain time period; requiring the department to facilitate the resolution of certain applications; providing for approval by default; providing for applicability with respect to permit applications governed by federally delegated or approved permitting programs; authorizing the department to adopt rules; creating s. 288.111, F.S.; requiring the department to develop materials that identify local manufacturing development programs; requiring Enterprise Florida, Inc., and authorizing other state agencies, to distribute such material; providing an effective date.

By the Committee on Appropriations; and Senator Hays—

CS for SB 662—A bill to be entitled An act relating to workers' compensation; amending s. 440.13, F.S.; revising requirements for determining the amount of a reimbursement for repackaged or relabeled prescription medication; providing an exception; prohibiting a dispensing manufacturer from possession of a medicinal drug until certain persons are paid; providing an effective date.

By the Committees on Appropriations; and Health Policy; and Senator Grimsley—

CS for CS for SB 732—A bill to be entitled An act relating to pharmacy; amending s. 465.019, F.S.; permitting a Class II institutional pharmacy formulary to include biologics, biosimilars, and biosimilar interchangeables; creating s. 465.0252, F.S.; providing definitions; providing requirements for a pharmacist to dispense a substitute biological

product that is determined to be biosimilar to and interchangeable for the prescribed biological product; providing notification requirements for a pharmacist in a Class II or Modified Class II institutional pharmacy; requiring the Board of Pharmacy to maintain a current list of interchangeable biosimilar products; providing an effective date.

By the Committees on Appropriations; and Health Policy; and Senator Grimsley—

CS for CS for SB 844—A bill to be entitled An act relating to Medicaid; amending s. 409.907, F.S.; adding an additional provision relating to a change in principal that must be included in a Medicaid provider agreement with the Agency for Health Care Administration; adding the definitions of the terms “administrative fines” and “outstanding overpayment”; revising provisions relating to the agency's onsite inspection responsibilities; revising provisions relating to who is subject to background screening; authorizing the agency to enroll a provider who is licensed in this state and provides diagnostic services through telecommunications technology; amending s. 409.910, F.S.; revising provisions relating to responsibility for Medicaid payments in settlement proceedings; providing procedures for a recipient to contest the amount payable to the agency; amending s. 409.913, F.S.; revising provisions specifying grounds for terminating a provider from the program, for seeking certain remedies for violations, and for imposing certain sanctions; providing a limitation on the information the agency may consider when making a determination of overpayment; specifying the type of records a provider must present to contest an overpayment; deleting the requirement that the agency place payments withheld from a provider in a suspended account and revising when a provider must reimburse overpayments; revising venue requirements; adding provisions relating to the payment of fines; amending s. 409.920, F.S.; clarifying provisions relating to immunity from liability for persons who provide information about Medicaid fraud; amending s. 624.351, F.S.; providing for the expiration of the Medicaid and Public Assistance Fraud Strike Force; amending s. 624.352, F.S.; providing for the expiration of provisions relating to “Strike Force” agreements; providing an effective date.

By the Committee on Appropriations; and Senator Stargel—

CS for SB 862—A bill to be entitled An act relating to parent empowerment in education; amending s. 1001.10, F.S.; conforming a cross-reference; amending s. 1002.20, F.S.; providing that parents who have a student in a public school that is implementing a turnaround option may petition to have a particular turnaround option implemented; requiring the school district to notify parents of a public school student being taught by an out-of-field teacher or by a teacher with an unsatisfactory performance rating; specifying requirements for the notice; amending s. 1002.32, F.S.; conforming a cross-reference; amending s. 1002.33, F.S.; requiring a charter school to comply with certain procedures for the assignment of teachers; creating s. 1003.07, F.S.; creating the Parent Empowerment Act; specifying what constitutes an eligible student and a parental vote; requiring that a school district send a written notice to parents of public school students regarding the parents' options to petition the school for a particular turnaround option; requiring the notice to include certain information; authorizing up to one parental vote per eligible student; establishing the process to solicit signatures for a petition; prohibiting a person from being paid for signatures; prohibiting a for-profit corporation, business, or entity from soliciting signatures or paying a person to solicit signatures; establishing criteria to verify the signatures on a petition; requiring the State Board of Education to adopt rules for filing a petition; specifying that a petition is valid if it is signed and dated by a majority of the parents of eligible students and those signatures are verified; requiring the school district to consider the turnaround option on the valid petition with the most signatures at a publicly noticed school board meeting; requiring the district school board to implement a turnaround option; requiring the district school board to complete a report under certain circumstances; providing report requirements; providing that the turnaround option selected by the district school board is final and conclusive; providing that the turnaround option is no longer required if the school improves by at least one letter grade; amending s. 1008.33, F.S.; authorizing a parent to petition the school district to implement a turnaround option selected by the parent; amending s. 1012.2315, F.S.; providing for assistance to teachers teaching out-of-field; requiring the school district to notify parents and inform them of their options if a student is being taught by an out-of-field

teacher; providing that a student may not be assigned to a teacher with a performance evaluation rating of less than effective for a specified number of consecutive school years; authorizing the parent of a student to consent to the assignment of that student to a teacher with a performance evaluation rating of less than effective under certain circumstances; repealing s. 1012.42, F.S., relating to teachers who are teaching out-of-field; providing an effective date.

By the Committees on Appropriations; and Health Policy; and Senators Garcia and Flores—

CS for CS for SB 896—A bill to be entitled An act relating to prepaid dental plans; amending s. 409.912, F.S.; postponing the scheduled repeal of a provision requiring the Agency for Health Care Administration to contract with dental plans for dental services on a prepaid or fixed-sum basis; authorizing the agency to provide a prepaid dental health program in Miami-Dade County on a permanent basis; requiring an annual report to the Governor and Legislature; providing an effective date.

By the Committee on Appropriations; and Senators Flores and Benacquisto—

CS for SB 916—A bill to be entitled An act relating to the tax on sales, use, and other transactions; specifying a period during which the sale of clothing, wallets, bags, school supplies, personal computers, and personal computer related accessories are exempt from the sales tax; providing definitions; providing exceptions; authorizing the Department of Revenue to adopt emergency rules; providing an appropriation; providing an effective date.

By the Committees on Appropriations; Communications, Energy, and Public Utilities; and Environmental Preservation and Conservation; and Senators Richter and Smith—

CS for CS for CS for SB 958—A bill to be entitled An act relating to underground natural gas storage; providing a short title; amending s. 211.02, F.S.; narrowing the use of the term “oil”; amending s. 211.025, F.S.; narrowing the scope of the gas production tax to apply only to native gas; amending s. 376.301, F.S.; conforming a cross-reference; amending s. 377.06, F.S.; declaring underground natural gas storage to be in the public interest; amending s. 377.18, F.S.; clarifying common sources of oil and gas; amending s. 377.19, F.S.; modifying and providing definitions; amending s. 377.21, F.S.; extending the jurisdiction of the Division of Resource Management of the Department of Environmental Protection; amending s. 377.22, F.S.; expanding the scope of the department’s rules and orders; amending s. 377.24, F.S.; providing for the notice and permitting of storage in and recovery from natural gas storage reservoirs; creating s. 377.2407, F.S.; establishing a natural gas storage facility permit application process; specifying requirements for an application, including fees; amending s. 377.241, F.S.; providing criteria that the division must consider in issuing permits; amending s. 377.242, F.S.; granting authority to the department to issue permits to establish natural gas storage facilities; creating s. 377.2431, F.S.; establishing conditions and procedures for granting natural gas storage facility permits; prohibiting the issuance of permits for facilities located in specified areas; creating s. 377.2432, F.S.; providing for the protection of water supplies at natural gas storage facilities; providing that an operator is presumed responsible for pollution of an underground water supply under certain circumstances; creating s. 377.2433, F.S.; providing for the protection of natural gas storage facilities through requirement of notice, compliance with certain standards, and a right of entry to monitor activities; creating s. 377.2434, F.S.; providing that property rights to injected natural gas are with the injector or the injector’s heirs, successors, or assigns; providing for compensation to the owner of the stratum and the owner of the surface for use of or damage to the surface or substratum; amending s. 377.25, F.S.; limiting the scope of certain drilling unit requirements; amending s. 377.28, F.S.; modifying situations in which the department is required to issue an order requiring unit operation; amending s. 377.30, F.S.; providing that limitations on the amount of oil or gas taken do not apply to nonnative gas recovered from a permitted natural gas storage facility; amending s. 377.34, F.S.; providing for legal action against a person who appears to be violating a rule that relates to the storage or recovery of natural gas; amending s. 377.37, F.S.; expanding penalties to reach persons who violate the terms of a permit relating to storage of gas in a natural gas storage facility;

amending s. 377.371, F.S.; providing that a person storing gas in a natural gas storage facility may not pollute or otherwise damage certain areas and that a person who pollutes water by storing natural gas is liable for cleanup or other costs incurred by the state; amending s. 403.973, F.S.; allowing expedited permitting for natural gas storage facilities permitted under ch. 377, F.S., and certain projects to construct interstate natural gas pipelines; providing that natural gas storage facilities are subject to certain requirements; directing the department to adopt certain rules before issuing permits for natural gas storage facilities; providing an effective date.

By the Committees on Appropriations; and Commerce and Tourism; and Senator Bean—

CS for CS for SB 960—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending ss. 212.05 and 212.08, F.S.; providing a sales tax exemption for dyed diesel fuel used in commercial shrimping; providing an effective date.

By the Committees on Appropriations; and Education; and Senator Flores—

CS for CS for SB 980—A bill to be entitled An act relating to education; providing requirements for measuring student performance in instructional personnel and school administrator performance evaluations; providing requirements for the performance evaluation of personnel for purposes of the performance salary schedule; amending s. 1008.22, F.S.; requiring each school district to establish and approve testing schedules for district-mandated assessments and publish the schedules on its website; requiring reporting of the schedules to the Department of Education; amending s. 1012.2315, F.S.; prohibiting a student from being assigned in a classroom in the following school year to a teacher who received a performance evaluation rating of “needs improvement” or “unsatisfactory” in the preceding school year under certain circumstances; authorizing a parent to choose to have a student who is enrolling in an extracurricular course that is taught by a teacher who received a performance evaluation of “needs improvement” or “unsatisfactory” in the preceding school year under certain circumstances; providing an effective date.

By the Committees on Appropriations; Community Affairs; and Commerce and Tourism—

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 cer-

tain 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 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 ss. 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.

By the Committee on Appropriations; and Senator Thrasher—

CS for SB 1026—A bill to be entitled An act relating to tax deeds; amending s. 197.502, F.S.; authorizing the tax collector to charge for reimbursement of the costs for providing online tax deed application services; providing that an applicant's use of such online application

services is optional under certain circumstances; providing an effective date.

By the Committee on Appropriations; and Senator Latvala—

CS for SB 1064—A bill to be entitled An act relating to the assessment of residential and nonhomestead real property; creating s. 193.624, F.S.; defining the term "renewable energy source device"; excluding the value of renewable energy source devices from the assessed value of residential real property; providing for applicability; amending s. 193.155, F.S.; specifying additional exceptions to the assessment of homestead property at just value; amending s. 193.1554, F.S.; specifying additional exceptions to assessment of nonhomestead residential property at just value; amending s. 196.012, F.S.; deleting the definition of the terms "renewable energy source device" and "device"; conforming a cross-reference; amending ss. 196.121 and 196.1995, F.S.; conforming cross-references; repealing s. 196.175, F.S., relating to the property tax exemption for renewable energy source devices; providing for applicability; providing an effective date.

By the Committees on Appropriations; and Community Affairs; and Senator Brandes—

CS for CS for SB 1132—A bill to be entitled An act relating to the Department of Transportation; repealing s. 11.45(3)(m), F.S., relating to the authority of the Auditor General to conduct audits of transportation corporations under the Florida Transportation Corporation Act; amending s. 20.23, F.S.; requiring the Transportation Commission to also monitor authorities created under ch. 345, F.S., relating to the Florida Regional Transportation Finance Authority Act; amending s. 110.205, F.S.; changing a title to the State Freight and Logistics Administrator from the State Public Transportation and Modal Administrator, which is an exempt position not covered under career service; amending s. 311.22, F.S.; establishing the Department of Transportation as the agency responsible for administering the section, instead of the Florida Seaport Transportation and Economic Development Council; providing for the future repeal of the section; 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 specified length; repealing s. 316.530(3), F.S., relating to load limits for certain towed vehicles; amending s. 316.545, F.S.; increasing the weight amount used for penalty calculations; conforming terminology; amending s. 331.360, F.S.; reordering provisions; providing for a spaceport system plan; providing funding for space transportation projects from the State Transportation Trust Fund; requiring Space Florida to provide the Department of Transportation with specific project information and to demonstrate transportation and aerospace benefits; specifying the information to be provided; providing funding criteria; amending s. 332.007, F.S.; authorizing the Department of Transportation to fund strategic airport investments; providing criteria; amending s. 334.044, F.S.; prohibiting the department from entering into a lease-purchase agreement with certain transportation authorities after a specified time; providing an exception from the requirement to purchase all plant materials from Florida commercial nursery stock when prohibited by applicable federal law or regulation; amending s. 335.0415, F.S.; creating a pilot program in the City of Miami to transfer department responsibilities for public road maintenance to the city; requiring the department to enter into an interlocal agreement with the City of Miami; specifying requirements of the interlocal agreement; requiring the Florida Transportation Commission to conduct a study at the conclusion of the pilot program and provide the study to the Governor and the Legislature; requiring the department to pay the expenses of the study's experts; amending s. 335.06, F.S.; revising the responsibilities of the Department of Transportation, a county, or a municipality to improve or maintain a road that provides access to property within the state park system; creating s. 336.71, F.S.; authorizing counties to enter into public-private partnership agreements for construction of transportation facilities; providing requirements and limitations for such agreements; providing procurement procedures; providing for applicability; amending s. 337.11, F.S.; removing the requirement that a contractor provide a notarized affidavit as proof of registration; amending s. 337.14, F.S.; revising the criteria for bidding certain construction contracts to require a proposed budget estimate if a contract is more than a specified amount; amending s. 337.168, F.S.; providing that a document that reveals the identity of a person who has requested or received certain information before a certain time is a

public record; amending s. 337.25, F.S.; authorizing the Department of Transportation to use auction services in the conveyance of certain property or leasehold interests; revising certain inventory requirements; revising provisions and providing criteria for the department to dispose of certain excess property; providing such criteria for the disposition of donated property, property used for a public purpose, or property acquired to provide replacement housing for certain displaced persons; providing value offsets for property that requires significant maintenance costs or exposes the department to significant liability; providing procedures for the sale of property to abutting property owners; deleting provisions to conform to changes made by the act; providing monetary restrictions and criteria for the conveyance of certain leasehold interests; providing exceptions to restrictions for leases entered into for a public purpose; providing criteria for the preparation of estimates of value prepared by the department; providing that the requirements of s. 73.013, F.S., relating to eminent domain, are not modified; amending s. 337.251, F.S.; revising criteria for leasing particular department property; increasing the time the department must accept proposals for lease after a notice is published; authorizing the department to establish an application fee by rule; providing criteria for the fee; providing criteria that the lease must meet; amending s. 338.161, F.S.; authorizing the department to enter into agreements with owners of public or private transportation facilities under which the department uses its electronic toll collection and video billing systems to collect for the owner certain charges for use of the owners' transportation facilities; amending s. 338.165, F.S.; removing the Beeline-East Expressway and the Navarre Bridge from the list of facilities that have toll revenues to secure their bonds; amending s. 338.26, F.S.; revising the uses of fees that are generated from tolls to include the design and construction of a fire station that may be used by certain local governments in accordance with a specified memorandum; removing authority of a district to issue bonds or notes; amending s. 339.175, F.S.; revising the criteria that qualify a local government for participation in a metropolitan planning organization; revising the criteria to determine voting membership of a metropolitan planning organization; providing that each metropolitan planning organization shall review its membership and reapportion it as necessary; providing criteria; relocating the requirement that the Governor review and apportion the voting membership among the various governmental entities within the metropolitan planning area; amending s. 339.2821, F.S.; authorizing Enterprise Florida, Inc., to be a consultant to the Department of Transportation for consideration of expenditures associated with and contracts for transportation projects; revising the requirements for economic development transportation project contracts between the department and a governmental entity; repealing the Florida Transportation Corporation Act; repealing s. 339.401, F.S., relating to the short title; repealing s. 339.402, F.S., relating to definitions; repealing s. 339.403, F.S., relating to legislative findings and purpose; repealing s. 339.404, F.S., relating to authorization of corporations; repealing s. 339.405, F.S., relating to type and structure of the corporation and income; repealing s. 339.406, F.S., relating to contracts between the department and the corporation; repealing s. 339.407, F.S., relating to articles of incorporation; repealing s. 339.408, F.S., relating to the board of directors and advisory directors; repealing s. 339.409, F.S., relating to bylaws; repealing s. 339.410, F.S., relating to notice of meetings and open records; repealing s. 339.411, F.S., relating to the amendment of articles; repealing s. 339.412, F.S., relating to the powers of the corporation; repealing s. 339.414, F.S., relating to use of state property; repealing s. 339.415, F.S., relating to exemptions from taxation; repealing s. 339.416, F.S., relating to the authority to alter or dissolve corporations; repealing s. 339.417, F.S., relating to the dissolution of a corporation upon the completion of purposes; repealing s. 339.418, F.S., relating to transfer of funds and property upon dissolution; repealing s. 339.419, F.S., relating to department rules; repealing s. 339.420, F.S., relating to construction; repealing s. 339.421, F.S., relating to issuance of debt; amending s. 339.55, F.S.; adding spaceports to the list of facility types for which the state-funded infrastructure bank may lend capital costs or provide credit enhancements; amending s. 341.031, F.S.; revising the definition of the term "intercity bus service"; amending s. 341.053, F.S.; revising the types of eligible projects and criteria of the intermodal development program; amending s. 343.80, F.S.; renaming the Northwest Florida Transportation Corridor Authority Law as the Northwest Florida Regional Transportation Finance Authority Law; amending s. 343.805, F.S., defining "Northwest Florida Regional Transportation Finance Authority System" or "system"; deleting definitions of "U.S. 98 corridor" and "U.S. 98 corridor system"; amending s. 343.81, F.S.; renaming the Northwest Florida Transportation Corridor Authority as the Northwest Florida Regional Transportation Finance

Authority; revising the composition of the governing board of the authority from eight to five voting members, two from Okaloosa County and one each from Walton, Bay, and Gulf Counties; removing from the governing body of the authority voting members from Escambia, Santa Rosa, Franklin, and Wakulla Counties; revising quorum requirements and the number of votes necessary for any action by the authority; removing the authority's authorization to establish a technical advisory committee and related provisions; amending s. 343.82, F.S.; authorizing the authority to acquire, hold, construct, improve, maintain, operate, own, and lease the Northwest Florida Regional Transportation Finance Authority System; removing references to intended improvement of mobility along the U.S. 98 corridor and to the Santa Rosa Sound; removing direction to the authority to adopt a corridor master plan, to annually update and present the plan, to undertake projects or other improvements in the plan, and to request certain funding and technical assistance; conforming terminology; removing a prohibition against the authority imposing tolls or other charges; providing the authority may dispose of property which the authority and the Department of Transportation have determined is not needed for the system; removing the authority's authorization to enter into lease-purchase agreements with the department; removing the authority's power to borrow money from any federal agency, the state, any agency of the state, or any other public body of the state; amending s. 343.83, F.S.; conforming terminology; amending s. 343.835, F.S.; making conforming changes; replacing a reference to facilities "constructed" by the authority to facilities "owned or provided"; amending s. 343.84, F.S.; providing that the department is the agent of the authority for the purpose of constructing, operating, and maintaining system facilities; providing for alternative appointment of a specified local agency as construction agent with the consent and approval of the department; providing for reimbursement from revenues of the system of costs incurred by the department to operate and maintain the system; providing that the department has no independent obligation to operate and maintain the system; providing the authority remains obligated as to operate and maintain its system; directing the authority to establish and collect tolls and other charges for the authority's facilities; amending s. 343.85, F.S.; conforming terminology; repealing s. 343.875, F.S., removing the authority's authorization to enter into public-private partnership agreements; removing project criteria; removing department authorization to use state resources to participate in projects; removing authorization to request proposals and to receive unsolicited proposals, removing related notice provisions, and removing procedural provisions related to consideration of such proposals; removing authorization for the public-private entity to impose tolls or fares, to exercise its powers, including eminent domain, and to adopt rules; amending s. 343.89, F.S.; conforming terminology; amending s. 343.922, F.S.; removing a reference to advances from the Toll Facilities Revolving Trust Fund as a source of funding for certain projects by an authority; creating ch. 345, F.S., relating to the Florida Regional Transportation Finance Authority; creating s. 345.0001, F.S.; providing a short title; creating s. 345.0002, F.S.; providing definitions; creating s. 345.0003, F.S.; authorizing counties to form a regional transportation finance authority that can construct, maintain, or operate transportation projects in a region of the state; providing for governance of the authority; creating s. 345.0004, F.S.; providing for the powers and duties of a regional transportation finance authority; limiting an authority's power with respect to an existing system; prohibiting an authority from pledging the credit or taxing power of the state or any political subdivision or agency of the state; requiring that an authority comply with certain reporting and documentation requirements; creating s. 345.0005, F.S.; allowing bonds to be issues on behalf of an authority pursuant to the State Bond Act; authorizing an authority to issue bonds for certain purposes; providing that the issued bonds must meet certain requirements; requiring that the bonds be sold at a public sale; authorizing the issuing of temporary bonds or interim certificates; providing that the resolution that authorizes the issuance of bonds may contain specified provisions; authorizing an authority to enter into deeds of trust, indentures, or other agreements with a bank or trust company as security for issued bonds; providing that the issued bonds are negotiable instruments; providing that a resolution authorizing the issuance of bonds and pledging of revenues of the system must require that revenues be deposited to pay operating and maintenance costs of the system and to reimburse the department for certain costs; prohibiting the use or pledge of state funds to pay principal or interest of an authority's bonds and requiring bonds to contain a statement to this effect; creating s. 345.0006, F.S.; providing for the rights and remedies granted to certain bondholders; providing the actions a trustee may take on behalf of the bondholders; providing for the appointment of a receiver; providing for

the authority of the receiver; providing limitations to the receiver's authority; creating s. 345.0007, F.S.; providing that the Department of Transportation is the agent of each authority for specified purposes; providing for the administration and management of projects by the department; providing limits on the department as an agent; providing for the fiscal responsibilities of the authority; creating s. 345.0008, F.S.; authorizing the department to provide for or commit its resources for an authority project or system, included in the 10-year Strategic Intermodal Plan, if included in a specific plan and approved by the Legislature; providing for feasibility studies; requiring certain criteria to be met before department approval; providing for payment of expenses incurred by the department on behalf of an authority; requiring the department to receive a share of the revenue from the authority; providing calculations for disbursement of revenues; creating s. 345.0009, F.S.; authorizing the authority to acquire private or public property and property rights for a project or plan; authorizing the authority to exercise the right of eminent domain; providing for the rights and liabilities and remedial actions relating to property acquired for a transportation project or corridor; creating s. 345.0010, F.S.; providing for contracts between governmental entities and an authority; creating s. 345.0011, F.S.; providing that the state will not limit or alter the vested rights of a bondholder with regard to any issued bonds or rights relating to the bonds under certain conditions; creating s. 345.0012, F.S.; relieving the authority from the obligation of paying certain taxes or assessments for property acquired or used for certain public purposes or for revenues received relating to the issuance of bonds; providing exceptions; creating s. 345.0013, F.S.; providing that the bonds or obligations issued are legal investments of specified entities; creating s. 345.0014, F.S.; providing applicability; creating s. 345.0015, F.S.; creating the Santa Rosa-Escambia Regional Transportation Finance Authority; creating s. 345.0016, F.S.; creating the Suncoast Regional Transportation Finance Authority; providing for the transfer of the governance and control of the Mid-Bay Bridge Authority System to the Northwest Florida Regional Transportation Finance Authority; providing for the disposition of bonds, the protection of the bondholders, the effect on the rights and obligations under a contract or the bonds, and the revenues associated with the bonds; 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 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; amending s. 373.4137, F.S.; providing legislative intent that mitigation be implemented in a manner that promotes efficiency, timeliness, and cost-effectiveness in project delivery; revising the criteria of the environmental impact inventory; revising the criteria for mitigation of projected impacts identified in the environmental impact inventory; requiring the Department of Transportation to include funding for environmental mitigation for its projects in its work program; revising the process and criteria for the payment by the department or participating transportation authorities of mitigation implemented by water management districts or the Department of Environmental Protection; revising the requirements for the payment to a water management district or the Department of Environmental Protection of the costs of mitigation planning and implementation of the mitigation required by a permit; revising the payment criteria for preparing and implementing mitigation plans adopted by water management districts for transportation impacts based on the environmental impact inventory; adding federal requirements for the development of a mitigation plan; providing for transportation projects in the environmental mitigation plan for which mitigation has not been specified; revising a water management district's responsibilities relating to a mitigation plan; amending s. 373.618, F.S.; revising the outdoor advertisement exemption criteria for a public information system; amending s. 341.052, F.S.; prohibiting an eligible public transit provider from using public transit block grant funds to pursue or promote the levying of new or additional taxes through public referenda; requiring the amount of the provider's grant to be reduced by any amount so spent; defining the term "public funds" for purposes of the prohibition; providing an exception; requiring the Florida Transportation Commission to study the potential for state revenue from parking meters and other parking time-limit devices; authorizing the commission to retain experts; requiring the department to pay for the experts; requiring certain information from municipalities and counties; requiring certain information to be considered in the study; requiring a written report; providing for a moratorium on new parking meters or other parking time-limit devices on the state right-of-way; prohibiting the sale of unsafe used tires by used tire retailers under certain circumstances; providing an exception; providing what constitutes an unsafe used tire; providing that a person who violates this section commits an unfair and deceptive trade practice; providing effective dates.

By the Committee on Appropriations; and Senators Brandes, Sachs, and Evers—

CS for SB 1190—A bill to be entitled An act relating to agricultural lands; amending s. 163.3162, F.S.; revising a definition; prohibiting a governmental entity from adopting or enforcing any prohibition, restriction, regulation, or other limitation or from charging a fee on a specific agricultural activity of a bona fide farm operation on land classified as agricultural land under certain circumstances; amending s. 604.50, F.S.; revising an exemption from the Florida Building Code and certain county and municipal code provisions and fees for nonresidential farm buildings, fences, and signs; limiting applicability of the exemption to such farm buildings, fences, and signs located on certain lands; defining the term "bona fide agricultural purposes"; providing an effective date.

By the Committees on Appropriations; Community Affairs; and Health Policy; and Senator Grimsley—

CS for CS for CS for SB 1192—A bill to be entitled An act relating to the provision of health care with controlled substances; amending s. 456.44, F.S.; limiting the application of requirements for prescribing controlled substances; requiring a physician to consult the prescription drug monitoring program database before prescribing certain controlled substances; authorizing the Board of Medicine and the Board of Osteopathic Medicine to adopt a penalty for failure to consult the database; exempting nursing home residents and certain physicians from requirements regarding prescriptions of controlled substances; amending s. 465.003, F.S.; defining a term; conforming a cross-reference; creating s. 465.0065, F.S.; providing notice requirements for inspection of a pharmacy; amending s. 465.016, F.S.; providing additional grounds for disciplinary action; conforming a cross-reference; amending s. 465.022, F.S.; conforming a cross-reference; requiring a pharmacy permittee to commence operations within 180 days after permit issuance or show good cause why operations were not commenced; requiring the Board of

Pharmacy to establish rules; requiring a pharmacy permittee to be supervised by a prescription department manager or consultant pharmacist of record; amending s. 465.023, F.S.; providing additional grounds for disciplinary action; conforming a cross-reference; creating s. 465.1902, F.S.; providing that the regulation of pharmacies and pharmacists is preempted to the state; providing that a local ordinance, rule, or regulation may not be enacted or remain in effect which regulates or attempts to regulate pharmacies or pharmacists in subject matters regulated under ch. 465, F.S.; amending s. 893.055, F.S.; deleting obsolete provisions; requiring a designated agent under the supervision of a health care practitioner to have access to information in the prescription drug monitoring program's database; deleting a provision that prohibits funds from prescription drug manufacturers to be used to implement the prescription drug monitoring program; authorizing the prescription drug monitoring program to be funded by state funds; revising the sources of money which are inappropriate for the direct-support organization of the prescription drug monitoring program to receive; amending s. 893.0551, F.S.; requiring the Department of Health to disclose certain confidential and exempt information to a designated agent of a health care practitioner or pharmacist under certain circumstances; creating s. 893.0552, F.S.; providing that regulation of the licensure, activity, and operation of pain-management clinics is preempted to the state under certain circumstances; authorizing a local government or political subdivision of the state to enact certain ordinances regarding local business taxes and land development; amending ss. 409.9201, 458.331, 459.015, 465.014, 465.015, 465.0156, 465.0197, 465.1901, 499.003, and 893.02, F.S.; conforming cross-references; providing an effective date.

By the Committee on Appropriations; and Senator Simpson—

CS for SB 1200—A bill to be entitled An act relating to the taxation of property; amending s. 193.461, F.S.; deleting authorization for a value adjustment board upon its own motion to review lands classified by a property appraiser as agricultural or nonagricultural; deleting a requirement that the property appraiser must reclassify as non-agricultural certain lands that have been zoned to a nonagricultural use; deleting authorization for a board of county commissioners to reclassify as nonagricultural certain lands that are contiguous to urban or metropolitan development under specified circumstances; deleting a presumption that land sold for a certain price is not used primarily for agricultural purposes; amending s. 193.503, F.S.; deleting authorization for a value adjustment board upon its own motion to review property granted or denied classification by a property appraiser as historic property that is being used for commercial or certain nonprofit purposes; amending s. 193.625, F.S.; deleting authorization for a value adjustment board upon its own motion to review land granted or denied a high-water recharge classification by a property appraiser; amending s. 196.194, F.S.; deleting authorization for a value adjustment board to review property tax exemptions upon its own motion or motion of the property appraiser and deleting certain notice requirements relating to the review of such exemptions; providing for retroactive application; providing an effective date.

By the Committee on Appropriations; and Senator Bean—

CS for SB 1246—A bill to be entitled An act relating to public retirement plans; amending ss. 185.03 and 185.08, F.S.; specifying applicability of ch. 185, F.S., to certain consolidated governments; providing that a consolidated government that has entered into an interlocal agreement to provide police protection services to a municipality within its boundaries is eligible to receive the premium taxes reported for the municipality under certain circumstances; authorizing the municipality receiving the police protection services to enact an ordinance levying the tax as provided by law; providing an effective date.

By the Committee on Appropriations; and Senator Sachs—

CS for SB 1280—A bill to be entitled An act relating to tax dealer collection allowances; amending s. 212.12, F.S.; revising the process for dealers to elect to forgo the sales tax collection allowance and direct that the collection allowance amount be transferred into the Educational Enhancement Trust Fund; providing applicability; providing an effective date.

By the Committees on Appropriations; and Community Affairs; and Senator Ring—

CS for CS for SB 1352—A bill to be entitled An act relating to paper reduction; amending s. 97.052, F.S.; providing that the uniform state-wide voter registration application be designed to elicit the e-mail address of an applicant and whether the applicant desires to receive sample ballots by e-mail; amending s. 101.20, F.S.; authorizing a supervisor of elections to send a sample ballot to a registered elector by e-mail under certain circumstances; amending s. 125.66, F.S.; requiring the clerk of a board of county commissioners to electronically transmit enacted ordinances, amendments, and emergency ordinances to the Department of State; amending s. 194.034, F.S.; permitting a value adjustment board to electronically provide the taxpayer and property appraiser with notice of the decision of the board; amending s. 200.069, F.S.; authorizing the property appraiser to notify taxpayers of proposed property taxes by posting the notice on the appraiser's website in lieu of first-class mail when approved by the county governing board; providing notice format details; requiring publication of legal notice that the notice of proposed taxes and assessments is available through the property appraiser's website; authorizing the property appraiser to provide e-mail notification when the proposed taxes and assessments are available on the appraiser's website; providing an effective date.

By the Committees on Appropriations; and Education; and Senator Montford—

CS for CS for SB 1388—A bill to be entitled An act relating to instructional materials for K-12 public education; amending s. 1006.28, F.S.; revising the duties of a district school board and the district superintendent with regard to instructional materials; repealing s. 1006.282, F.S., relating to the pilot program for the transition to electronic and digital instructional materials; creating s. 1006.283, F.S.; authorizing a district school board or a consortium of school districts to implement an instructional materials program; requiring the district superintendent to certify to the Department of Education that instructional materials for core courses align with applicable state standards; requiring the district school board to adopt rules; authorizing the district school board to assess and collect fees from a publisher that participates in the instructional materials review process; requiring the fee amount to be posted on the school district's website and reported to the Department of Education; providing a limit on fees; prohibiting fees from being collected from publishers to review certain instructional materials; providing for a stipend, reimbursement for travel expenses, and per diem for reviewers; requiring instructional materials that are approved by the district instructional materials reviewers to be aligned with applicable state standards; requiring each district school superintendent to annually certify that the instructional materials for core courses used by the district align with applicable state standards; providing pricing requirements for instructional materials; amending s. 1006.29, F.S.; providing a definition; requiring the department to appoint state instructional materials reviewers, rather than state or national experts, to review instructional materials; providing requirements, appointments, and terms for state instructional materials reviewers; authorizing the department to assess and collect fees; requiring the fee amount to be posted on the department's website and reported to the State Board of Education; providing a purpose for the use of the fees, such as a stipend for service as a reviewer, payment for per diem, and reimbursement for travel expenses for service as a reviewer; requiring a publisher to offer sections of instructional materials in certain versions at reduced rates; requiring the department to post certain instructional materials on its website; amending s. 1006.30, F.S.; conforming provisions to changes made by the act; amending s. 1006.31, F.S.; conforming provisions to changes made by the act; revising the procedure for evaluating instructional materials; providing standards to determine the propriety of instructional materials; amending s. 1006.32, F.S.; conforming provisions to changes made by the act; repealing s. 1006.33, F.S., relating to bids, proposals, and advertisement regarding instructional materials; amending s. 1006.34, F.S.; revising the powers and duties of the State Board of Education in evaluating instructional materials to include collecting fees and adopting rules; conforming provisions to changes made by the act; amending s. 1006.35, F.S.; authorizing the Commissioner of Education to remove materials from the list of approved materials if the materials do not align with applicable state standards; prohibiting a school district from purchasing removed materials under certain circumstances; amending s. 1006.36, F.S.; providing for the state

review cycle for instructional materials; amending s. 1006.37, F.S.; authorizing a district school superintendent to requisition approved instructional materials; conforming provisions to changes made by the act; amending s. 1006.38, F.S.; providing for applicability; revising duties of publishers and manufacturers; amending s. 1006.40, F.S.; revising the allocation for instructional materials; amending s. 1001.10, F.S.; revising the duties of the Commissioner of Education with regard to instructional materials, including submission of a report to the Governor, the Legislature, and the State Board of Education; amending s. 1003.55, F.S.; requiring a publisher or manufacturer of instructional materials that have been approved by the Department of Education or a school district to furnish the department with a computer file in an electronic format specified by the department; amending ss. 1003.621 and 1011.62, F.S.; conforming provisions to changes made by the act; providing an effective date.

By the Committees on Appropriations; and Banking and Insurance; and Senator Richter—

CS for CS for SB 1408—A bill to be entitled An act relating to captive insurance; replacing the term “captive insurer” with “captive insurance company” in part V of ch. 628, F.S.; amending s. 628.901, F.S.; revising definitions; amending s. 628.905, F.S.; expanding the risks that an industrial insured capital insurance company may insure; providing that an industrial insured captive insurance company may provide certain insurance if the company has and maintains unencumbered capital and surplus of a certain amount; amending s. 628.907, F.S.; conforming terms; amending s. 628.909, F.S.; conforming terms and requiring captive insurance companies to deposit and maintain securities for the protection of policyholders; amending ss. 628.9142, 628.915, 628.917, and 628.919, F.S.; conforming terms; providing an effective date.

By the Committee on Appropriations; and Senator Legg—

CS for SB 1630—A bill to be entitled An act relating to education; amending s. 1002.33, F.S.; requiring a charter school sponsor to submit an annual report that includes specified information; allowing a school district to enter into certain interlocal agreements and allowing charter schools to use the school district for certain related services; modifying the application process for charter schools; prohibiting a sponsor from requiring a charter school to have a certificate of occupancy before the first day of school; requiring a sponsor to make student academic achievement for all students a priority in deciding whether to renew a charter; modifying charter school requirements for financial records; imposing rules that follow the closing of a charter school or termination of a charter; requiring a charter school to maintain a public website with certain information; modifying statutory exemptions for charter schools; restricting the membership of a charter school governing board; amending s. 1002.331, F.S.; modifying a limitation for increasing student enrollment; providing that the sponsor may deny a request to increase enrollment under certain circumstances; establishing timeframes for a charter school requesting that multiple charters be consolidated; requiring that full implementation of online assessments for Next Generation Sunshine State Standards in English/language arts and mathematics for all kindergarten through grade 12 public school students occur only after the technology infrastructure, connectivity, and capacity of all public schools and school districts have been load tested and independently verified as ready for successful deployment and implementation; requiring that the technology infrastructure, connectivity, and capacity of all public schools and school districts that administer statewide standardized assessments pursuant to s. 1008.22, F.S., be load tested and independently verified as appropriate, adequate, efficient, and sustainable; providing an effective date.

By the Committees on Appropriations; Judiciary; and Children, Families, and Elder Affairs; and Senator Flores—

CS for CS for CS for SB 1644—A bill to be entitled An act relating to victims of human trafficking; amending s. 90.803, F.S.; revising the mental, emotional, or developmental age of a child victim whose out-of-court statement describing specified criminal acts is admissible in evidence in certain instances; creating s. 943.0583, F.S.; providing definitions; providing for the expungement of the criminal history record of a victim of human trafficking; designating what offenses may be expunged; providing exceptions; providing that an expunged conviction is

deemed to have been vacated due to a substantive defect in the underlying criminal proceedings; providing for a period in which such expungement must be sought; providing that official documentation of the victim’s status as a human trafficking victim creates a presumption; providing a standard of proof absent official documentation; providing requirements for petitions; providing criminal penalties for false statements on such petitions; providing for parties to and service of such petitions; providing for electronic appearances of petitioners and attorneys at hearings; providing for orders of relief; providing for physical destruction of certain records; authorizing a person whose records are expunged to lawfully deny or fail to acknowledge the arrests covered by the expunged record; providing that such lawful denial does not constitute perjury or subject the person to liability; providing that cross-references are considered general reference for the purpose of incorporation by reference; amending ss. 943.0582, 943.0585, 943.059, and 961.06, F.S.; conforming provisions to changes made by the act; providing for an appropriation to the Department of Law Enforcement; providing that the department or any other criminal justice agency is not required to comply with certain requirements relating to expunging criminal history records until a specified date; providing effective dates.

By the Committees on Appropriations; and Environmental Preservation and Conservation; and Senator Altman—

CS for CS for SB 1684—A bill to be entitled An act relating to environmental regulation; amending s. 20.255, F.S.; authorizing the Department of Environmental Protection to adopt rules requiring or incentivizing the electronic submission of certain forms, documents, fees, and reports; amending ss. 125.022 and 166.033, F.S.; providing requirements for the review of development permit applications by counties and municipalities; amending s. 211.3103, F.S.; revising the definition of the term “phosphate-related expenses” to include maintenance and restoration of certain lands; amending s. 253.0345, F.S.; revising provisions for the duration of leases and letters of consent issued by the Board of Trustees of the Internal Improvement Trust Fund for special events; providing conditions for fees relating to such leases and letters of consent; creating s. 253.0346, F.S.; defining the term “first-come, first-served basis”; providing conditions for the discount and waiver of lease fees and surcharges for certain marinas, boatyards, and marine retailers; providing applicability; amending s. 253.0347, F.S.; providing exemptions from lease fees for certain lessees; amending s. 373.118, F.S.; deleting provisions requiring the department to adopt general permits for public marina facilities; deleting certain requirements under general permits for public marina facilities and mooring fields; limiting the number of vessels for mooring fields authorized under such permits; authorizing the department to issue certain leases; amending s. 373.233, F.S.; clarifying conditions for competing applications for consumptive use of water permits; amending s. 373.236, F.S.; prohibiting water management districts from reducing certain allocations as a result of activities involving a new seawater desalination plant that does not receive funding from a water management district; providing an exception; amending s. 373.246, F.S.; allowing the governing board or the department to notify a permittee by electronic mail of any change in the condition of his or her permit during a declared water shortage or emergency; amending s. 373.308, F.S.; providing that issuance of well permits is the sole responsibility of water management districts, delegated local governments, and local county health departments; prohibiting other local governmental entities from imposing requirements and fees or establishing programs for installation and abandonment of groundwater wells; amending s. 373.323, F.S.; providing that licenses issued by water management districts are the only water well contractor licenses required for location, construction, repair, or abandonment of water wells; authorizing licensed water well contractors to install equipment for all water systems; amending s. 373.406, F.S.; exempting specified ponds and wetlands from surface water management and storage requirements; requiring that a request for an exemption be made within a certain time period and that activities not begin until such exemption is made; exempting certain water control districts from certain wetlands regulation; amending s. 376.30713, F.S.; increasing maximum costs for preapproved advanced cleanup in a fiscal year; amending s. 376.313, F.S.; holding harmless a person who discharges pollution pursuant to ch. 403, F.S.; amending s. 403.031, F.S.; defining the term “beneficiary”; amending s. 403.061, F.S.; authorizing the department to adopt rules requiring or incentivizing the electronic submission of certain forms, documents, fees, and reports; amending s. 403.0872, F.S.; extending the payment deadline of permit fees for major sources of air

pollution and conforming the date for related notice by the department; revising provisions for the calculation of such annual fees; amending s. 403.088, F.S.; revising conditions for water pollution operation permits; requiring the department to meet certain standards in making determinations; amending s. 403.0893, F.S.; authorizing stormwater utility fees to be charged to the beneficiaries of the stormwater utility; amending s. 403.7046, F.S.; providing requirements for the review of recovered materials dealer registration applications; providing that a recovered materials dealer may seek injunctive relief or damages for certain violations; amending s. 403.813, F.S.; revising conditions under which certain permits are not required for seawall restoration projects; creating s. 403.8141, F.S.; requiring the Department of Environmental Protection to establish permits for special events; providing permit requirements; amending s. 403.973, F.S.; authorizing expedited permitting for natural gas pipelines, subject to specified certification; providing that natural gas pipelines are subject to certain requirements; ratifying and approving certain leases approved by the Board of Trustees of the Internal Improvement Trust Fund; provided findings that the decision to authorize the use of board of trustees-owned uplands and the use of those lands as set forth in certain leases is not contrary to the public interest; providing that changes made by this act to ss. 403.031 and 403.0893, F.S., apply only to stormwater utility fees billed on or after July 1, 2013, to a stormwater utility's beneficiary for services provided on or after that date; providing an effective date.

By the Committees on Appropriations; and Education; and Senator Legg—

CS for CS for SB 1722—A bill to be entitled An act relating to early learning; creating s. 1001.213, F.S.; creating the Office of Early Learning within the Department of Education's Office of Independent Education and Parental Choice; providing duties relating to the establishment and operation of the school readiness program and the Voluntary Prekindergarten Education Program; amending s. 1002.51, F.S.; conforming a cross-reference; providing a definition; amending s. 1002.53, F.S.; clarifying Voluntary Prekindergarten Education Program student enrollment provisions; amending s. 1002.55, F.S.; providing additional requirements for private prekindergarten providers and instructors; providing duties of the office; amending s. 1002.57, F.S.; requiring the office to adopt standards for a prekindergarten director credential; amending s. 1002.59, F.S.; requiring the office to adopt standards for training courses; amending s. 1002.61, F.S.; providing a requirement for a public school delivering the summer prekindergarten program; amending s. 1002.63, F.S.; providing a requirement for a public school delivering the school-year prekindergarten program; amending s. 1002.66, F.S.; deleting obsolete provisions; amending s. 1002.67, F.S.; requiring the office to adopt performance standards for students in the Voluntary Prekindergarten Education Program and approve curricula; revising provisions relating to removal of provider eligibility, submission of an improvement plan, and required corrective actions; amending s. 1002.69, F.S.; providing duties of the office relating to statewide kindergarten screening, kindergarten readiness rates, and good cause exemptions for providers; amending s. 1002.71, F.S.; revising provisions relating to payment of funds to providers; amending s. 1002.72, F.S.; providing for the release of Voluntary Prekindergarten Education Program student records for the purpose of investigations; amending s. 1002.75, F.S.; revising duties of the office for administering the Voluntary Prekindergarten Education Program; amending s. 1002.77, F.S.; revising provisions relating to the Florida Early Learning Advisory Council; amending s. 1002.79, F.S.; deleting certain State Board of Education rulemaking authority for the Voluntary Prekindergarten Education Program; creating part VI of ch. 1002, F.S., consisting of ss. 1002.81-1002.96, relating to the school readiness program; providing definitions; providing powers and duties of the Office of Early Learning; providing for early learning coalitions; providing early learning coalition powers and duties for the school readiness program; providing requirements for early learning coalition plans; providing a school readiness program education component; providing school readiness program eligibility and enrollment requirements; providing school readiness program provider standards and eligibility to deliver the school readiness program; providing school readiness program funding; providing a market rate schedule; providing for the investigation of fraud or overpayment; providing penalties; providing for child care and early childhood resource and referral; providing for school readiness program transportation services; providing for the Child Care Executive Partnership Program; providing for the Teacher Education and Compensa-

tion Helps scholarship program; providing for Early Head Start collaboration grants; transferring, renumbering, and amending s. 411.011, F.S., relating to the confidentiality of records of children in the school readiness program; revising provisions with respect to the release of records; amending s. 11.45, F.S.; conforming a cross-reference; amending s. 20.15, F.S.; conforming provisions; amending s. 216.136, F.S.; conforming a cross-reference; amending s. 402.281, F.S.; revising requirements relating to receipt of a Gold Seal Quality Care designation; amending s. 402.302, F.S.; conforming a cross-reference; amending s. 402.305, F.S.; providing that certain child care after-school programs may provide meals through a federal program; amending ss. 445.023, 490.014, and 491.014, F.S.; conforming cross-references; amending s. 1001.11, F.S.; providing a duty of the Commissioner of Education relating to early learning programs; repealing s. 411.01, F.S., relating to the school readiness program and early learning coalitions; repealing s. 411.0101, F.S., relating to child care and early childhood resource and referral; repealing s. 411.01013, F.S., relating to the prevailing market rate schedule; repealing s. 411.01014, F.S., relating to school readiness transportation services; repealing s. 411.01015, F.S., relating to consultation to child care centers and family day care homes; repealing s. 411.0102, F.S., relating to the Child Care Executive Partnership Act; repealing s. 411.0103, F.S., relating to the Teacher Education and Compensation Helps scholarship program; repealing s. 411.0104, relating to Early Head Start collaboration grants; repealing s. 411.0105, F.S., relating to the Early Learning Opportunities Act and Even Start Family Literacy Programs; repealing s. 411.0106, F.S., relating to infants and toddlers in state-funded education and care programs; authorizing specified positions for the Office of Early Learning; requiring the office to develop a reorganization plan for the office and submit the plan to the Governor and the Legislature; providing an effective date.

By the Committees on Appropriations; and Appropriations—

CS for SB 1816—A bill to be entitled An act relating to health care; amending s. 409.811, F.S.; revising and providing definitions; amending s. 409.813, F.S.; revising the components of the Florida Kidcare program; prohibiting a cause of action from arising against the Florida Healthy Kids Corporation for failure to make health services available; amending s. 409.8132, F.S.; revising the eligibility of the Medikids program component; revising the enrollment requirements of the Medikids program component; amending s. 409.8134, F.S.; conforming provisions to changes made by the act; amending s. 409.814, F.S.; revising eligibility requirements for the Florida Kidcare program; amending s. 409.815, F.S.; revising the minimum health benefits coverage under the Florida Kidcare Act; deleting obsolete provisions; amending ss. 409.816 and 409.8177, F.S.; conforming provisions to changes made by the act; repealing s. 409.817, F.S., relating to the approval of health benefits coverage and financial assistance; repealing s. 409.8175, F.S., relating to delivery of services in rural counties; amending s. 409.818, F.S.; revising the duties of the Department of Children and Families and the Agency for Health Care Administration with regard to the Florida Kidcare Act; deleting the duties of the Department of Health and the Office of Insurance Regulation with regard to the Florida Kidcare Act; amending s. 409.820, F.S.; requiring the Department of Health, in consultation with the agency and the Florida Healthy Kids Corporation, to develop a minimum set of pediatric and adolescent quality assurance and access standards for all program components; amending s. 624.91, F.S.; revising the legislative intent of the Florida Healthy Kids Corporation Act to include the Healthy Florida program; revising participation guidelines for non-subsidized enrollees in the Healthy Kids program; revising the medical loss ratio requirements for the contracts for the Florida Healthy Kids Corporation; modifying the membership of the Florida Healthy Kids Corporation's board of directors; creating an executive steering committee; requiring additional corporate compliance requirements for the Florida Healthy Kids Corporation; repealing s. 624.915, F.S., relating to the operating fund of the Florida Healthy Kids Corporation; creating s. 624.917, F.S.; creating the Healthy Florida program; providing definitions; providing eligibility and enrollment requirements; authorizing the Florida Healthy Kids Corporation to contract with certain insurers, managed care organizations, and provider service networks; encouraging the corporation to contract with insurers and managed care organizations that participate in more than one insurance affordability program under certain circumstances; requiring the corporation to establish a benefits package and a process for payment of services; authorizing the corporation to collect premiums and copayments; requiring the corporation to oversee the Healthy Florida program

and to establish a grievance process and integrity process; providing applicability of certain state laws for administration of the Healthy Florida program; requiring the corporation to collect certain data and to submit enrollment reports and interim independent evaluations to the Legislature; providing for expiration of the program; providing an implementation and interpretation clause; amending s. 627.6474, F.S.; prohibiting a contract between a health insurer and a dentist from requiring the dentist to provide services at a fee set by the insurer under certain circumstances; providing that covered services are those services listed as a benefit that the insured is entitled to receive under a contract; prohibiting an insurer from providing merely de minimis reimbursement or coverage; requiring that fees for covered services be set in good faith and not be nominal; prohibiting a health insurer from requiring as a condition of a contract that a dentist participate in a discount medical plan; amending s. 636.035, F.S.; prohibiting a contract between a prepaid limited health service organization and a dentist from requiring the dentist to provide services at a fee set by the organization under certain circumstances; providing that covered services are those services listed as a benefit that a subscriber of a prepaid limited health service organization is entitled to receive under a contract; prohibiting a prepaid limited health service organization from providing merely de minimis reimbursement or coverage; requiring that fees for covered services be set in good faith and not be nominal; prohibiting the prepaid limited health service organization from requiring as a condition of a contract that a dentist participate in a discount medical plan; amending s. 641.315, F.S.; prohibiting a contract between a health maintenance organization and a dentist from requiring the dentist to provide services at a fee set by the organization under certain circumstances; providing that covered services are those services listed as a benefit that a subscriber of a health maintenance organization is entitled to receive under a contract; prohibiting a health maintenance organization from providing merely de minimis reimbursement or coverage; requiring that fees for covered services be set in good faith and not be nominal; prohibiting the health maintenance organization from requiring as a condition of a contract that a dentist participate in a discount medical plan; amending s. 766.1115, F.S.; revising a definition; requiring a contract with a governmental contractor for health care services to include a provision for a health care provider licensed under ch. 466, F.S., as an agent of the governmental contractor, to allow a patient or a parent or guardian of the patient to voluntarily contribute a fee to cover costs of dental laboratory work related to the services provided to the patient without forfeiting sovereign immunity; prohibiting the contribution from exceeding the actual amount of the dental laboratory charges; providing that the contribution complies with the requirements of s. 766.1115, F.S.; providing for applicability; providing appropriations; providing an effective date.

By the Committees on Appropriations; and Health Policy—

CS for SB 1844—A bill to be entitled An act relating to the Health Choice Plus Program; amending s. 408.910, F.S.; conforming provisions to changes made by the act; providing that the Florida Insurance Code is not applicable in certain circumstances; creating s. 408.9105, F.S.; creating the Health Choice Plus Program; providing legislative intent; providing requirements of the program; providing definitions; providing eligibility requirements; providing for enrollment in the program; providing requirements and procedures for the deposit and use of funds in a health benefits account; providing that the marketplace is encouraged to use existing community programs and partnerships to deliver services and to include traditional safety net providers for the delivery of services to enrollees; requiring Florida Health Choices, Inc., to establish a refund process; authorizing the corporation to accept funds from various sources to deposit into health benefits accounts, subsidize the costs of coverage, and administer and support the program; requiring the corporation to manage the health benefits accounts and provide the marketplace of options which an enrollee in the program may use; providing for payment for achieving healthy living performance goals; requiring the program to post on its website a list of optional healthy living performance goals and to establish a procedure for documentation, achievement, and payment regarding the healthy living performance goals; providing that coverage under the program is not an entitlement; prohibiting a cause of action against certain entities under certain circumstances; requiring the corporation to submit to the Governor and the Legislature information about the program in its annual report and an evaluation of

the effectiveness of the program; providing for a program review and repeal date; providing an appropriation; providing an effective date.

By the Committees on Appropriations; and Health Policy—

CS for SB 1884—A bill to be entitled An act relating to county Medicaid contributions; amending s. 409.915, F.S.; specifying the total contribution for the year and specifying the method for determining the amount in the following years; revising the method for calculating each county's contribution; providing tables for calculating county contributions; requiring the Agency for Health Care Administration to annually report the status of county billings to the Legislature; authorizing the Department of Revenue to withhold county distributions for failure to remit Medicaid contributions; deleting provisions specifying the care and services that counties must participate in, obsolete bond provisions, and a process for refund requests; specifying the method for calculating each county's contribution for the 2013-2014 fiscal year; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Don Gaetz, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for HB 57, CS for HB 135, CS for HB 267, CS for CS for CS for HB 319, CS for CS for CS for HB 321, CS for CS for CS for HB 487, CS for CS for CS for HB 1125, HB 7103, HB 7157; has passed as amended CS for CS for HB 85, HB 235, CS for CS for HB 247, CS for CS for CS for HB 785, CS for HB 903, CS for CS for CS for HB 999, CS for CS for HB 1223, CS for HB 1279, CS for HB 7025, CS for HB 7119, CS for HB 7121, CS for CS for HB 7127; has passed as amended by the required constitutional two-thirds vote of the members voting CS for HB 249; has adopted HM 763, CS for HM 1389, CS for HM 1405 and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

By Government Operations Appropriations Subcommittee, Business & Professional Regulation Subcommittee and Representative(s) Porter—

CS for CS for HB 57—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 489.140, F.S.; clarifying funding requirements for the Florida Homeowners' Construction Recovery Fund; amending s. 468.631, F.S.; authorizing the department to transfer certain funds from the Professional Regulation Trust Fund to the Florida Homeowners' Construction Recovery Fund; providing an effective date.

—was referred to the Committees on Regulated Industries; Community Affairs; and Appropriations.

By Economic Development & Tourism Subcommittee and Representative(s) Goodson—

CS for HB 135—A bill to be entitled An act relating to spaceport territory; amending s. 331.304, F.S.; revising spaceport territory for purposes of the Space Florida Act to include certain property; providing an effective date.

—was referred to the Committees on Military and Veterans Affairs, Space, and Domestic Security; Community Affairs; and Appropriations.

By Local & Federal Affairs Committee and Representative(s) Wood—

CS for HB 267—A bill to be entitled An act relating to real property liens and conveyances; amending s. 689.02, F.S.; deleting a requirement that blank spaces be included on a warranty deed to allow for entry of social security numbers of grantees on the deed; conforming provisions; amending s. 695.01, F.S.; providing that certain types of governmental or

quasi-governmental liens on real property are valid and effectual against certain creditors or purchasers only if recorded in a specified manner; providing an effective date.

—was referred to the Committees on Judiciary; Community Affairs; Appropriations Subcommittee on Finance and Tax; and Appropriations.

By Economic Affairs Committee, Transportation & Highway Safety Subcommittee, Economic Development & Tourism Subcommittee and Representative(s) Ray—

CS for CS for CS for HB 319—A bill to be entitled An act relating to community transportation projects; amending s. 163.3180, F.S., relating to transportation concurrency; revising and providing requirements for local governments that continue to implement a transportation concurrency system; revising provisions for applicants for rezoning or a permit for a planned development to satisfy concurrency requirements; providing for such provisions to apply to development agreements; authorizing a local government to accept contributions from multiple applicants to satisfy such requirements under certain conditions; requiring local governments to provide the basis upon which landowners will be assessed certain costs; encouraging local governments without transportation concurrency to adopt an alternative mobility funding system; prohibiting alternative systems from denying, timing, or phasing a development application process if the developer agrees to pay for identified transportation impacts; requiring mobility fees to comply with the dual rational nexus test; prohibiting alternative systems from holding new developments responsible for existing deficiencies; providing an effective date.

—was referred to the Committees on Community Affairs; Transportation; and Rules.

By Economic Affairs Committee, Finance & Tax Subcommittee, Economic Development & Tourism Subcommittee and Representative(s) La Rosa, Adkins, Hutson, Mayfield—

CS for CS for CS for HB 321—A bill to be entitled An act relating to community development; amending s. 163.3180, F.S.; prohibiting a local government from applying transportation concurrency or requiring proportionate-share contribution or construction for new business development for a specified period; providing an exception; providing for an extension of the prohibition under certain conditions; providing for applicability; providing for future expiration; amending s. 163.31801, F.S.; prohibiting certain counties, municipalities, and special districts from imposing certain new or existing impact fees for a specified period; providing an exception; providing for an extension of the prohibition under certain conditions; providing for applicability; providing for future expiration; providing an effective date.

—was referred to the Committees on Community Affairs; and Education.

By Economic Affairs Committee, Transportation & Economic Development Appropriations Subcommittee, Transportation & Highway Safety Subcommittee and Representative(s) Stone, Workman, Ahern, Artiles, Diaz, M., Hager, McBurney, Metz, O'Toole, Perry, Roberson, K.—

CS for CS for CS for HB 487—A bill to be entitled An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; creating a Freemasonry license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received from the sale of such plates; providing an effective date.

—was referred to the Committees on Transportation; Rules; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Appropriations.

By Judiciary Committee, Local & Federal Affairs Committee, Civil Justice Subcommittee and Representative(s) Goodson—

CS for CS for CS for HB 1125—A bill to be entitled An act relating to employers and employees; amending s. 34.01, F.S.; providing jur-

isdiction of county courts over wage theft civil actions; creating s. 448.115, F.S.; providing a definition for the term “wage theft”; creating a civil cause of action for wage theft; providing the procedure for filing of a civil action for wage theft; providing jurisdiction; providing a limitation on the filing fee; requiring a claimant to notify the employer of the employee’s intention to initiate a civil action; allotting the employer a specific time to resolve the action; providing a statute of limitations; requiring a claimant to prove wage theft by a preponderance of the evidence; providing a limitation for compensatory damages; prohibiting certain damages; authorizing a county, municipality, or political subdivision to establish a process by which a claim may be filed; prohibiting a local government from adopting or maintaining in effect a law, ordinance, or rule for the purpose of addressing unpaid wage claims; prohibiting the preemption of certain local ordinances governing wage theft; providing that any regulation, ordinance, or other provision for recovery of unpaid wages by counties, municipalities, or political subdivisions is prohibited and preempted to the state; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Appropriations.

By Healthy Families Subcommittee and Representative(s) Harrell—

HB 7103—A bill to be entitled An act relating to cross-over youth; creating a pilot project to serve youth in common to the Department of Children and Families and the Department of Juvenile Justice; providing for selection of a county for the project; requiring proposals from interested providers; specifying elements to be included in the project; requiring reports to the Governor and Legislature; providing an effective date.

—was referred to the Committees on Criminal Justice; and Appropriations.

By Rulemaking Oversight & Repeal Subcommittee and Representative(s) Santiago—

HB 7157—A bill to be entitled An act relating to ratification of rules implementing total maximum daily loads for impaired water bodies; ratifying specified rules of the Department of Environmental Protection for the sole and exclusive purpose of satisfying any condition on effectiveness pursuant to s. 120.541(3), F.S., which requires ratification of any rule meeting any of specified thresholds for likely adverse impact or increase in regulatory costs; providing an effective date.

—was referred to the Committee on Rules.

By Appropriations Committee, Government Operations Subcommittee and Representative(s) Steube, Edwards, Mayfield, Moraitis, Pilon, Williams, A.—

CS for CS for HB 85—A bill to be entitled An act relating to public-private partnerships; amending s. 255.60, F.S.; authorizing certain public entities to contract for public service works with not-for-profit organizations; revising eligibility and contract requirements for not-for-profit organizations contracting with certain public entities; creating s. 287.05712, F.S.; providing definitions; providing legislative findings and intent relating to the construction or improvement by private entities of facilities used predominantly for a public purpose; creating a task force to establish specified guidelines; providing procurement procedures; providing requirements for project approval; providing project qualifications and process; providing for notice to affected local jurisdictions; providing for interim and comprehensive agreements between a public and a private entity; providing for use fees; providing for financing sources for certain projects by a private entity; providing powers and duties of private entities; providing for expiration or termination of agreements; providing for the applicability of sovereign immunity for public entities with respect to qualified projects; providing for construction of the act; creating s. 336.71, F.S.; authorizing counties to enter into public-private partnership agreements to construct, extend, or improve county roads; providing requirements and limitations for such agreements; providing procurement procedures; requiring a fee for certain proposals; amending s. 348.754, F.S.; revising the limit on terms for leases that the Orlando-Orange County Expressway Authority may enter; amending s. 1010.62, F.S.; adding public-private partnership

agreements to the definition of the term university “debt”; revising sources that may be used to secure or pay revenue bonds; authorizing revenues from royalties and licensing and auxiliary enterprise revenues to be used to secure debt for academic, educational, and research facilities that are part of a multipurpose project; authorizing academic and educational activities to be bonded without legislative approval of the specific project; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; and Community Affairs.

By Representative(s) Bracy, Rodríguez, J., Rogers—

HB 235—A bill to be entitled An act relating to requirements for driver licenses; amending s. 322.08, F.S.; including notice of the approval of an application for Deferred Action for Childhood Arrivals status issued by United States Citizenship and Immigration Services as valid proof of identity for purposes of applying for a driver license; reenacting ss. 322.17(3), 322.18(2)(d) and (4)(c), and 322.19(4), F.S., relating to conditions and limitations with respect to obtaining a duplicate or replacement instruction permit or driver license, expiration of and renewal of a driver license, and change of name or address on a driver license for licensees who establish their identity in a specified manner, to incorporate the amendments made by the act to s. 322.08, F.S., in references thereto; providing an effective date.

—was referred to the Committees on Transportation; Judiciary; and Rules.

By Local & Federal Affairs Committee, Government Operations Subcommittee and Representative(s) Nelson—

CS for CS for HB 247—A bill to be entitled An act relating to paper reduction; amending s. 97.052, F.S.; providing that the uniform statewide voter registration application be designed to elicit the e-mail address of an applicant and whether the applicant desires to receive sample ballots by e-mail; amending s. 101.20, F.S.; authorizing a supervisor of elections to send a sample ballot to a registered elector by e-mail under certain circumstances; amending s. 125.66, F.S.; requiring the clerk of a board of county commissioners to electronically transmit enacted ordinances, amendments, and emergency ordinances to the Department of State; amending s. 194.034, F.S.; permitting a value adjustment board to electronically provide the taxpayer and property appraiser with notice of the decision of the board; creating s. 192.048, F.S.; allowing certain ad valorem communications to be sent electronically in lieu of regular mail; providing requirements and conditions applicable to such electronic communications; amending s. 903.14, F.S.; permitting the electronic filing of certain affidavits; amending s. 903.26, F.S.; authorizing a clerk of court to mail or electronically transmit a notice relating to a bond forfeiture proceeding; amending s. 903.27, F.S.; permitting a clerk of court to furnish certain required documents and notices relating to bond forfeitures by mail or electronic means; amending s. 903.31, F.S.; providing that a certificate of cancellation of an original bond may be furnished by mail or electronically; providing an effective date.

—was referred to the Committee on Community Affairs.

By Judiciary Committee, Justice Appropriations Subcommittee, Criminal Justice Subcommittee and Representative(s) Eagle, Van Zant—

CS for CS for CS for HB 785—A bill to be entitled An act relating to restitution for juvenile offenses; amending s. 985.437, F.S.; requiring a child's parent or guardian, in addition to the child, to make restitution for damage or loss caused by the child's offense; providing for payment plans in certain circumstances; authorizing the parent or guardian to be absolved of liability for restitution in certain circumstances; providing exceptions; amending s. 985.513, F.S.; removing duplicative provisions authorizing the court to require a parent or guardian to be responsible for any restitution ordered against the child; providing an effective date.

—was referred to the Committees on Criminal Justice; and Judiciary.

By Civil Justice Subcommittee and Representative(s) Davis, Waldman, Artiles, Campbell, Clarke-Reed, Stark—

CS for HB 903—A bill to be entitled An act relating to adverse possession; amending s. 95.18, F.S.; revising terminology; requiring certain conditions to be met before real property is legally adversely possessed without color of title; requiring a person claiming adverse possession to make a return of the property by providing the return to the property appraiser using a uniform return; specifying the contents of the return; requiring the return to contain a notice; providing criminal penalties; amending s. 197.3335, F.S.; revising provisions to conform to changes made by the act; providing an effective date.

—was referred to the Committee on Judiciary.

By State Affairs Committee, Agriculture & Natural Resources Appropriations Subcommittee, Agriculture & Natural Resources Subcommittee and Representative(s) Patronis, Peters, Albritton, Combee, Hager, Moraitis, Pilon, Raburn, Rooney, Van Zant—

CS for CS for CS for HB 999—A bill to be entitled An act relating to environmental regulation; amending s. 20.255, F.S.; authorizing the Department of Environmental Protection to adopt rules requiring or incentivizing the electronic submission of certain forms, documents, fees, and reports; amending ss. 125.022 and 166.033, F.S.; providing requirements for the review of development permit applications by counties and municipalities; amending s. 211.3103, F.S.; revising the definition of “phosphate-related expenses” to include maintenance and restoration of certain lands; amending s. 253.0345, F.S.; revising provisions for the duration of leases and letters of consent issued by the Board of Trustees of the Internal Improvement Trust Fund for special events; providing conditions for fees relating to such leases and letters of consent; creating s. 253.0346, F.S.; defining the term “first-come, first-served basis”; providing conditions for the discount and waiver of lease fees and surcharges for certain marinas, boatyards, and marine retailers; providing applicability; amending s. 253.0347, F.S.; providing exemptions from lease fees for certain lessees; amending s. 373.118, F.S.; deleting provisions requiring the department to adopt general permits for public marina facilities; deleting certain requirements under general permits for public marina facilities and mooring fields; limiting the number of vessels for mooring fields authorized under such permits; providing for the department to issue certain leases; amending s. 373.233, F.S.; clarifying conditions for competing consumptive use of water applications; amending s. 373.236, F.S.; prohibiting water management districts from reducing certain allocations as a result of seawater desalination plant activities; providing an exception; amending s. 373.246, F.S.; authorizing the department or governing board to notify permittees by electronic mail of permit changes under certain conditions; amending s. 373.308, F.S.; providing that issuance of well permits is the sole responsibility of water management districts, delegated local governments, and local county health departments; prohibiting certain counties and other government entities from imposing requirements and fees and establishing programs for installation and abandonment of groundwater wells; amending s. 373.323, F.S.; providing that licenses issued by water management districts are the only water well contractor licenses required for construction, repair, or abandonment of water wells; authorizing licensed water well contractors to install equipment for all water systems; amending s. 373.406, F.S.; exempting specified ponds, ditches, and wetlands from surface water management and storage requirements; exempting certain water control districts from certain wetlands regulation; amending s. 376.30713, F.S.; increasing the amount of funding for preapproved advanced cleanup work contracts; increasing the amount of funding a facility is eligible for in each fiscal year; amending s. 376.313, F.S.; holding harmless a person who discharges pollution pursuant to ch. 403, F.S.; amending s. 403.031, F.S.; defining the term “beneficiary”; amending s. 403.061, F.S.; authorizing the department to adopt rules requiring or incentivizing the electronic submission of certain forms, documents, fees, and reports; amending s. 403.0872, F.S.; extending the payment deadline of permit fees for major sources of air pollution and conforming the date for related notice by the department; revising provisions for the calculation of such annual fees; amending s. 403.088, F.S.; revising conditions for denial of water pollution operation permit applications; amending s. 403.0893, F.S.; authorizing a local government to charge stormwater utility fees to the beneficiaries of the stormwater utility; providing for the collection of delinquent fees; amending s. 403.7046, F.S.; prohibiting local governments from using information contained in recovered materials dealer

registration applications for specified purposes; providing that a recovered materials dealer may seek injunctive relief and damages for certain violations; amending s. 403.813, F.S.; revising conditions under which certain permits are not required for seawall restoration projects; creating s. 403.8141, F.S.; requiring the Department of Environmental Protection to establish general permits for special events; providing permit requirements; amending s. 403.973, F.S.; authorizing expedited permitting for natural gas pipelines, subject to specified certification; providing that natural gas pipelines are subject to certain requirements; providing that natural gas pipelines are eligible for certain review; providing for applicability of specified changes made by the act; providing for legislative ratification and approval of specified leases approved by the Board of Trustees of the Internal Improvement Trust Fund; providing legislative findings with respect to such leases; creating the Florida Fertilizer Regulatory Review Council; providing legislative findings; providing for the council's purpose, membership, and duties; providing for the council to be staffed and funded jointly by the Department of Agriculture and Consumer Services and the Department of Environmental Protection; requiring the council to submit a report to the Governor, Legislature, and specified officials; providing for dissolution of the council; prohibiting local governments from adopting or enforcing certain ordinances; providing an exception; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; and Appropriations.

By Judiciary Committee, Civil Justice Subcommittee and Representative(s) Grant, Spano, Dudley, Gaetz—

CS for CS for HB 1223—A bill to be entitled An act relating to deceptive and unfair trade practices; reordering and amending s. 501.2077, F.S.; providing definitions; authorizing a civil penalty for a person who willfully uses a deceptive or unfair trade act or practice against a military servicemember or the servicemember's spouse or dependent child in certain circumstances; providing an effective date.

—was referred to the Committees on Military and Veterans Affairs, Space, and Domestic Security; Children, Families, and Elder Affairs; and Judiciary.

By Education Appropriations Subcommittee and Representative(s) Metz, Fullwood, Jones, M., Jones, S., Lee, McGhee, Porter, Rouson, Taylor—

CS for HB 1279—A bill to be entitled An act relating to high school athletics; reenacting and amending s. 1002.20(17), F.S.; making technical changes; amending s. 1006.15, F.S.; revising criteria for student eligibility for participation in extracurricular activities; defining the term "public school"; authorizing certain students to participate in an extracurricular activity at another school subject to certain requirements; amending s. 1006.19, F.S.; providing requirements for an annual financial and compliance audit of an association that supervises interscholastic activities of public high schools; requiring that an association or corporation that supervises interscholastic activities of public high schools complete a report; specifying report requirements; requiring the report to be submitted to the Commissioner of Education and the Legislature annually; amending s. 1006.20, F.S.; providing that the designation of the Florida High School Athletic Association (FHSAA) as the governing nonprofit organization of athletics expires on a specified date; specifying that the FHSAA is subject to the provisions of chs. 119 and 286, F.S.; revising the criteria for bylaws, policies, or guidelines adopted by the FHSAA; requiring the FHSAA to complete a review by a specified date; requiring that the FHSAA submit a report to the Commissioner of Education, the Governor, and the Legislature; providing requirements for investigations and investigators; authorizing the assessment of fees to cover costs for certain proceedings; establishing notice requirements; providing procedures for student attendance and transfer approvals; providing for hearings before the Division of Administrative Hearings (DOAH); authorizing DOAH to assess fees payable by the nonprevailing party to administer the hearings; providing that the burden is on the FHSAA to demonstrate by clear and convincing evidence that a student is ineligible to participate in a high school athletic competition; requiring that the FHSAA pay costs and attorney fees in certain circumstances; revising the composition of the board of directors of the FHSAA and terms of office; revising what constitutes a quorum of the board of di-

rectors; providing that the appointment of the executive director is subject to Senate confirmation; providing restrictions on the salary, per diem, and travel expenses of the FHSAA's executive director; providing restrictions on the levy of dues and fees and the collection of contest receipts; providing authority to levy fines, penalties, and sanctions against schools and coaches; revising provisions relating to the FHSAA's representative assembly; providing that members of the FHSAA's public liaison advisory committee are entitled to reimbursement for per diem and travel expenses at the same rate as state employees; providing an effective date.

—was referred to the Committees on Education; and Rules.

By Regulatory Affairs Committee, Business & Professional Regulation Subcommittee and Representative(s) Eagle—

CS for HB 7025—A bill to be entitled An act relating to timeshares; amending s. 718.112, F.S.; specifying that certain provisions relating to condominium board elections do not apply to timeshare condominiums; amending s. 721.05, F.S.; revising and providing definitions related to the Florida Vacation Plan and Timesharing Act; amending s. 721.07, F.S.; revising formula requirements for calculating reserves for accommodations and facilities of real property timeshare plans; amending s. 721.15, F.S.; requiring the successor in interest to be listed as the owner of the timeshare interest under certain conditions; requiring an estoppel letter in certain timeshare resale transfer transactions; amending s. 721.17, F.S.; prohibiting certain activities related to offering timeshare interest transfer services; requiring resale transfer agreements to contain specified information; requiring the establishment of an escrow account for certain purposes; providing requirements and duties of the escrow agent; providing penalties; providing for applicability; amending s. 721.82, F.S.; revising definitions applicable to the Timeshare Lien Foreclosure Act; amending s. 721.84, F.S.; making an editorial change; amending s. 721.855, F.S.; revising procedure for the trustee foreclosure of assessment liens; revising conditions under which a trustee may sell a foreclosed encumbered timeshare interest; revising and providing notice requirements; providing for perfection of notice; providing requirements for a notice of lis pendens; providing sale requirements; providing exceptions for actions for failure to follow the trustee foreclosure procedure; amending s. 721.856, F.S.; revising procedure for the trustee foreclosure of mortgage liens; revising conditions under which a trustee may sell a foreclosed encumbered timeshare interest; revising and providing notice requirements; providing for perfection of notice; providing requirements for a notice of lis pendens; providing sale requirements; providing exceptions for actions for failure to follow the trustee foreclosure procedure; providing an effective date.

—was referred to the Committees on Judiciary; and Regulated Industries.

By Judiciary Committee, Business & Professional Regulation Subcommittee and Representative(s) La Rosa, Artiles, Gibbons—

CS for HB 7119—A bill to be entitled An act relating to homeowners' associations; amending s. 468.436, F.S.; providing grounds for disciplinary actions against community association managers; amending s. 720.303, F.S.; requiring official records to be maintained within a specified distance of the association for a specified time; authorizing associations to maintain such records online; requiring associations to allow a member to use a portable device to make an electronic copy of the official records and prohibiting associations from charging a fee for such an electronic copy; removing provisions allowing the association to charge fees for personnel costs related to records access; requiring budgets to designate permissible uses of reserve accounts; requiring a community association manager, or the association in the absence of a community association manager, to report certain information to the Division of Florida Condominiums, Timeshares, and Mobile Homes; providing an expiration date for the reporting requirements; creating s. 720.3033, F.S.; requiring association directors to file with the association secretary written certification that they have read certain association documents, will uphold the documents, and will uphold their fiduciary responsibility to the members; providing for an educational certificate in lieu of written certification; providing that such certification is valid while the director is on the board; providing penalties for failure to file such certification; requiring the association to retain such certification for 5 years; requiring the board to follow specified procedures relating to

contracts or transactions between the association and certain entities; providing for disclosure of the contract or transaction to members; providing for the cancellation of such contract or transaction under certain circumstances; prohibiting any association officer, director, or manager from soliciting or receiving certain personal benefits from any person providing or offering to provide goods or services to the association; providing for removal from office for violations; providing an exception; providing for the removal of any director or officer charged with a felony theft or embezzlement offense involving association funds or property; providing for the reinstatement of such person under certain circumstances; prohibiting a member with pending criminal charges from certain positions; requiring the association to maintain insurance or a bond to cover funds that will be in the custody of the association or its management agent; providing a definition; authorizing an association to waive the requirement of obtaining an insurance policy or fidelity bond under certain conditions; amending s. 720.306, F.S.; requiring the association to provide copies of amendments to the governing documents to members under certain conditions; revising procedures for the election of directors; amending s. 720.307, F.S.; providing additional circumstances for authorizing members to elect a majority of association board members; providing circumstances under which members other than the developer are authorized to elect a specified number of members to the board of directors; amending s. 720.3075, F.S.; providing public policy regarding amendments to governing documents in associations under developer control; amending s. 720.3085, F.S.; defining the term "previous owner" to exclude certain associations from provisions relating to the liability of previous owners of parcels for unpaid assessments; limiting a present owner's liability for certain assessments; providing an effective date.

—was referred to the Committees on Regulated Industries; Community Affairs; and Rules.

By Justice Appropriations Subcommittee, Judiciary Committee and Representative(s) Baxley, Campbell, Coley, Diaz, M., Raschein, Santiago, Stone—

CS for HB 7121—A bill to be entitled An act relating to inmate reentry; amending s. 322.051, F.S.; waiving the fee for identification cards issued to certain inmates; amending s. 382.0255, F.S.; requiring a waiver of fees for certain inmates receiving a copy of a birth certificate; amending s. 944.605, F.S.; requiring the Department of Corrections to work with other agencies in acquiring necessary documents for certain inmates to acquire an identification card before release; providing exceptions; requiring the department to provide specified assistance to inmates born outside this state; requiring a report; amending s. 944.803, F.S.; authorizing the department to operate male and female faith- and character-based institutions; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Criminal and Civil Justice; and Appropriations.

By Economic Affairs Committee, Transportation & Economic Development Appropriations Subcommittee, Transportation & Highway Safety Subcommittee and Representative(s) Artiles—

CS for CS for HB 7127—A bill to be entitled An act relating to the Department of Transportation; amending s. 11.45, F.S.; removing a provision for audits of certain transportation corporations by the Auditor General; amending s. 20.23, F.S.; revising provisions relating to functions of the Florida Transportation Commission to add certain monitoring of Regional Transportation Finance Authorities and the Mid-Bay Bridge Authority; removing Secretary of Transportation review of the expenses of the Florida Statewide Passenger Rail Commission; revising the administrative support requirement for the Florida Statewide Passenger Rail Commission; designating an executive director and assistant executive director of the statewide passenger rail commission; amending s. 110.205, F.S., relating to career service exempt positions; revising the title of an existing department position; amending s. 125.35, F.S.; authorizing counties to lease real or personal property belonging to the county; amending s. 125.42, F.S.; providing that an entity granted a license to construct and maintain utility or television lines shall move or remove such lines at no cost to the county if the lines are found by the county to be unreasonably interfering with road widening, repair, or reconstruction; creating s. 316.01, F.S.; providing that a local governmental entity may not prevent vehicular ingress or egress on a trans-

portation facility into or out of a state university facility; amending s. 316.530, F.S., relating to towing requirements; removing a provision that prohibits assessment of a penalty for the combined weights of a disabled vehicle and a wrecker or tow truck; amending s. 316.545, F.S.; revising the maximum amount the gross vehicle weight may be reduced for calculation of a penalty for excess weight when an auxiliary power unit is installed on a commercial motor vehicle; amending s. 320.08058, F.S.; revising provisions for distribution and use of fees collected from the sale of the Florida Salutes Veterans license plate; amending s. 331.360, F.S., relating to aerospace facilities; removing provisions for a spaceport master plan; directing Space Florida to develop a spaceport system plan for certain purposes; providing for content of the plan; directing Space Florida to submit the plan to metropolitan planning organizations for review of intermodal impact and to the department; authorizing the department to include relevant portions in the 5-year work program; revising responsibilities of the department relating to aerospace facilities; authorizing the department to administratively house its space transportation responsibilities within an existing division or office; authorizing the department to enter into an agreement with Space Florida for specified purposes; authorizing the department to allocate certain funds under specified conditions; requiring Space Florida to provide certain information to the department before an agreement is executed; amending s. 332.007, F.S.; authorizing the department to fund strategic airport investment projects that meet specified criteria; amending s. 334.044, F.S.; prohibiting the department from entering into any lease-purchase agreement with any expressway authority, regional transportation authority, or other entity; providing the prohibition does not invalidate existing specified lease-purchase agreements or limit the department's authority relating to certain public-private transportation facilities; authorizing the department to enter into a concession agreement for commercial sponsorship displays on certain multiuse trails and facilities and providing for use of the revenue received; providing an exception from the requirement to purchase all plant materials from Florida commercial nursery stock when prohibited by applicable federal law or regulation; amending s. 335.055, F.S.; authorizing the department to enter into contracts with community development districts to perform routine maintenance work on the State Highway System; limiting liability; amending s. 335.06, F.S.; authorizing the department to improve and maintain any road that is part of a county road system or city street system that provides access to property within the state park system; requiring the county or city to maintain such road if the department does not; amending s. 337.11, F.S.; removing the requirement that a contractor provide a notarized affidavit as proof of motor vehicle registration; amending s. 337.14, F.S.; revising requirements for a person desiring to bid for the performance of certain department construction contracts to be prequalified; amending s. 337.168, F.S., relating to confidentiality of bid information; providing that a document that reveals the identity of a person who has requested or received certain information before a certain time is a public record; amending s. 337.25, F.S.; revising provisions for disposition of property by the department; authorizing the department to contract for auction services for conveyance of property; revising requirements for an inventory of property; amending s. 337.251, F.S.; revising provisions for lease of property; requiring the department to publish a notice of receipt of a proposal for lease of particular department property and accept other proposals; revising notice procedures; requiring the department to establish by rule an application fee for lease proposals; authorizing the department to engage the services of private consultants to assist in evaluating proposals; requiring the department to make specified determinations before approving a proposed lease; amending s. 337.403, F.S., relating to interference by a utility of the use of a public road or publicly owned rail corridor; providing for an authority to bear certain costs to eliminate interference when the utility certifies that it cannot prove or disprove it has a compensable property right where the utility is located; requiring the department to pay for utility work related to commuter rail or intercity passenger rail under certain circumstances; providing an exception; authorizing the department to pay for utility relocation in rural areas of critical economic concern under certain circumstances; requiring the Florida Transportation Commission to study the potential for state revenue from parking meters and other parking time-limit devices; authorizing the commission to retain experts; requiring the department to pay for the experts; requiring certain information from municipalities and counties; requiring certain information to be considered in the study; requiring a written report; providing for the removal of parking meters and parking time-limit devices under certain circumstance; providing for municipalities and counties to pay the cost of removal; providing for a moratorium on new parking meters of other

parking time-limit devices on the state right-of-way; providing an exception; amending s. 338.161, F.S.; revising provisions for the department to enter into agreements for certain purposes with public or private transportation facility owners whose systems become interoperable with the department's systems; amending s. 338.165, F.S.; removing references to certain facilities from the list of facilities the department is authorized to request bond issuance secured by facility revenues amending s. 338.26, F.S.; revising the uses of fees generated from tolls to include the design and construction of a fire station that may be used by certain local governments in accordance with a specified memorandum; removing a provision that authorizes a district to issue bonds or notes; amending s. 339.175, F.S.; revising provisions for designation of metropolitan planning organizations and provisions for voting membership; revising the criteria that qualify a local government for participation in a metropolitan planning organization; providing that certain counties shall be designated separate metropolitan planning organizations; revising the criteria to determine voting membership of a metropolitan planning organization; providing that each metropolitan planning organization shall review its membership and reapportion it as necessary; providing criteria; removing the requirement that the Governor review and apportion the voting membership among the various governmental entities within the metropolitan planning area; amending s. 339.2821, F.S.; authorizing Enterprise Florida, Inc., to be a consultant to the department for consideration of expenditures associated with and contracts for transportation projects; revising the requirements for economic development transportation project contracts between the department and a governmental entity; repealing ss. 339.401-339.421, F.S., relating to the Florida Transportation Corporation Act, definitions, legislative findings and purpose, authorization of corporations, type and structure and income of corporation, contract between the department and the corporation, articles of incorporation, boards of directors and advisory directors, bylaws, meetings and records, amendment of articles of incorporation, powers of corporations, use of state property, exemption from taxation, authority to alter or dissolve corporation, dissolution upon completion of purposes, transfer of funds and property upon dissolution, department rules, construction of provisions, and issuance of debt; amending s. 339.55, F.S.; providing for the state-funded infrastructure bank to lend capital costs or provide credit enhancements for projects that provide intermodal connectivity with spaceports and to make emergency loans for damages to public-use spaceports; revising criteria the department may consider for evaluation of projects for assistance from the bank; amending s. 341.031, F.S.; revising the definition of the term "intercity bus service," as used in the Florida Public Transit Act; amending s. 341.052, F.S.; prohibiting an eligible public transit provider from using public transit block grant funds to pursue or promote the levying of new or additional taxes through public referenda; requiring the amount of the provider's grant to be reduced by any amount so spent; defining the term "public funds" for purposes of the prohibition; amending s. 341.053, F.S.; revising provisions for use of Intermodal Development Program funds; 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; providing that copies of the permit application will be sent to municipalities and counties who will have an opportunity to comment on the application; 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; providing for a modification of a permit; amends s. 341.840, F.S.; conforming a cross-reference; amending ss. 343.82 and 343.922, F.S.; removing reference to advances from the Toll Facilities Revolving Trust Fund as a source of funding for certain projects by an authority; creating ch. 345, F.S., relating to the Florida Regional Transportation Finance Authority Act; creating s. 345.0001, F.S.; providing a short title; creating s. 345.0002, F.S.; providing definitions; creating s. 345.0003, F.S.; providing for counties to form a regional transportation finance authority to construct, maintain, or operate transportation projects in a region of the state; providing for governance of an authority; providing for membership and organization of an authority; creating s. 345.0004, F.S.; providing for the powers and duties of an authority; limiting an authority's power with

respect to an existing system; prohibiting an authority from pledging the credit or taxing power of the state or any political subdivision or agency of the state; requiring that an authority comply with certain reporting and documentation requirements; creating s. 345.0005, F.S.; authorizing an authority to issue bonds; providing that the issued bonds must meet certain requirements; providing that the resolution that authorizes the issuance of bonds meet certain requirements; authorizing an authority to enter into security agreements for issued bonds with a bank or trust company; providing that the issued bonds are negotiable instruments and have certain qualities; providing that a resolution authorizing the issuance of bonds and pledging of revenues of the system must meet certain requirements; prohibiting the use or pledge of state funds to pay principal or interest of an authority's bonds; creating s. 345.0006, F.S.; providing rights and remedies granted to certain bondholders; providing actions a trustee may take on behalf of the bondholders; providing for the appointment of a receiver; providing for the authority of the receiver; providing limitations to a receiver's authority; creating s. 345.0007, F.S.; providing that the Department of Transportation is the agent of each authority for specified purposes; providing for the administration and management of projects by the department; providing limits on the department as an agent; providing for the fiscal responsibilities of the authority; creating s. 345.0008, F.S.; authorizing the department to provide resources for an authority project or system if included in a specific plan and approved by the Legislature; providing for feasibility studies; requiring certain criteria to be met before department approval; providing for payment of expenses incurred by the department on behalf of an authority; requiring the department to receive a share of the revenue from the authority; providing for disbursement of revenues; creating s. 345.0009, F.S.; authorizing the authority to acquire private or public property and property rights for a project or plan; authorizing the authority to exercise the right of eminent domain; providing for the rights and liabilities and remedial actions relating to property acquired for a transportation project or corridor; creating s. 345.0010, F.S.; providing for contracts between certain entities and an authority; creating s. 345.0011, F.S.; providing that the state will not limit or alter the vested rights of a bondholder with regard to any issued bonds or rights relating to the bonds under certain conditions; creating s. 345.0012, F.S.; exempting the authority from paying certain taxes or assessments for property acquired or used for certain public purposes or for revenues received relating to the issuance of bonds; providing exceptions; creating s. 345.0013, F.S.; providing that the bonds or obligations issued are legal investments of specified entities; creating s. 345.0014, F.S.; providing applicability; amending s. 348.754, F.S.; revising the term limitation for leases that the Orlando-Orange County Expressway Authority may enter; amending s. 373.406, F.S.; exempting specified ponds, ditches, and wetlands from surface water management and storage requirements; exempting certain water control districts from certain wetlands regulation; amending s. 373.4137, F.S.; providing legislative intent that mitigation be implemented in a manner that promotes efficiency, timeliness, and cost-effectiveness in project delivery; revising the criteria of the environmental impact inventory; revising the criteria for mitigation of projected impacts identified in the environmental impact inventory; requiring the Department of Transportation to include funding for environmental mitigation for its projects in its work program; revising the process and criteria for the payment by the department or participating transportation authorities of mitigation implemented by water management districts or the Department of Environmental Protection; revising the requirements for the payment to a water management district or the Department of Environmental Protection of the costs of mitigation planning and implementation of the mitigation required by a permit; revising the payment criteria for preparing and implementing mitigation plans adopted by water management districts for transportation impacts based on the environmental impact inventory; adding federal requirements for the development of a mitigation plan; providing for transportation projects in the environmental mitigation plan for which mitigation has not been specified; revising a water management district's responsibilities relating to a mitigation plan; creating s. 373.6053, F.S., authorizing water management districts to reassess the designation of positions for inclusion in the Senior Management Service Class; authorizing the removal of positions from the class; providing effective dates.

—was referred to the Committees on Transportation; Community Affairs; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Appropriations.

By Local & Federal Affairs Committee and Representative(s) Nelson—

CS for HB 249—A bill to be entitled An act relating to public records; amending s. 97.0585, F.S.; providing an exemption from public records requirements for the e-mail addresses of voter registration applicants and voters; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Ethics and Elections; Governmental Oversight and Accountability; and Rules.

By Representative(s) Caldwell, Artiles, Beshears, Metz, Smith, Wood—

HM 763—A memorial to the Congress of the United States, urging Congress to propose to the states an amendment to the Constitution of the United States that would limit the consecutive terms of office which a member of the United States Senate or the United States House of Representatives may serve.

—was referred to the Committees on Ethics and Elections; and Rules.

By Local & Federal Affairs Committee and Representative(s) Diaz, J., Artiles, Ingram—

CS for HM 1389—A memorial to the Congress of the United States, urging Congress to offer its continued support of the relationship and shared interests between the people of Taiwan and the United States.

—was referred to the Committee on Commerce and Tourism.

By Local & Federal Affairs Committee and Representative(s) Moskowitz, Adkins, Ahern, Artiles, Baxley, Berman, Beshears, Boyd, Brodeur, Broxson, Caldwell, Campbell, Castor Dentel, Clelland, Combee, Cruz, Danish, Diaz, J., Dudley, Eagle, Edwards, Fitzenhagen, Fullwood, Gaetz, Gibbons, Hager, Hood, Hooper, Ingram, Jones, S., Kerner, Lee, Magar, Mayfield, McBurney, Metz, O'Toole, Pafford, Passidomo, Patronis, Perry, Peters, Pigman, Pilon, Porter, Pritchett, Raburn, Rader, Raschein, Raulerson, Roberson, K., Rodrigues, R., Rooney, Rouson, Saunders, Slosberg, Smith, Spano, Stark, Steube, Stewart, Stone, Taylor, Tobia, Van Zant, Williams, A., Zimmermann—

CS for HM 1405—A memorial to the Congress of the United States, urging Congress and the President to utilize their resources to ensure the safe return of captive Robert Levinson from Iran.

—was referred to the Committee on Military and Veterans Affairs, Space, and Domestic Security.

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 SB 364 and SB 628.

Robert L. "Bob" Ward, Clerk

The bills contained in the foregoing messages were ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 24 was corrected and approved.

CO-INTRODUCERS

Senators Abruzzo—CS for SB 1036; Altman—CS for SB 1036, SB 1832; Bean—CS for SB 1036; Benacquisto—CS for SB 1036; Bradley—CS for SB 1036; Brandes—CS for SB 1036; Braynon—CS for SB 1036; Bullard—CS for SB 1036; Clemens—CS for SB 1036; Dean—CS for SB 1036; Diaz de la Portilla—CS for SB 1036; Evers—CS for SB 1036; Flores—CS for SB 1036; Gaetz—CS for SB 1036; Galvano—CS for SB 1036; Garcia—CS for SB 1036; Gardiner—CS for SB 1036; Gibson—CS for SB 1036; Grimsley—CS for SB 1036; Hays—CS for SB 1036; Hukill—CS for SB 1036; Joyner—CS for SB 1036; Latvala—CS for SB 1036; Lee—CS for SB 1036; Legg—CS for SB 1036; Margolis—CS for SB 1036; Montford—CS for SB 1036; Negron—CS for SB 1036; Richter—CS for SB 1036; Ring—CS for SB 1036; Sachs—CS for SB 1036; Simmons—CS for SB 1036; Simpson—CS for SB 1036; Smith—CS for SB 1036; Sobel—CS for SB 716, CS for SB 1036; Soto—CS for SB 1036; Stargel—CS for SB 1036; Thompson—CS for SB 1036; Thrasher—CS for SB 1036

ADJOURNMENT

On motion by Senator Thrasher, the Senate adjourned at 5:01 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Friday, April 26 or upon call of the President.