Journal of the Senate

Number 20—Regular Session **Tuesday, April 30, 2013**

CONTENTS

CALL TO ORDER

The Senate was called to order by President Gaetz at 10:00 a.m. A quorum present—39:

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

PRAYER

The following prayer was offered by Dr. Marvin C. Zanders II, Pastor, St. Paul A.M.E. Church, Jacksonville:

God of our weary years and God of our silent years, God of our state and our nation, we honor you for your majesty, dominion, and authority. Gracious God, we come strongly looking to you as our sovereign creator of our state.

We come today petitioning you and your presence and your peace among this body of the Florida State Senate. God, we understand they have a great responsibility. We ask that you would grant them wisdom and courage for the facing of this hour and the living of these days. As we take a glance at our economy, the challenges, the health issues, and vast tragedies that daily fill up our newspapers and televisions, God, this Senate needs your protection, needs your wisdom, needs your discernment. Bless them, God, with wisdom to make wise decisions, hearts of sincerity, and genuine concerns. Help them to raise their voices of justice for all. Give them a mind to fight for what is right and honorable. Let discrimination, hatred of justice, fascism, racism, ageism, be put aside as they stand up for the common good of all. Bless their families, even as they are absent from them.

God, send your power among us this day. Give us peace and unity, guidance and courage. In thy name, we pray. Amen.

PLEDGE

Senate Pages Matthew Hall of Tallahassee and Savanah Watson of Quincy led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Chris Pittman of Thonotosassa, sponsored by Senator Lee, as doctor of the day. Dr. Pittman specializes in Diagnostic/Interventional Radiology Phlebology.

ADOPTION OF RESOLUTIONS

On motion by Senator Simmons—

By Senator Simmons—

SR 1898—A resolution designating January 2014 as "Stalking Awareness Month" in the State of Florida.

WHEREAS, 6.6 million people in the United States are stalked each year, and

WHEREAS, one in six women and one in nineteen men in the United States have experienced stalking victimization during their lifetimes, and

WHEREAS, the majority of stalking victims are stalked by someone they know, and 66 percent of female victims and 41 percent of male victims are stalked by a current or former intimate partner, and

WHEREAS, 11 percent of victims reported being stalked for 5 years or more, and 66 percent of victims are stalked at least once per week, and

WHEREAS, 76 percent of women who are killed by an intimate partner experienced stalking, and

WHEREAS, one in seven stalking victims changes residence as a result of his or her victimization, and

WHEREAS, one in eight employed victims of stalking misses work because of his or her victimization, and more than half miss five days of work or more, and

WHEREAS, according to a National Violence Against Women survey, slightly more than half of female stalking victims reported the stalking to police, and

WHEREAS, the Florida Department of Law Enforcement's 2011 Annual Uniform Crime Report reflected a 65.1 percent increase in simple stalking in the state, and

WHEREAS, stalking is a known precursor to domestic and dating violence homicide, and the Florida Department of Law Enforcement's 2012 Semi-Annual Uniform Crime Report reflected a 21 percent increase in domestic violence homicides in the state, and

WHEREAS, January has been designated "National Stalking Awareness Month" in the United States, NOW, THEREFORE,

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

That January 2014 is designated as "Stalking Awareness Month" in the State of Florida, providing an opportunity to educate the public

about the dangers of stalking behavior and to raise awareness about protection laws and the resources available to stalking victims.

—was introduced out of order and read by title. On motion by Senator Simmons, **SR 1898** was read the second time by title and adopted.

On motion by Senator Diaz de la Portilla—

By Senator Diaz de la Portilla—

SR 1906—A resolution remembering the life of Enrique Emilio Ros Perez, recognizing his extraordinary legacy, and expressing the deepest sympathy of the members of the Florida Senate to his beloved family and friends on his passing.

WHEREAS, Enrique Emilio Ros Perez was born to Josefina Perez and Abelardo Ros in Cienfuegos, Las Villas, Cuba, on June 28, 1924, and

WHEREAS, Enrique proudly attended public school, was admitted in 1939 to the Instituto de Segunda Enseñanza, and, in 1941, began his studies in Santa Clara at the Escuela Normal de Maestros de Las Villas, where he graduated as a teacher, and

WHEREAS, in 1944, Enrique transferred to the School of Commercial Sciences at Universidad de la Habana, where he graduated with a degree in public accounting, and

WHEREAS, while completing his studies at Universidad de la Habana, Enrique worked for a prestigious pharmaceutical company, becoming a delegate and director for the pharmaceutical union, where he discussed collective contracts with the Ministry of Labor, and

WHEREAS, on February 23, 1948, Enrique married Amanda Adato Menache, a young woman of Jewish-Turkish descent, and they remained married for 63 years until her passing on January 28, 2011, and

WHEREAS, Enrique and Amanda had two children, Enrique "Henry" Ros, now vice director of the Port of Miami, and Ileana Ros-Lehtinen, the first Hispanic woman to serve in the Florida Senate and the Florida House of Representatives and currently a member of the United States House of Representatives, and

WHEREAS, Enrique became a distinguished member of the Federacion Sindical Nacional de Viajantes de Medicina, which allowed him to participate in various national congresses, and

WHEREAS, Enrique established a public accounting firm in Cuba, Ros-Solis y Adato, where he represented renowned European pharmaceutical companies, began to publish articles on important issues in the local press, and became part of the political and social Christian organization, El Movimiento Democrata Cristiano, and

WHEREAS, with the rise of the Castro regime, El Movimiento Democrata Cristiano ended its public activity, with many of its members forming a clandestine organization, in which Enrique served as the national coordinator, and

WHEREAS, in this role, Enrique established relations with members and directors of other pro-democracy groups, which motivated other directors to assign him as national coordinator of El Frente Revolucionario Democratico (FRD), which was formed in 1959, and Enrique assumed the responsibility of coordinating various anti-Castro organizations in Cuba, and

WHEREAS, even after Enrique and his family were forced into exile, he worked with El Frente Revolucionario Democratico, where he participated in infiltration operations against the totalitarian regime with Clemente (Mente) Inclan, Alfonsito Gomez Mena, Laureano Batista, Jorge Sotus, Pedro Luis Diaz Lans, and others, who inspired him to write for newspapers in Honduras, Costa Rica, Panama, Venezuela, and Peru, and

WHEREAS, in 1963, Enrique went on to collaborate with Diario Las Americas in Miami, where he continued his passionate and eloquent support of democracy and freedom for the Cuban people through the remainder of his life, and

WHEREAS, in the early years of their exile, Enrique and Amanda founded one of the most successful freight-forwarding enterprises, Ros Forwarding, which they operated for more than 30 years until their retirement, and

WHEREAS, after immigrating to the United States, Enrique attended Miami Dade Community College and, on January 24, 1969, received his bachelor of business administration degree from the University of Miami, and

WHEREAS, Enrique published 19 books, which remain an important source of reference for historians, academics, and other scholars, and received numerous awards and recognitions, including accreditation as a researcher in the National Archives of the United States, the John F. Kennedy Library in Boston, and the Lyndon B. Johnson Library in Austin, Texas, and

WHEREAS, at the time of his death, on April 10, 2013, Enrique was writing his 20th book, which detailed the military bravery of Cuban hero Antonio Maceo, and

WHEREAS, Enrique was a member of various local and national organizations and participated frequently in radio and television programs, and his tireless work and dedication made him one of the most documented and prolific historians of our time, and

WHEREAS, Enrique was loved and is affectionately remembered by his children; his daughter-in-law, Ana Ros; his son-in-law, Dexter Lehtinen; his four grandchildren, Jennifer Ros, Katherine Ros, Rodrigo Lehtinen, and Patricia Lehtinen, and two step-grandchildren, Katherine and Douglas Lehtinen; his three great-grandchildren and two step-great-grandchildren; his extended family; and a host of friends, NOW, THEREFORE,

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

That we remember the life of Enrique Emilio Ros Perez, recognize his extraordinary legacy, and express our deepest sympathy to his beloved family and friends on his passing.

—was introduced out of order and read by title. On motion by Senator Diaz de la Portilla, **SR 1906** was read the second time by title and adopted.

MOMENT OF SILENCE

At the request of the President, the Senate observed a moment of silence for Enrique Emilio Ros Perez, who passed away on April 10, and whose daughter, Ileana Ros-Lehtinen, was the first Hispanic woman to serve in the Florida Senate and the Florida House of Representatives. She is currently a member of the United States House of Representatives.

At the request of Senator Latvala—

By Senator Latvala—

SR 1880—A resolution recognizing August 16, 2013, as "Airborne Forces Heritage Day" in Florida.

WHEREAS, the airborne forces of the United States Armed Forces have a long and honorable history as adventuresome, hardy, and fierce warriors who, in the defense of national security, freedom, and peace, provide support to ground combat troops through air transport to the far reaches of the battleground and to the four corners of the world, and

WHEREAS, on June 25, 1940, the Army Parachute Test Platoon was authorized by the United States Department of War and, the following month, launched training with 48 volunteers, and

WHEREAS, on August 16, 1940, the Army Parachute Test Platoon performed the first official United States Army parachute jump, proving the effectiveness of the innovative concept of inserting ground combat forces behind the battle line, and

WHEREAS, the success of the Army Parachute Test Platoon, which validated the airborne operational concept, led to the creation of a for-

midable force of airborne warriors, including the 11th, 13th, 17th, 82nd, and 101st Airborne Divisions, and

WHEREAS, these airborne forces served with distinction and achieved repeated success during World War II and the armed conflicts in Korea, Vietnam, Granada, Panama, the Persian Gulf, and Somalia, and have engaged in peace-keeping operations in Lebanon, the Sinai Peninsula, the Dominican Republic, Haiti, Bosnia, and Kosovo and training operations in the Philippines and Africa, and

WHEREAS, in the aftermath of the September 11, 2001, terrorist attacks, numerous divisions, brigades, regiments, and special operations teams have demonstrated bravery and honor in combat, providing stability in Iraq and Afghanistan, and

WHEREAS, members of the United States airborne forces have achieved distinction by earning the right to wear the Airborne Silver Wings of Courage, with 71 earning the Congressional Medal of Honor and hundreds more receiving the Distinguished Service Cross, the Silver Star, the Bronze Star, and other recognitions and awards for heroism and honor, NOW, THEREFORE,

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

That we recognize August 16, 2013, as "Airborne Forces Heritage Day" in Florida.

—**SR 1880** was introduced, read and adopted by publication.

At the request of Senator Legg—

By Senator Legg—

SR 1900—A resolution recognizing the Carnegie Foundation for the Advancement of Teaching and the Council for Advancement and Support of Education (CASE) 2012 United States Outstanding Doctoral and Research Universities Professor of the Year, Autar Kaw, Ph.D.

WHEREAS, the United States Professors of the Year Awards Program, administered by the Carnegie Foundation for the Advancement of Teaching and the Council for Advancement and Support of Education (CASE) each year salutes one professor nationwide at a doctoral and research university and this award is considered the nation's highest such honor, and

WHEREAS, the criteria for this award includes demonstration by the professor of extraordinary dedication to undergraduate teaching, which is evidenced by excellence in the following areas: impact on and involvement with undergraduate students; scholarly approach to teaching and learning; contribution to undergraduate education in the institution, community, and profession; and support from colleagues and current and former undergraduate students, and

WHEREAS, since the inception of the Professor of the Year Awards Program in 1981 and until 2012, no doctoral and research university professor in this state had been awarded this distinction, and

WHEREAS, Autar Kaw, Ph.D. is a professor of mechanical engineering at the University of South Florida, where he has taught aspiring engineers for the past 25 years, and

WHEREAS, Dr. Kaw has dedicated his career to eliminating one of the most significant obstacles to engineering students through his innovative and forward-thinking approach to education, his use of technology to expand learning opportunities around the world, and his tireless pursuit of new and engaging teaching methods, and

WHEREAS, Dr. Kaw has received numerous professional honors, including being named a fellow in the American Society of Mechanical Engineers and a member of the American Society of Engineering Education, was awarded the National Outstanding Teaching Medal from the American Society for Engineering Education in 2011, and has authored four widely used textbooks, and

WHEREAS, as a pioneer in Massive Open Online Courses (MOOCs) and through his use of his Holistic Numerical Methods Institute website, his blog, Facebook, Twitter, and YouTube video lectures, Dr. Kaw has become affectionately known among engineering students around the world as the "Numerical Methods Guy," and

WHEREAS, on November 15, 2012, Dr. Kaw was named the 2012 United States Outstanding Doctoral and Research Universities Professor of the Year by the Carnegie Foundation for the Advancement of Teaching and CASE, and

WHEREAS, the Carnegie Foundation for the Advancement of Teaching and CASE specifically recognized Dr. Kaw for his innovative work in using new technologies and social media to teach complex mathematical calculations to tens of thousands of students around the world studying to be engineers, NOW, THEREFORE,

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

That we recognize the Carnegie Foundation for the Advancement of Teaching and the Council for Advancement and Support of Education (CASE) 2012 United States Outstanding Doctoral and Research Universities Professor of the Year, Autar Kaw, Ph.D., and express appreciation for his service to this state and for the recognition this award brings to the State of Florida, the University of South Florida, and to the State University System of Florida.

—**SR 1900** was introduced, read and adopted by publication.

BILLS ON THIRD READING

Consideration of **CS for HB 7065**, **CS for CS for HB 617**, **CS for CS for HB 57**, **CS for CS for SB 770**, and **CS for CS for HB 635** was deferred.

CS for HB 157—A bill to be entitled An act relating to delivery of insurance policies; amending s. 627.421, F.S.; authorizing an insurer to electronically transmit an insurance policy to the insured or other person entitled to receive the policy; providing an exception to electronic transmission for specified policies; providing requirements for electronic transmission of a policy; requiring that a paper copy of the policy be provided upon request of the insured or other person entitled to receive the policy; providing an effective date.

—was read the third time by title.

On motion by Senator Smith, **CS for HB 157** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for CS for CS for HB 573—A bill to be entitled An act relating to manufactured and mobile homes; amending s. 627.351, F.S.; requiring the Citizens Property Insurance Corporation to provide coverage for mobile homes and manufactured homes and related structures for a specified minimum insured value; amending s. 723.06115, F.S.; specifying the procedure for requesting and obtaining funds from the Florida Mobile Home Relocation Trust Fund to pay for the operational costs of the Florida Mobile Home Relocation Corporation and the relocation costs of mobile home owners; providing an effective date.

—was read the third time by title.

On motion by Senator Bean, **CS for CS for CS for HB 573** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Consideration of **HB 7079** was deferred.

CS for HB 1071—A bill to be entitled An act relating to health care accrediting organizations; amending ss. 154.11, 394.741, 397.403, 400.925, 400.9935, 402.7306, 408.05, 430.80, 440.13, 627.645, 627.668, 627.669, 627.736, 641.495, and 766.1015, F.S.; conforming provisions to the revised definition of the term "accrediting organizations" in s. 395.002, F.S., as amended by s. 4, ch. 2012-66, Laws of Florida, for purposes of hospital licensing and regulation by the Agency for Health Care Administration; amending s. 395.3038, F.S.; deleting an obsolete provision relating to a requirement that the agency provide certain notice relating to stroke centers to hospitals; conforming provisions to changes made by the act; amending s. 486.102, F.S.; specifying accrediting agencies for physical therapist assistant programs; providing an effective date.

—was read the third time by title.

On motion by Senator Bean, **CS for HB 1071** was passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Detert	Negron
Abruzzo	Evers	Richter
Altman	Flores	Sachs
Bean	Galvano	Simmons
Benacquisto	Gardiner	Simpson
Bradley	Gibson	Smith
Brandes	Grimsley	Sobel
Braynon	Hays	Soto
Bullard	Hukill	Stargel
Clemens	Joyner	Thompson
Dean	Margolis	Thrasher

Nays—None

Vote after roll call:

Yea—Montford

CS for CS for HB 1085—A bill to be entitled An act relating to public records; creating s. 377.24075, F.S.; creating an exemption from public records requirements for proprietary business information provided in an application for a natural gas storage facility permit to inject and recover gas into and from a natural gas storage reservoir; defining the term "proprietary business information"; authorizing disclosure of such information under specified conditions; providing for future review and repeal of the public records exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Richter, **CS for CS for HB 1085** 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	Sachs
Benacquisto	Gardiner	Simmons
Brandes	Gibson	Simpson
Braynon	Grimsley	Smith
Bullard	Hays	Sobel
Clemens	Hukill	Soto
Dean	Latvala	Stargel
Detert	Legg	Thompson
Diaz de la Portilla	Margolis	Thrasher

Nays—1

Bradley

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 read the third time by title.

On motion by Senator Dean, **HB 7157** was passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—2

Negron	Sobel

CS for HB 7135—A bill to be entitled An act relating to public records; creating s. 560.312, F.S.; providing an exemption from public records requirements for payment instrument transaction information held by the Office of Financial Regulation; providing for specified access to such information; authorizing the office to enter into information-sharing agreements and provide access to information contained in the database to certain governmental agencies; requiring a department or agency that receives confidential information to maintain the confidentiality of the information, except as otherwise required by court order; providing for future review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Bean, **CS for HB 7135** 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	Montford
Abruzzo	Galvano	Negron
Altman	Garcia	Richter
Bean	Gardiner	Sachs
Benacquisto	Gibson	Simmons
Brandes	Grimsley	Simpson
Braynon	Hays	Smith
Bullard	Hukill	Sobel
Clemens	Joyner	Soto
Dean	Latvala	Stargel
Detert	Lee	Thompson
Diaz de la Portilla	Legg	Thrasher
Evers	Margolis	

Nays—1

Bradley

CS for HB 357—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 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, but is authorized, to mediate between the participating agencies and a manufacturer; providing that the department shall not be party to certain proceedings; requiring that the coordinated approval process have no effect on the department's approval of economic development incentives; 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.

—was read the third time by title.

On motion by Senator Galvano, **CS for HB 357** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for CS for CS for HB 7005—A bill to be entitled An act relating to massage establishments; amending s. 480.033, F.S.; revising the definition of the term "board-approved massage school"; amending s. 480.046, F.S.; providing additional grounds for the denial of a license or disciplinary action; amending s. 480.047, F.S.; revising penalties; creating s. 480.0475, F.S.; prohibiting the operation of a massage establishment during specified times; providing exceptions; prohibiting the use of a massage establishment as a principal domicile unless the establishment is zoned for residential use under a local ordinance; providing penalties; amending s. 823.05, F.S.; declaring that a massage establishment operating in violation of specified statutes is a nuisance that may be abated or enjoined; providing an effective date.

—was read the third time by title.

On motion by Senator Clemens, **CS for CS for CS for HB 7005** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for CS for HB 1355—A bill to be entitled An act relating to the purchase of firearms by mentally ill persons; amending s. 790.065, F.S.; providing conditions under which a person who has been voluntarily admitted to a mental institution for treatment and has undergone an involuntary examination under the Baker Act may be prohibited from purchasing a firearm; providing requirements for the examining physician; providing for judicial review of certain findings; providing specified notice requirements; providing form and contents of notice; providing requirements with respect to the filing of specified records with the court and presentation of such records to a judge or magistrate; providing lawful authority of a judge or magistrate to review specified records and order that such records be submitted to the Department of Law Enforcement; providing a timeframe for submission of records to the department upon order by a judge or magistrate; providing an effective date.

—was read the third time by title.

On motion by Senator Gibson, **CS for CS for HB 1355** was passed and certified to the House. The vote on passage was:

Yeas—38

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

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

Nays—None

Vote after roll call:

Yea—Mr. President

SENATOR RICHTER PRESIDING

CS for CS for HB 939—A bill to be entitled An act relating to Medicaid recoveries; 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; defining 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 settlements of Medicaid claims against third parties; providing procedures for a Medicaid recipient to contest the amount of recovered medical expense damages; providing for certain reports to be admissible as evidence to substantiate the agency's claim; providing for venue; providing conditions regarding attorney fees and costs; 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; clarifying a provision regarding accrued interest on certain payments withheld from a provider; 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.; revising membership requirements for the Medicaid and Public Assistance Fraud Strike Force within the Department of Financial Services; providing for future review and repeal; amending s. 624.352, F.S., relating to interagency agreements to detect and deter Medicaid and public assistance fraud; providing for future review and repeal; providing an effective date.

—was read the third time by title.

On motion by Senator Grimsley, **CS for CS for HB 939** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Mr. President

CS for CS for HB 365—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.

—was read the third time by title.

On motion by Senator Grimsley, **CS for CS for HB 365** was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—1

Sobel

Vote after roll call:

Yea—Mr. President

CS for HB 171—A bill to be entitled An act relating to disposition of human remains; amending s. 382.002, F.S.; revising definitions for purposes of the Florida Vital Statistics Act; amending s. 382.006, F.S.; authorizing the Department of Health to issue burial-transit permits; amending s. 382.008, F.S.; revising procedures for the registration of certificates of death or fetal death and the medical certification of causes of death; providing a definition; amending s. 382.011, F.S.; extending the time by which certain deaths must be referred to the medical examiner for investigation; creating s. 406.49, F.S.; providing definitions; amending s. 406.50, F.S.; revising procedures for the reporting and disposition of unclaimed remains; prohibiting certain uses or dispositions of the remains of deceased persons whose identities are not known; limiting the liability of licensed funeral directors who authorize the embalming of unclaimed remains under certain circumstances; amending s. 406.51, F.S.; requiring that local governmental contracts for the final disposition of unclaimed remains comply with certain federal regulations; amending s. 406.52, F.S.; revising procedures for the anatomical board's retention of human remains before their use; providing for claims by, and the release of human remains to, legally authorized persons after payment of certain expenses; authorizing county ordinances or resolutions for the final disposition of the unclaimed remains of indigent persons; limiting the liability of certain licensed persons for cremating or burying human remains under certain circumstances; amending s. 406.53, F.S.; revising exceptions from requirements for notice to the anatomical board of the death of indigent persons; deleting a requirement that the Department of Health assess fees for the burial of certain bodies; amending ss. 406.55, 406.56, and 406.57, F.S.; conforming provisions; amending s. 406.58, F.S.; requiring audits of the financial records of the anatomical board; conforming provisions; amending s. 406.59, F.S.; conforming provisions; amending s. 406.60, F.S.; authorizing certain facilities to dispose of human remains by cremation; amending s. 406.61, F.S.; re-

vising provisions prohibiting the selling or buying of human remains or the transmitting or conveying of such remains outside the state; providing penalties; excepting accredited nontransplant anatomical donation organizations from requirements for the notification of and approval from the anatomical board for the conveyance of human remains for specified purposes; requiring that nontransplant anatomical donation organizations be accredited by a certain date; requiring that human remains received by the anatomical board be accompanied by a burial-transit permit; requiring approval by the medical examiner and consent of certain persons before the dissection, segmentation, or disarticulation of such remains; prohibiting the offer of any monetary inducement or other valuable consideration in exchange for human remains; providing a definition; deleting an expired provision; conforming provisions; amending s. 497.005, F.S.; revising a definition for purposes of the Florida Funeral, Cemetery, and Consumer Services Act; amending s. 497.382, F.S.; revising certain reporting requirements for funeral establishments, direct disposal establishments, cinerator facilities, and centralized embalming facilities; amending s. 497.607, F.S.; providing requirements for the disposal of unclaimed cremated remains by funeral or direct disposal establishments; limiting the liability of funeral or direct disposal establishments and veterans' service organizations related to the release of information required to determine the eligibility for interment in a national cemetery of the unclaimed cremated remains of a veteran; providing definitions; amending s. 765.513, F.S.; revising the list of donees who may accept anatomical gifts and the purposes for which such a gift may be used; repealing s. 406.54, F.S., relating to claims of bodies after delivery to the anatomical board; providing an effective date.

—was read the third time by title.

On motion by Senator Sachs, **CS for HB 171** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Mr. President

CS for HB 837—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.

—was read the third time by title.

On motion by Senator Thrasher, **CS for HB 837** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Mr. President

Consideration of **CS for SB 1350** and **CS for CS for HB 247** was deferred.

CS for HB 1075—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public record requirements for a complaint of misconduct filed with an agency against an agency employee and all information obtained pursuant to an investigation of the complaint by the agency; providing for limited duration of the exemption; 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.

—was read the third time by title.

On motion by Senator Soto, **CS for HB 1075** 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

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

Nays—None

Vote after roll call:

Yea—Mr. President

CS for CS for CS for HB 1129—A bill to be entitled An act relating to infants born alive; amending s. 390.011, F.S.; defining the term "born alive"; amending s. 390.0111, F.S.; providing that an infant born alive during or immediately after an attempted abortion is entitled to the same rights, powers, and privileges as any other child born alive in the course of natural birth; requiring health care practitioners to preserve the life and health of such an infant born alive, if possible; providing for the transport and admittance of an infant born alive to a hospital; requiring a health care practitioner or certain employees who have knowledge of any violations with respect to infants born alive after an attempted abortion to report those violations to the Department of Health; providing a penalty; providing for construction; amending s. 390.0112, F.S.; revising a reporting requirement; providing an effective date.

—was read the third time by title.

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

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Mr. President

CS for HB 311—A bill to be entitled An act relating to costs of prosecution, investigation, and representation; amending s. 903.286, F.S.; providing for the withholding of unpaid costs of prosecution and representation from the return of a cash bond posted on behalf of a criminal defendant; requiring a notice on bond forms of such possible withholding; amending s. 938.27, F.S.; clarifying the types of cases that are subject to the collection and dispensing of cost payments by the clerk of the court; amending s. 985.032, F.S.; providing for assessment of costs of prosecution against a juvenile who has been adjudicated delinquent or has adjudication of delinquency withheld; amending s. 985.455, F.S.; providing that a child adjudicated delinquent may perform community service in lieu of certain costs and fees; providing an effective date.

—was read the third time by title.

On motion by Senator Bradley, **CS for HB 311** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Mr. President

Yea to Nay—Gibson

Consideration of **CS for CS for HB 665** and **CS for HB 7169** was deferred.

CS for CS for HB 1325—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 exceptions; 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 an appropriation; providing for applicability; providing effective dates.

—was read the third time by title.

On motion by Senator Flores, **CS for CS for HB 1325** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Mr. President

THE PRESIDENT PRESIDING

CS for CS for HB 867—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 school district to submit an implementation plan to the state board; 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.

—as amended April 29 was read the third time by title.

On motion by Senator Stargel, **CS for CS for HB 867** as amended failed to pass. The action of the Senate was certified to the House. The vote was:

Yeas—20

Mr. President	Galvano	Negron
Altman	Gardiner	Richter
Bean	Grimsley	Simmons
Benacquisto	Hays	Simpson
Bradley	Hukill	Stargel
Brandes	Lee	Thrasher
Flores	Legg	

Nays—20

Abruzzo	Evers	Ring
Braynon	Garcia	Sachs
Bullard	Gibson	Smith
Clemens	Joyner	Sobel
Dean	Latvala	Soto
Detert	Margolis	Thompson
Diaz de la Portilla	Montford	

Consideration of **CS for CS for HB 269** was deferred.

HB 685—A bill to be entitled An act relating to parole interview dates for certain inmates; amending ss. 947.16, 947.174, and 947.1745, F.S.; extending from 2 years to 7 years the period between parole interview dates for inmates convicted of committing specified crimes; requiring a periodic parole interview for an inmate convicted of kidnapping or attempted kidnapping or robbery, burglary of a dwelling, burglary of a structure or conveyance, or breaking and entering, or the attempt thereof of any of these crimes, in which a human being is present and a sexual act is attempted or completed; reenacting s. 947.165(1), F.S., relating to objective parole guidelines, to incorporate the amendment made by this act to s. 947.1745, F.S., in a reference thereto; providing an effective date.

—was read the third time by title.

On motion by Senator Evers, **HB 685** was passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—1

Flores

Vote after roll call:

Yea—Benacquisto, Negron, Stargel

CS for CS for HB 553—A bill to be entitled An act relating to workers' compensation system administration; amending s. 440.02, F.S.; revising a definition for purposes of workers' compensation; amending s. 440.05, F.S.; revising requirements relating to submitting notice of election of exemption; amending s. 440.102, F.S.; conforming a cross-reference; amending s. 440.107, F.S.; revising effectiveness of stop-work orders and penalty assessment orders; amending s. 440.11, F.S.; revising immunity from liability standards for employers and employees using a help supply services company; amending s. 440.13, F.S.; deleting and revising definitions; revising health care provider requirements and responsibilities; deleting rulemaking authority and responsibilities of the Department of Financial Services; revising provider reimbursement dispute procedures; revising penalties for certain violations or overutilization of treatment; deleting certain Office of Insurance Regulation audit requirements; deleting provisions providing for removal of physicians from lists of those authorized to render medical care under certain conditions; amending s. 440.15, F.S.; revising limitations on compensation for temporary total disability; amending s. 440.185, F.S.; revising and deleting penalties for noncompliance relating to duty of employer upon receipt of notice of injury or death; amending s. 440.20, F.S.; transferring certain responsibilities of the office to the department; deleting certain responsibilities of the department; amending s. 440.211, F.S.; deleting a requirement that a provision that is mutually agreed upon in any collective bargaining agreement be filed with the department; amending s. 440.385, F.S.; correcting cross-references; amending s. 440.491, F.S.; revising certain carrier reporting requirements; revising duties of the department upon referral of an injured employee; providing an effective date.

—was read the third time by title.

On motion by Senator Galvano, **CS for CS for HB 553** was passed 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
Bullard	Latvala	Soto
Clemens	Lee	Stargel
Dean	Legg	Thompson
Diaz de la Portilla	Margolis	Thrasher
Evers	Montford	

Nays—1

Joyner

CS for CS for CS for HB 1083—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.

—was read the third time by title.

On motion by Senator Richter, **CS for CS for CS for HB 1083** 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
Bullard	Latvala	Stargel
Dean	Lee	Thompson
Detert	Legg	Thrasher
Diaz de la Portilla	Margolis	
Evers	Negron	

Nays—2

Clemens	Joyner

CS for HB 423—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.05, F.S.; providing an exception to sales tax for dyed diesel fuel used in vessels for commercial fishing and aquacultural purposes; amending s. 212.0501, F.S.; providing an exception from sales tax collected by a licensed sales tax dealer for dyed diesel fuel used in vessels for commercial fishing and aquacultural purposes; amending s. 212.08, F.S.; providing a sales tax exemption for dyed diesel fuel used in vessels for commercial fishing and aquacultural purposes; providing an effective date.

—was read the third time by title.

On motion by Senator Bean, **CS for HB 423** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—3

Clemens	Joyner	Ring

CS for CS for HB 383—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; authorizing the Commissioner of Insurance to designate a person to represent the state on 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, the commissioner, or the commissioner's designee are 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 by the act; 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 adoption of any new uniform standards or amendments to existing uniform standards of the commission; requiring the office to notify the Legislature of any new uniform standards or

amendments to existing uniform standards of the commission; providing that any new uniform standards or amendments to existing uniform standards of the commission may only be adopted via legislation; providing for applicability with respect to taxation of the commission; providing for applicability and process with respect to certain requests for inspection and copying of information, data, or records; authorizing the Financial Services Commission to adopt rules to implement this act and opt out of certain uniform standards; providing an effective date.

—as amended April 29 was read the third time by title.

On motion by Senator Hukill, **CS for CS for HB 383** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for CS for HB 217—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.

—was read the third time by title.

On motion by Senator Bean, **CS for CS for HB 217** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for CS for HB 277—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 certain installations made after a specified date 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 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.

—was read the third time by title.

On motion by Senator Latvala, **CS for CS for HB 277** was passed by the required constitutional two-thirds vote of the membership and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for CS for HB 203—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 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.

—was read the third time by title.

On motion by Senator Brandes, **CS for CS for HB 203** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for CS for HB 579—A bill to be entitled An act relating to natural gas motor fuel; amending s. 206.86, F.S.; deleting definitions for the terms "alternative fuel" and "natural gasoline"; amending s. 206.87, F.S.; conforming a cross-reference; repealing s. 206.877, F.S., relating to the annual decal fee program for motor vehicles powered by alternative

fuels; repealing s. 206.89, F.S., relating to the requirements for alternative fuel retailer licenses; amending s. 206.91, F.S.; making grammatical and technical changes; providing a directive to the Division of Law Revision and Information; creating s. 206.9951, F.S.; providing definitions; creating s. 206.9952, F.S.; establishing requirements for natural gas fuel retailer licenses; providing penalties for certain licensure violations; creating s. 206.9955, F.S.; providing calculations for a motor fuel equivalent gallon; providing for the levy of the natural gas fuel tax; authorizing the Department of Revenue to adopt rules; creating s. 206.996, F.S.; establishing requirements for monthly reports of natural gas fuel retailers; providing that reports are made under the penalties of perjury; allowing natural gas fuel retailers to seek a deduction of the tax levied under specified conditions; creating s. 206.9965, F.S.; providing exemptions and refunds from the natural gas fuel tax; transferring, renumbering, and amending s. 206.879, F.S.; revising provisions relating to the State Alternative Fuel User Fee Clearing Trust Fund; creating s. 206.998, F.S.; providing for the applicability of specified sections of parts I and II of ch. 206, F.S.; amending s. 212.055, F.S.; expanding the use of the local government infrastructure surtax to include the installation of systems for natural gas fuel; amending s. 212.08, F.S.; providing an exemption from taxes for natural gas and natural gas fuel under certain circumstances; requiring the Office of Program Policy Analysis and Government Accountability to complete a report reviewing the taxation of natural gas fuel; requiring submission of the report to the Legislature by a specified date; providing an effective date.

—as amended April 29 was read the third time by title.

On motion by Senator Simpson, **CS for CS for HB 579** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

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 read the third time by title.

On motion by Senator Dean, **CS for CS for CS for HB 487** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Bean

CS for CS for HB 665—A bill to be entitled An act relating to licensure by the Office of Financial Regulation; amending s. 494.00321, F.S.; authorizing, rather than requiring, the office to deny a mortgage broker license application if the applicant had a mortgage broker license revoked previously; amending s. 494.00611, F.S.; authorizing, rather than requiring, the office to deny a mortgage lender license application if the applicant had a mortgage lender license revoked previously; amending s. 517.12, F.S.; revising the procedures and requirements for submitting fingerprints as part of an application to sell, or offer to sell, securities; removing conflicting language; amending s. 560.141, F.S.; revising the procedures and requirements for submitting fingerprints to apply for a license as a money services business; requiring the Office of Financial Regulation to pay an annual fee to the Department of Law Enforcement; removing conflicting language; requiring certain licensees to submit live-scan fingerprints before the next renewal period; amending s. 560.143, F.S.; conforming provisions to changes made by the act; providing effective dates.

—was read the third time by title.

On motion by Senator Richter, **CS for CS for HB 665** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for HB 7169—A bill to be entitled An act relating to the Florida Health Choices Plus Program; amending s. 408.910, F.S.; providing that all employers who meet the requirements of the Florida Health Choices Program are eligible to enroll in the Florida Health Choices Plus Program; requiring participating employers to make a defined contribution with certain conditions; providing that individuals and employees of enrolled employers are eligible to participate in the program; providing that vendors may not refuse to sell any offered product or service to any participant in the program; providing that product prices shall be based on criteria established by the Florida Health Choices, Inc.; providing that certain forms, website design, and marketing communication developed by the Florida Health Choices, Inc., are not subject to the Florida Insurance Code; creating s. 408.9105, F.S.; creating the Florida Health Choices Plus Program; providing definitions; providing eligibility requirements; providing exceptions to such requirements in specific situations; requiring the Department of Children and Families to determine eligibility; providing for enrollment in the program; establishing open enrollment periods; requiring cessation of enrollment under certain circumstances; providing that participation in the program is not an entitlement; prohibiting a cause of action against certain entities under certain circumstances; requiring an education and outreach campaign; requiring certain joint activities by the Florida Health Choices, Inc., and the Florida Healthy Kids Corporation; providing for a state benefit allowance, subject to an appropriation; requiring an individual contribution; providing for disenrollment in specific situations; allowing con-

tributions from certain other entities; providing requirements and procedures for use of funds; providing for refunds; requiring the corporation to submit to the Governor and Legislature information about the program in its annual report and an evaluation of the effectiveness of the program; creating a task force and providing its mission; establishing membership in the task force and providing for its expiration; amending s. 641.402, F.S.; authorizing prepaid health clinics to offer specified hospital services under certain circumstances; providing appropriations; providing an effective date.

—as amended April 29 was read the third time by title.

On motion by Senator Negron, **CS for HB 7169** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—1

Brandes

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.

—as amended April 25 was read the third time by title.

On motion by Senator Ring, **CS for CS for SB 770** 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
Braynon	Hays	Simpson
Bullard	Hukill	Smith
Clemens	Joyner	Sobel
Dean	Latvala	Soto
Detert	Lee	Stargel
Diaz de la Portilla	Legg	Thompson
Evers	Margolis	Thrasher

Nays—1

Brandes

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.

—as amended April 29 was read the third time by title.

On motion by Senator Ring, **CS for CS for HB 247** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

RECESS

The President declared the Senate in recess at 12:05 p.m. to reconvene at 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order by President Gaetz at 1:30 p.m. A quorum present—40:

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

BILLS ON THIRD READING

CS for CS for HB 269—A bill to be entitled An act relating to public construction projects; 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; providing an effective date.

—as amended April 29 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Detert, the Senate reconsidered the vote by which **Amendment 1 (117882)** as amended was adopted April 29.

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

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

Amendment 1D (206388) (with title amendment)—Delete lines 5-64 and insert:

Section 1. Section 125.022, Florida Statutes, is amended to read:

125.022 Development permits.—When a county denies an application for a development permit, the county shall give written notice to the applicant. The notice must include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority for the denial of the permit. As used in this section, the term "development permit" has the same meaning as in s. 163.3164. For any development permit application filed with the county after July 1, 2012, a county may not require as a condition of processing or issuing a development permit that an applicant obtain a permit or approval from any state or federal agency unless the agency has issued a final agency action that denies the federal or state permit before the county action on the local development permit. Issuance of a development permit by a county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. A county *shall* ~~may~~ attach such a disclaimer to the issuance of a development permit and *shall* ~~may~~ include a permit condition that all other applicable state or federal permits be obtained before commencement of the development. This section does not prohibit a county from providing information to an applicant regarding what other state or federal permits may apply.

Section 2. Section 162.12, Florida Statutes, is amended to read:

162.12 Notices.—

(1) All notices required by this part must be provided to the alleged violator by:

(a) Certified mail*, return receipt requested,* to the address listed in the tax collector's office for tax notices~~,~~ or to *the address listed in the county property appraiser's database. The local government may also provide an additional notice to* any other address *it may find for* ~~provided by~~ the property owner ~~in writing to the local government for the purpose of receiving notices~~. For property owned by a corporation, notices may be provided by certified mail to the registered agent of the corporation. If any notice sent by certified mail is not signed as received within 30 days after the *postmarked* date of mailing, notice may be provided by posting as described in subparagraphs (2)(b)1. and 2.;

(b) Hand delivery by the sheriff or other law enforcement officer, code inspector, or other person designated by the local governing body;

(c) Leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice; or

(d) In the case of commercial premises, leaving the notice with the manager or other person in charge.

(2) In addition to providing notice as set forth in subsection (1), at the option of the code enforcement board *or the local government*, notice may ~~also~~ be served by publication or posting, as follows:

(a)1. Such notice shall be published once during each week for 4 consecutive weeks (four publications being sufficient) in a newspaper of general circulation in the county where the code enforcement board is located. The newspaper shall meet such requirements as are prescribed under chapter 50 for legal and official advertisements.

2. Proof of publication shall be made as provided in ss. 50.041 and 50.051.

(b)1. In lieu of publication as described in paragraph (a), such notice may be posted at least 10 days prior to the hearing, or prior to the expiration of any deadline contained in the notice, in at least two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be, in the case of municipalities, at the primary municipal government office, and in the case of counties, at the front door of the courthouse or the main county governmental center in said county.

2. Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.

(c) Notice by publication or posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as required under subsection (1).

Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (1), together with proof of publication or posting as provided in subsection (2), shall be sufficient to show that the notice requirements of this part have been met, without regard to whether or not the alleged violator actually received such notice.

Section 3. Section 166.033, Florida Statutes, is amended to read:

166.033 Development permits.—When a municipality denies an application for a development permit, the municipality shall give written notice to the applicant. The notice must include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority for the denial of the permit. As used in this section, the term "development permit" has the same meaning as in s. 163.3164. For any development permit application filed with the municipality after July 1, 2012, a municipality may not require as a condition of processing or issuing a development permit that an applicant obtain a permit or approval from any state or federal agency unless the agency has issued a final agency action that denies the federal or state permit before the municipal action on the local development permit. Issuance of a development permit by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. A municipality *shall* ~~may~~ attach such a disclaimer to the issuance of development permits and *shall* ~~may~~ include a permit condition that all other applicable state or federal permits be obtained before commencement of the development. This section does not prohibit a municipality from providing information to an applicant regarding what other state or federal permits may apply.

And the title is amended as follows:

Delete lines 1328 and 1329 and insert: 125.022, F.S.; requiring counties to attach certain disclaimers and include certain permit conditions when issuing development permits; amending s. 162.12, F.S.; revising notice requirements in the Local Government Code Enforcement Boards Act; amending s. 166.033, F.S.; requiring municipalities to attach certain disclaimers and include certain permit conditions when issuing development permits;

Amendment 1 (117882) as amended was adopted by two-thirds vote.

On motion by Senator Detert, **CS for CS for HB 269** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Bean	Brandes
Abruzzo	Benacquisto	Braynon
Altman	Bradley	Bullard

Clemens	Hays	Sachs
Dean	Hukill	Simmons
Detert	Joyner	Simpson
Diaz de la Portilla	Latvala	Smith
Evers	Lee	Sobel
Galvano	Legg	Soto
Garcia	Margolis	Stargel
Gardiner	Montford	Thompson
Gibson	Richter	Thrasher
Grimsley	Ring	

Nays—None

SPECIAL ORDER CALENDAR

On motion by Senator Margolis—

CS for SB 808—A bill to be entitled An act relating to a needle and syringe exchange pilot program; amending s. 381.0038, F.S.; requiring the Department of Health to establish a needle and syringe exchange pilot program in Miami-Dade County; providing for administration of the pilot program by the department or a designee; establishing pilot program criteria; providing that the distribution of needles and syringes under the pilot program is not a violation of the Florida Comprehensive Drug Abuse Prevention and Control Act or any other law; providing conditions under which a pilot program staff member or participant may be prosecuted; prohibiting the collection of participant identifying information; providing for the pilot program to be funded through private grants and donations; providing for expiration of the pilot program; requiring a report to the Legislature; providing rulemaking authority; providing for severability; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 808** was placed on the calendar of Bills on Third Reading.

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

INTRODUCTION OF FORMER SENATORS

The President recognized former Senator Dave Aronberg, Palm Beach County State Attorney, who was present in the chamber.

CS for CS for SB 1392—A bill to be entitled An act relating to retirement; amending s. 121.021, F.S.; revising the definition of "vested" or "vesting"; providing that a member initially enrolled in the Florida Retirement System after a certain date is vested in the pension plan after 10 years of creditable service; amending s. 121.051, F.S.; providing for compulsory membership in the Florida Retirement System Investment Plan for employees in the Elected Officers' Class or the Senior Management Service Class initially enrolled after a specified date; conforming cross-references to changes made by the act; amending s. 121.052, F.S.; prohibiting members of the Elected Officers' Class from joining the Senior Management Service Class after a specified date; amending s. 121.055, F.S.; prohibiting an elected official eligible for membership in the Elected Officers' Class from enrolling in the Senior Management Service Class or in the Senior Management Service Optional Annuity Program; closing the Senior Management Optional Annuity Program to new members after a specified date; amending s. 121.091, F.S.; providing that certain members are entitled to a monthly disability benefit; revising provisions to conform to changes made by the act; amending s. 121.4501, F.S.; requiring certain employees initially enrolled in the Florida Retirement System on or after a specified date to be compulsory members of the investment plan; revising the definition of "member" or "employee"; revising a provision relating to acknowledgement of an employee's election to participate in the investment plan; placing certain employees in the pension plan from their date of hire until they are automatically enrolled in the investment plan or timely elect enrollment in the pension plan; authorizing certain employees to elect to participate in the pension plan, rather than the default investment plan, within a specified time; providing for the transfer of certain contributions; revising the education component; deleting the obligation of system employers to communicate the existence of both retirement plans; conforming provisions and cross-references to changes made by the act; amending s. 121.591, F.S.; revising provisions relating to disability retirement benefits; amending s. 121.71, F.S.; decreasing the employee retirement contribution rates for investment plan members; amending ss. 121.35, 238.072, 413.051, and 1012.875, F.S.; conforming cross-references; providing that the act fulfills an important state interest; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1392**, on motion by Senator Simpson, by two-thirds vote **CS for CS for HB 7011** was withdrawn from the Committees on Governmental Oversight and Accountability; Community Affairs; and Appropriations.

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

CS for CS for HB 7011—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.051, F.S.; limiting the ability of members of an optional retirement program to transfer to the Florida Retirement System; providing for compulsory membership in the Florida Retirement System Investment Plan for employees initially enrolled after a specified date; authorizing certain employees to participate in the investment plan; amending s. 121.052, F.S.; prohibiting members of the Elected Officers' Class from joining the Senior Management Service Class after a specified date; amending s. 121.055, F.S.; closing the Senior Management Service Optional Annuity Program to new members after a specified date; prohibiting an elected official eligible for membership in the Elected Officers' Class from enrolling in the Senior Management Service Class or in the Senior Management Service Optional Annuity Program; closing the Senior Management Service Optional Annuity Program to new members after a specified date; amending s. 121.35, F.S.; providing that certain participants in the optional retirement program for the State University System have a choice between the optional retirement program and the Florida Retirement System Investment Plan; providing for compulsory membership in the investment plan for certain employees; amending s. 121.4501, F.S.; requiring certain employees initially enrolled in the Florida Retirement System on or after a specified date to be compulsory members of the investment plan; providing for the transfer of certain contributions; revising a provision relating to acknowledgment of an employee's election to participate in the investment plan; requiring the State Board of Administration to develop investment products to be offered in the investment plan; requiring the State Board of Administration to provide a self-directed brokerage account as an investment option; requiring the state board to contract with a provider to provide a self-directed brokerage account investment option; providing self-directed brokerage account requirements; revising the education component; deleting the obligation of system employers to communicate the existence of both retirement plans; providing the state board and the provider of the self-directed brokerage account investment option with certain responsibilities; providing that the state board is not required to deliver certain information regarding the self-directed brokerage account; making conforming changes; removing unnecessary language; amending s. 121.591, F.S.; providing an additional death benefit to specified members of the Special Risk Class; amending ss. 238.072 and 413.051, F.S.; conforming cross-references; adjusting the required employer contribution rates for the unfunded actuarial liability of the Florida Retirement System for select classes; providing a directive to the Division of Law Revision and Information; providing that the act does not modify or limit benefits available to current members except as specified; providing that the act fulfills an important state interest; requiring the State Board of Administration and the Department of Management Services to request a determination letter from the Internal Revenue Service; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 1392** and read the second time by title.

Senator Simpson moved the following amendment:

Amendment 1 (750668) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (45) of section 121.021, Florida Statutes, is amended to read:

121.021 Definitions.—The following words and phrases as used in this chapter have the respective meanings set forth unless a different meaning is plainly required by the context:

(45) "Vested" or "vesting" means the guarantee that a member is eligible to receive a future retirement benefit upon completion of the required years of creditable service for the employee's class of membership, even though the member may have terminated covered employment before reaching normal or early retirement date. Being vested does not entitle a member to a disability benefit. Provisions governing entitlement to disability benefits are set forth under s. 121.091(4).

(a) Effective July 1, 2001, through June 30, 2011, a 6-year vesting requirement shall be implemented for the Florida Retirement System Pension Plan:

1. Any member employed in a regularly established position on July 1, 2001, who completes or has completed a total of 6 years of creditable service is considered vested.

2. Any member *initially enrolled in the Florida Retirement System before July 1, 2001, but* not employed in a regularly established position on July 1, 2001, shall be deemed vested upon completion of 6 years of creditable service if such member is employed in a covered position for at least 1 work year after July 1, 2001. However, a member is not required to complete more years of creditable service than would have been required for that member to vest under retirement laws in effect before July 1, 2001.

3. Any member initially enrolled in the Florida Retirement System on July 1, 2001, through June 30, 2011, shall be deemed vested upon completion of 6 years of creditable service.

(b) Any member initially enrolled in the Florida Retirement System on ~~or after~~ July 1, 2011, *through June 30, 2014,* shall be vested in the pension plan upon completion of 8 years of creditable service.

(c) Any member initially enrolled in the Florida Retirement System on or after July 1, 2014, shall be vested in the pension plan upon completion of 10 years of creditable service.

Section 2. Present subsections (3) through (9) of section 121.051, Florida Statutes, are renumbered as subsections (4) through (10), respectively, and a new subsection (3) is added to that section, to read:

121.051 Participation in the system.—

(3) INVESTMENT PLAN MEMBERSHIP COMPULSORY.—

(a) Employees initially enrolled on or after July 1, 2014, in positions covered by the Elected Officers' Class or the Senior Management Service Class are compulsory members of the investment plan, except those eligible to withdraw from the system under s. 121.052(3)(d) or s. 121.055(1)(b)2., or those eligible for optional retirement programs under paragraph (1)(a), paragraph (2)(c), or s. 121.35. Investment plan membership continues if there is subsequent employment in a position covered by another membership class. Membership in the pension plan is not permitted except as provided in s. 121.591(2). Employees initially enrolled in the Florida Retirement System prior to July 1, 2014, may retain their membership in the pension plan or investment plan and are eligible to use the election opportunity specified in s. 121.4501(4)(f). Employees initially enrolled on or after July 1, 2014, are not eligible to use the election opportunity specified in s. 121.4501(4)(f).

(b) Employees eligible to withdraw from the system under s. 121.052(3)(d) or s. 121.055(1)(b)2. may choose to withdraw from the system or to participate in the investment plan as provided in these sections. Employees eligible for optional retirement programs under paragraph (2)(c) or s. 121.35 may choose to participate in the optional retirement program or the investment plan as provided in this paragraph or this section. Eligible employees required to participate pursuant to (1)(a) in the optional retirement program as provided under s. 121.35 must participate in the investment plan when employed in a position not eligible for the optional retirement program.

Section 3. Paragraph (c) of subsection (3) of section 121.052, Florida Statutes, is amended to read:

121.052 Membership class of elected officers.—

(3) PARTICIPATION AND WITHDRAWAL, GENERALLY.—Effective July 1, 1990, participation in the Elected Officers' Class shall be compulsory for elected officers listed in paragraphs (2)(a)-(d) and (f) assuming office on or after said date, unless the elected officer elects membership in another class or withdraws from the Florida Retirement System as provided in paragraphs (3)(a)-(d):

(c) *Before July 1, 2014,* any elected officer may, within 6 months after assuming office, or within 6 months after this act becomes a law for serving elected officers, elect membership in the Senior Management Service Class as provided in s. 121.055 in lieu of membership in the Elected Officers' Class. Any such election made by a county elected officer shall have no effect upon the statutory limit on the number of nonelective full-time positions that may be designated by a local agency employer for inclusion in the Senior Management Service Class under s. 121.055(1)(b)1.

Section 4. Paragraph (f) of subsection (1) and paragraph (c) of subsection (6) of section 121.055, Florida Statutes, are amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

(1)

(f) Effective July 1, 1997*, through June 30, 2014*:

1. Except as provided in *subparagraphs* ~~subparagraph~~ 3. *and 4.*, an elected state officer eligible for membership in the Elected Officers' Class under s. 121.052(2)(a), (b), or (c) who elects membership in the Senior Management Service Class under s. 121.052(3)(c) may, within 6 months after assuming office or within 6 months after this act becomes a law for serving elected state officers, elect to participate in the Senior Management Service Optional Annuity Program, as provided in subsection (6), in lieu of membership in the Senior Management Service Class.

2. Except as provided in *subparagraphs* ~~subparagraph~~ 3. *and 4.*, an elected officer of a local agency employer eligible for membership in the Elected Officers' Class under s. 121.052(2)(d) who elects membership in the Senior Management Service Class under s. 121.052(3)(c) may, within 6 months after assuming office, or within 6 months after this act becomes a law for serving elected officers of a local agency employer, elect to withdraw from the Florida Retirement System, as provided in subparagraph (b)2., in lieu of membership in the Senior Management Service Class.

3. A retiree of a state-administered retirement system who is initially reemployed in a regularly established position on or after July 1, 2010, as an elected official eligible for the Elected Officers' Class may not be enrolled in renewed membership in the Senior Management Service Class or in the Senior Management Service Optional Annuity Program as provided in subsection (6), and may not withdraw from the Florida Retirement System as a renewed member as provided in subparagraph (b)2., as applicable, in lieu of membership in the Senior Management Service Class.

4. On or after July 1, 2014, an elected officer eligible for membership in the Elected Officers' Class may not be enrolled in the Senior Management Service Class or in the Senior Management Service Optional Annuity Program as provided in subsection (6).

(6)

(c) *Participation.—*

1. An eligible employee who is employed on or before February 1, 1987, may elect to participate in the optional annuity program in lieu of participating in the Senior Management Service Class. Such election must be made in writing and filed with the department and the personnel officer of the employer on or before May 1, 1987. An eligible employee who is employed on or before February 1, 1987, and who fails to make an election to participate in the optional annuity program by May 1, 1987, shall be deemed to have elected membership in the Senior Management Service Class.

2. Except as provided in subparagraph 6., an employee who becomes eligible to participate in the optional annuity program by reason of in-

itial employment commencing after February 1, 1987, may, within 90 days after the date of commencing employment, elect to participate in the optional annuity program. Such election must be made in writing and filed with the personnel officer of the employer. An eligible employee who does not within 90 days after commencing employment elect to participate in the optional annuity program shall be deemed to have elected membership in the Senior Management Service Class.

3. A person who is appointed to a position in the Senior Management Service Class and who is a member of an existing retirement system or the Special Risk or Special Risk Administrative Support Classes of the Florida Retirement System may elect to remain in such system or class in lieu of participating in the Senior Management Service Class or optional annuity program. Such election must be made in writing and filed with the department and the personnel officer of the employer within 90 days after such appointment. An eligible employee who fails to make an election to participate in the existing system, the Special Risk Class of the Florida Retirement System, the Special Risk Administrative Support Class of the Florida Retirement System, or the optional annuity program shall be deemed to have elected membership in the Senior Management Service Class.

4. Except as provided in subparagraph 5., an employee's election to participate in the optional annuity program is irrevocable if the employee continues to be employed in an eligible position and continues to meet the eligibility requirements set forth in this paragraph.

5. Effective from July 1, 2002, through September 30, 2002, an active employee in a regularly established position who has elected to participate in the Senior Management Service Optional Annuity Program has one opportunity to choose to move from the Senior Management Service Optional Annuity Program to the Florida Retirement System Pension Plan.

a. The election must be made in writing and must be filed with the department and the personnel officer of the employer before October 1, 2002, or, in the case of an active employee who is on a leave of absence on July 1, 2002, within 90 days after the conclusion of the leave of absence. This election is irrevocable.

b. The employee shall receive service credit under the pension plan equal to his or her years of service under the Senior Management Service Optional Annuity Program. The cost for such credit is the amount representing the present value of that employee's accumulated benefit obligation for the affected period of service.

c. The employee must transfer the total accumulated employer contributions and earnings on deposit in his or her Senior Management Service Optional Annuity Program account. If the transferred amount is not sufficient to pay the amount due, the employee must pay a sum representing the remainder of the amount due. The employee may not retain any employer contributions or earnings from the Senior Management Service Optional Annuity Program account.

6. A retiree of a state-administered retirement system who is initially reemployed on or after July 1, 2010, may not renew membership in the Senior Management Service Optional Annuity Program.

7. Effective July 1, 2014, the Senior Management Service Optional Annuity Program is closed to new members. Members enrolled in the Senior Management Service Optional Annuity Program before July 1, 2014, may retain their membership in the annuity program.

Section 5. Paragraph (a) of subsection (4) of section 121.091, Florida Statutes, is amended to read:

121.091 Benefits payable under the system.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the department. The department may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the department's rules. The department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(4) DISABILITY RETIREMENT BENEFIT.—

(a) *Disability retirement; entitlement and effective date.*—

1.a. A member who becomes totally and permanently disabled, as defined in paragraph (b), after completing 5 years of creditable service, or a member who becomes totally and permanently disabled in the line of duty regardless of service, is entitled to a monthly disability benefit; except that any member with less than 5 years of creditable service on July 1, 1980, or any person who becomes a member of the Florida Retirement System on or after such date must have completed 10 years of creditable service before becoming totally and permanently disabled in order to receive disability retirement benefits for any disability which occurs other than in the line of duty. However, if a member employed on July 1, 1980, who has less than 5 years of creditable service as of that date becomes totally and permanently disabled after completing 5 years of creditable service and is found not to have attained fully insured status for benefits under the federal Social Security Act, such member is entitled to a monthly disability benefit.

b. Effective July 1, 2001, a member of the pension plan *initially enrolled before July 1, 2014,* who becomes totally and permanently disabled, as defined in paragraph (b), after completing 8 years of creditable service, or a member who becomes totally and permanently disabled in the line of duty regardless of service, is entitled to a monthly disability benefit.

c. Effective July 1, 2014, a member of the pension plan initially enrolled on or after July 1, 2014, who becomes totally and permanently disabled, as defined in paragraph (b), after completing 10 years of creditable service, or a member who becomes totally and permanently disabled in the line of duty regardless of service, is entitled to a monthly disability benefit.

2. If the division has received from the employer the required documentation of the member's termination of employment, the effective retirement date for a member who applies and is approved for disability retirement shall be established by rule of the division.

3. For a member who is receiving Workers' Compensation payments, the effective disability retirement date may not precede the date the member reaches Maximum Medical Improvement (MMI), unless the member terminates employment before reaching MMI.

Section 6. Subsection (1), paragraph (i) of subsection (2), paragraph (b) of subsection (3), subsection (4), paragraph (c) of subsection (5), subsection (8), and paragraphs (a), (b), (c), and (h) of subsection (10) of section 121.4501, Florida Statutes, are amended to read:

121.4501 Florida Retirement System Investment Plan.—

(1) The Trustees of the State Board of Administration shall establish a defined contribution program called the "Florida Retirement System Investment Plan" or "investment plan" for members of the Florida Retirement System under which retirement benefits will be provided for eligible employees who elect to participate in the program *and for employees initially enrolled on or after July 1, 2014, in positions covered by the Elected Officers' Class or the Senior Management Service Class and are compulsory members of the investment plan unless otherwise eligible to withdraw from the system under s. 121.052(3)(d) or s. 121.055(1)(b)2., or to participate in an optional retirement program under s. 121.051(1)(a), s. 121.051(2)(c), or s. 121.35. Investment plan membership continues if there is subsequent employment in a position covered by another membership class*. The retirement benefits shall be provided through member-directed investments, in accordance with s. 401(a) of the Internal Revenue Code and related regulations. The employer and employee shall make contributions, as provided in this section and ss. 121.571 and 121.71, to the Florida Retirement System Investment Plan Trust Fund toward the funding of benefits.

(2) DEFINITIONS.—As used in this part, the term:

(i) "Member" or "employee" means an eligible employee who enrolls in *or is defaulted into* the investment plan as provided in subsection (4), a terminated Deferred Retirement Option Program member as described in subsection (21), or a beneficiary or alternate payee of a member or employee.

(3) RETIREMENT SERVICE CREDIT; TRANSFER OF BENEFITS.—

(b) Notwithstanding paragraph (a), an eligible employee who elects to participate in *or is defaulted into* the investment plan and establishes one or more individual member accounts may elect to transfer to the investment plan a sum representing the present value of the employee's accumulated benefit obligation under the pension plan*, except as provided in paragraph (4)(b)*. Upon transfer, all service credit earned under the pension plan is nullified for purposes of entitlement to a future benefit under the pension plan. A member may not transfer the accumulated benefit obligation balance from the pension plan after the time period for enrolling in the investment plan has expired.

1. For purposes of this subsection, the present value of the member's accumulated benefit obligation is based upon the member's estimated creditable service and estimated average final compensation under the pension plan, subject to recomputation under subparagraph 2. For state employees, initial estimates shall be based upon creditable service and average final compensation as of midnight on June 30, 2002; for district school board employees, initial estimates shall be based upon creditable service and average final compensation as of midnight on September 30, 2002; and for local government employees, initial estimates shall be based upon creditable service and average final compensation as of midnight on December 31, 2002. The dates specified are the "estimate date" for these employees. The actuarial present value of the employee's accumulated benefit obligation shall be based on the following:

a. The discount rate and other relevant actuarial assumptions used to value the Florida Retirement System Trust Fund at the time the amount to be transferred is determined, consistent with the factors provided in sub-subparagraphs b. and c.

b. A benefit commencement age, based on the member's estimated creditable service as of the estimate date.

c. Except as provided under sub-subparagraph d., for a member initially enrolled:

(I) Before July 1, 2011, the benefit commencement age is the younger of the following, but may not be younger than the member's age as of the estimate date:

(A) Age 62; or

(B) The age the member would attain if the member completed 30 years of service with an employer, assuming the member worked continuously from the estimate date, and disregarding any vesting requirement that would otherwise apply under the pension plan.

(II) On or after July 1, 2011, the benefit commencement age is the younger of the following, but may not be younger than the member's age as of the estimate date:

(A) Age 65; or

(B) The age the member would attain if the member completed 33 years of service with an employer, assuming the member worked continuously from the estimate date, and disregarding any vesting requirement that would otherwise apply under the pension plan.

d. For members of the Special Risk Class and for members of the Special Risk Administrative Support Class entitled to retain the special risk normal retirement date:

(I) Initially enrolled before July 1, 2011, the benefit commencement age is the younger of the following, but may not be younger than the member's age as of the estimate date:

(A) Age 55; or

(B) The age the member would attain if the member completed 25 years of service with an employer, assuming the member worked continuously from the estimate date, and disregarding any vesting requirement that would otherwise apply under the pension plan.

(II) Initially enrolled on or after July 1, 2011, the benefit commencement age is the younger of the following, but may not be younger than the member's age as of the estimate date:

(A) Age 60; or

(B) The age the member would attain if the member completed 30 years of service with an employer, assuming the member worked continuously from the estimate date, and disregarding any vesting requirement that would otherwise apply under the pension plan.

e. The calculation must disregard vesting requirements and early retirement reduction factors that would otherwise apply under the pension plan.

2. For each member who elects to transfer moneys from the pension plan to his or her account in the investment plan, the division shall recompute the amount transferred under subparagraph 1. within 60 days after the actual transfer of funds based upon the member's actual creditable service and actual final average compensation as of the initial date of participation in the investment plan. If the recomputed amount differs from the amount transferred by $10 or more, the division shall:

a. Transfer, or cause to be transferred, from the Florida Retirement System Trust Fund to the member's account the excess, if any, of the recomputed amount over the previously transferred amount together with interest from the initial date of transfer to the date of transfer under this subparagraph, based upon the effective annual interest equal to the assumed return on the actuarial investment which was used in the most recent actuarial valuation of the system, compounded annually.

b. Transfer, or cause to be transferred, from the member's account to the Florida Retirement System Trust Fund the excess, if any, of the previously transferred amount over the recomputed amount, together with interest from the initial date of transfer to the date of transfer under this subparagraph, based upon 6 percent effective annual interest, compounded annually, pro rata based on the member's allocation plan.

3. If contribution adjustments are made as a result of employer errors or corrections, including plan corrections, following recomputation of the amount transferred under subparagraph 1., the member is entitled to the additional contributions or is responsible for returning any excess contributions resulting from the correction. However, any return of such erroneous excess pretax contribution by the plan must be made within the period allowed by the Internal Revenue Service. The present value of the member's accumulated benefit obligation shall not be recalculated.

4. As directed by the member, the state board shall transfer or cause to be transferred the appropriate amounts to the designated accounts within 30 days after the effective date of the member's participation in the investment plan unless the major financial markets for securities available for a transfer are seriously disrupted by an unforeseen event that causes the suspension of trading on any national securities exchange in the country where the securities were issued. In that event, the 30-day period may be extended by a resolution of the state board. Transfers are not commissionable or subject to other fees and may be in the form of securities or cash, as determined by the state board. Such securities are valued as of the date of receipt in the member's account.

5. If the state board or the division receives notification from the United States Internal Revenue Service that this paragraph or any portion of this paragraph will cause the retirement system, or a portion thereof, to be disqualified for tax purposes under the Internal Revenue Code, the portion that will cause the disqualification does not apply. Upon such notice, the state board and the division shall notify the presiding officers of the Legislature.

(4) PARTICIPATION; ENROLLMENT.—

(a)1. *Effective June 1, 2002, through February 28, 2003, a 90-day election period was provided to each eligible employee participating in the Florida Retirement System, preceded by a 90-day education period, permitting each eligible employee to elect membership in the investment plan, and an employee who failed to elect the investment plan during the election period remained in the pension plan. An eligible employee who was employed in a regularly established position during the election period was granted the option to make one subsequent election, as provided in paragraph (f).* With respect to an eligible *employee who did not participate in the initial election period or who are initially* ~~employee who is~~ employed in a regularly established position *after the close of the in-*

itial election period but before July 1, 2014, ~~on June 1, 2002, by a state employer:~~

~~a. Any such employee may elect to participate in the investment plan in lieu of retaining his or her membership in the pension plan. The election must be made in writing or by electronic means and must be filed with the third-party administrator by August 31, 2002, or, in the case of an active employee who is on a leave of absence on April 1, 2002, by the last business day of the 5th month following the month the leave of absence concludes. This election is irrevocable, except as provided in paragraph (g). Upon making such election, the employee shall be enrolled as a member of the investment plan, the employee's membership in the Florida Retirement System is governed by the provisions of this part, and the employee's membership in the pension plan terminates. The employee's enrollment in the investment plan is effective the first day of the month for which a full month's employer contribution is made to the investment plan.~~

~~b. Any such employee who fails to elect to participate in the investment plan within the prescribed time period is deemed to have elected to retain membership in the pension plan, and the employee's option to elect to participate in the investment plan is forfeited.~~

~~2. With respect to employees who become eligible to participate in the investment plan by reason of employment in a regularly established position with a state employer commencing after April 1, 2002:~~

~~a. Any~~ such employee shall, by default, be enrolled in the pension plan at the commencement of employment, and may, by the last business day of the 5th month following the employee's month of hire, elect to participate in the investment plan. The employee's election must be made in writing or by electronic means and must be filed with the third-party administrator. The election to participate in the investment plan is irrevocable, except as provided in paragraph *(f)*~~(g)~~.

a.~~b.~~ If the employee files such election within the prescribed time period, enrollment in the investment plan is effective on the first day of employment. The retirement contributions paid through the month of the employee plan change shall be transferred to the investment program, and, effective the first day of the next month, the employer and employee must pay the applicable contributions based on the employee membership class in the program.

b.~~c.~~ An employee who fails to elect to participate in the investment plan within the prescribed time period is deemed to have elected to retain membership in the pension plan, and the employee's option to elect to participate in the investment plan is forfeited.

2.~~3.~~ With respect to employees who become eligible to participate in the investment plan pursuant to s. 121.051(2)(c)3. or s. 121.35(3)(i), the employee may elect to participate in the investment plan in lieu of retaining his or her membership in the State Community College System Optional Retirement Program or the State University System Optional Retirement Program. The election must be made in writing or by electronic means and must be filed with the third-party administrator. This election is irrevocable, except as provided in paragraph *(f)* ~~(g)~~. Upon making such election, the employee shall be enrolled as a member in the investment plan, the employee's membership in the Florida Retirement System is governed by the provisions of this part, and the employee's participation in the State Community College System Optional Retirement Program or the State University System Optional Retirement Program terminates. The employee's enrollment in the investment plan is effective on the first day of the month for which a full month's employer and employee contribution is made to the investment plan.

(b) With respect to employees who become eligible to participate in the investment plan, except as provided in paragraph (g), by reason of employment in a regularly established position commencing on or after July 1, 2014, any such employee shall be enrolled in the pension plan at the commencement of employment and may, by the last business day of the 7th month following the employee's month of hire, elect to participate in the pension plan or the investment plan. Eligible employees may make a plan election only if they are earning service credit in an employer-employee relationship consistent with s. 121.021(17)(b), excluding leaves of absence without pay.

1. The employee's election must be made in writing or by electronic means and must be filed with the third-party administrator. The election to participate in the pension plan or investment plan is irrevocable, except as provided in paragraph (f).

2. If the employee fails to make an election of the pension plan or investment plan within 7 months following the month of hire, the employee is deemed to have elected the investment plan and will be defaulted into the investment plan retroactively to the employee's date of employment. The employee's option to participate in the pension plan is forfeited, except as provided in paragraph (f).

3. The amount of the employee and employer contributions paid before the default to the investment plan shall be transferred to the investment plan and shall be placed in a default fund as designated by the State Board of Administration. The employee may move the contributions once an account is activated in the investment plan.

4. Effective the first day of the month after an eligible employee makes a plan election of the pension plan or investment plan, or after the month of default to the investment plan, the employee and employer shall pay the applicable contributions based on the employee membership class in the pension plan or investment plan.

~~4. For purposes of this paragraph, "state employer" means any agency, board, branch, commission, community college, department, institution, institution of higher education, or water management district of the state, which participates in the Florida Retirement System for the benefit of certain employees.~~

~~(b)1. With respect to an eligible employee who is employed in a regularly established position on September 1, 2002, by a district school board employer:~~

~~a. Any such employee may elect to participate in the investment plan in lieu of retaining his or her membership in the pension plan. The election must be made in writing or by electronic means and must be filed with the third-party administrator by November 30, or, in the case of an active employee who is on a leave of absence on July 1, 2002, by the last business day of the 5th month following the month the leave of absence concludes. This election is irrevocable, except as provided in paragraph (g). Upon making such election, the employee shall be enrolled as a member of the investment plan, the employee's membership in the Florida Retirement System is governed by the provisions of this part, and the employee's membership in the pension plan terminates. The employee's enrollment in the investment plan is effective the first day of the month for which a full month's employer contribution is made to the investment program.~~

~~b. Any such employee who fails to elect to participate in the investment plan within the prescribed time period is deemed to have elected to retain membership in the pension plan, and the employee's option to elect to participate in the investment plan is forfeited.~~

~~2. With respect to employees who become eligible to participate in the investment plan by reason of employment in a regularly established position with a district school board employer commencing after July 1, 2002:~~

~~a. Any such employee shall, by default, be enrolled in the pension plan at the commencement of employment, and may, by the last business day of the 5th month following the employee's month of hire, elect to participate in the investment plan. The employee's election must be made in writing or by electronic means and must be filed with the third-party administrator. The election to participate in the investment plan is irrevocable, except as provided in paragraph (g).~~

~~b. If the employee files such election within the prescribed time period, enrollment in the investment plan is effective on the first day of employment. The employer retirement contributions paid through the month of the employee plan change shall be transferred to the investment plan, and, effective the first day of the next month, the employer shall pay the applicable contributions based on the employee membership class in the investment plan.~~

~~c. Any such employee who fails to elect to participate in the investment plan within the prescribed time period is deemed to have elected to retain membership in the pension plan, and the employee's option to elect to participate in the investment plan is forfeited.~~

~~3. For purposes of this paragraph, "district school board employer" means any district school board that participates in the Florida Retirement System for the benefit of certain employees, or a charter school or charter technical career center that participates in the Florida Retirement System as provided in s. 121.051(2)(d).~~

~~(c)1. With respect to an eligible employee who is employed in a regularly established position on December 1, 2002, by a local employer:~~

~~a. Any such employee may elect to participate in the investment plan in lieu of retaining his or her membership in the pension plan. The election must be made in writing or by electronic means and must be filed with the third-party administrator by February 28, 2003, or, in the case of an active employee who is on a leave of absence on October 1, 2002, by the last business day of the 5th month following the month the leave of absence concludes. This election is irrevocable, except as provided in paragraph (g). Upon making such election, the employee shall be enrolled as a participant of the investment plan, the employee's membership in the Florida Retirement System is governed by the provisions of this part, and the employee's membership in the pension plan terminates. The employee's enrollment in the investment plan is effective the first day of the month for which a full month's employer contribution is made to the investment plan.~~

~~b. Any such employee who fails to elect to participate in the investment plan within the prescribed time period is deemed to have elected to retain membership in the pension plan, and the employee's option to elect to participate in the investment plan is forfeited.~~

~~2. With respect to employees who become eligible to participate in the investment plan by reason of employment in a regularly established position with a local employer commencing after October 1, 2002:~~

~~a. Any such employee shall, by default, be enrolled in the pension plan at the commencement of employment, and may, by the last business day of the 5th month following the employee's month of hire, elect to participate in the investment plan. The employee's election must be made in writing or by electronic means and must be filed with the third-party administrator. The election to participate in the investment plan is irrevocable, except as provided in paragraph (g).~~

~~b. If the employee files such election within the prescribed time period, enrollment in the investment plan is effective on the first day of employment. The employer retirement contributions paid through the month of the employee plan change shall be transferred to the investment plan, and, effective the first day of the next month, the employer shall pay the applicable contributions based on the employee membership class in the investment plan.~~

~~c. Any such employee who fails to elect to participate in the investment plan within the prescribed time period is deemed to have elected to retain membership in the pension plan, and the employee's option to elect to participate in the investment plan is forfeited.~~

~~3. For purposes of this paragraph, "local employer" means any employer not included in paragraph (a) or paragraph (b).~~

(c)~~(d)~~ Contributions available for self-direction by a member who has not selected one or more specific investment products shall be allocated as prescribed by the state board. The third-party administrator shall notify the member at least quarterly that the member should take an affirmative action to make an asset allocation among the investment products.

(d)~~(e)~~ On or after July 1, 2011, a member of the pension plan who obtains a refund of employee contributions retains his or her prior plan choice upon return to employment in a regularly established position with a participating employer.

(e)~~(f)~~ A member of the investment plan who takes a distribution of any contributions from his or her investment plan account is considered a retiree. A retiree who is initially reemployed in a regularly established position on or after July 1, 2010, is not eligible to be enrolled in renewed membership.

(f)~~(g)~~ After the period during which an eligible employee had the choice to elect the pension plan or the investment plan, or the month following the receipt of the eligible employee's plan election, if sooner, the employee shall have one opportunity, at the employee's discretion, to choose to move from the pension plan to the investment plan or from the investment plan to the pension plan. Eligible employees may elect to move between plans only if they are earning service credit in an employer-employee relationship consistent with s. 121.021(17)(b), excluding leaves of absence without pay. Effective July 1, 2005, such elections are effective on the first day of the month following the receipt of the election by the third-party administrator and are not subject to the requirements regarding an employer-employee relationship or receipt of contributions for the eligible employee in the effective month, except when the election is received by the third-party administrator. This paragraph is contingent upon approval by the Internal Revenue Service. *This paragraph does not apply to compulsory investment plan members under paragraph (g).*

1. If the employee chooses to move to the investment plan, the provisions of subsection (3) govern the transfer.

2. If the employee chooses to move to the pension plan, the employee must transfer from his or her investment plan account, and from other employee moneys as necessary, a sum representing the present value of that employee's accumulated benefit obligation immediately following the time of such movement, determined assuming that attained service equals the sum of service in the pension plan and service in the investment plan. Benefit commencement occurs on the first date the employee is eligible for unreduced benefits, using the discount rate and other relevant actuarial assumptions that were used to value the pension plan liabilities in the most recent actuarial valuation. For any employee who, at the time of the second election, already maintains an accrued benefit amount in the pension plan, the then-present value of the accrued benefit is deemed part of the required transfer amount. The division must ensure that the transfer sum is prepared using a formula and methodology certified by an enrolled actuary. A refund of any employee contributions or additional member payments made which exceed the employee contributions that would have accrued had the member remained in the pension plan and not transferred to the investment plan is not permitted.

3. Notwithstanding subparagraph 2., an employee who chooses to move to the pension plan and who became eligible to participate in the investment plan by reason of employment in a regularly established position with a state employer after June 1, 2002; a district school board employer after September 1, 2002; or a local employer after December 1, 2002, must transfer from his or her investment plan account, and from other employee moneys as necessary, a sum representing the employee's actuarial accrued liability. A refund of any employee contributions or additional *member* ~~participant~~ payments made which exceed the employee contributions that would have accrued had the member remained in the pension plan and not transferred to the investment plan is not permitted.

4. An employee's ability to transfer from the pension plan to the investment plan pursuant to *paragraphs (a) and (b)* ~~paragraphs (a)-(d)~~, and the ability of a current employee to have an option to later transfer back into the pension plan under subparagraph 2., shall be deemed a significant system amendment. Pursuant to s. 121.031(4), any resulting unfunded liability arising from actual original transfers from the pension plan to the investment plan must be amortized within 30 plan years as a separate unfunded actuarial base independent of the reserve stabilization mechanism defined in s. 121.031(3)(f). For the first 25 years, a direct amortization payment may not be calculated for this base. During this 25-year period, the separate base shall be used to offset the impact of employees exercising their second program election under this paragraph. The actuarial funded status of the pension plan will not be affected by such second program elections in any significant manner, after due recognition of the separate unfunded actuarial base. Following the initial 25-year period, any remaining balance of the original separate base shall be amortized over the remaining 5 years of the required 30-year amortization period.

5. If the employee chooses to transfer from the investment plan to the pension plan and retains an excess account balance in the investment plan after satisfying the buy-in requirements under this paragraph, the excess may not be distributed until the member retires from the pension plan. The excess account balance may be rolled over to the pension plan and used to purchase service credit or upgrade creditable service in the pension plan.

(g) All employees initially enrolled on or after July 1, 2014, in positions covered by the Elected Officers' Class or the Senior Management Service Class are compulsory members of the investment plan, except those eligible to withdraw from the system under s. 121.052(3)(d) or s. 121.055(1)(b)2., or those eligible for optional retirement programs under s. 121.051(1)(a), s. 121.051(2)(c), or s. 121.35. Employees eligible to withdraw from the system under s. 121.052(3)(d) or s. 121.055(1)(b)2., may choose to withdraw from the system or to participate in the investment plan as provided in those sections. Employees eligible for optional retirement programs under s. 121.051(2)(c) or s. 121.35, except as provided in s. 121.051(1)(a), may choose to participate in the optional retirement program or the investment plan as provided in those sections. Investment plan membership continues if there is subsequent employment in a position covered by another membership class. Membership in the pension plan is not permitted except as provided in s. 121.591(2). Employees initially enrolled in the Florida Retirement System prior to July 1, 2014, may retain their membership in the pension plan or investment plan and are eligible to use the election opportunity specified in s. 121.4501(4)(f).

1. Officers and employees initially enrolled on or after July 1, 2014, who are in positions within the Elected Officers' Class or the Senior Management Service Class are not permitted to use the election opportunity specified in paragraph (f).

2. The amount of retirement contributions paid by the employee and employer, as required under s. 121.72, shall be placed in a default fund as designated by the state board, until an account is activated in the investment plan, at which time the member may move the contributions from the default fund to other funds provided in the investment plan.

(5) CONTRIBUTIONS.—

(c) The state board, acting as plan fiduciary, must ensure that all plan assets are held in a trust, pursuant to s. 401 of the Internal Revenue Code. The fiduciary must ensure that such contributions are allocated as follows:

1. The employer and employee contribution portion earmarked for member accounts shall be used to purchase interests in the appropriate investment vehicles as specified by the member, or in accordance with paragraph *(4)(c)* ~~(4)(d)~~.

2. The employer contribution portion earmarked for administrative and educational expenses shall be transferred to the Florida Retirement System Investment Plan Trust Fund.

3. The employer contribution portion earmarked for disability benefits shall be transferred to the Florida Retirement System Trust Fund.

(8) INVESTMENT PLAN ADMINISTRATION.—The investment plan shall be administered by the state board and affected employers. The state board may require oaths, by affidavit or otherwise, and acknowledgments from persons in connection with the administration of its statutory duties and responsibilities for the investment plan. An oath, by affidavit or otherwise, may not be required of a member at the time of enrollment. Acknowledgment of an employee's election to participate in the program shall be no greater than necessary to confirm the employee's election *except for members initially enrolled on or after July 1, 2014, as provided in paragraph (4)(g)*. The state board shall adopt rules to carry out its statutory duties with respect to administering the investment plan, including establishing the roles and responsibilities of affected state, local government, and education-related employers, the state board, the department, and third-party contractors. The department shall adopt rules necessary to administer the investment plan in coordination with the pension plan and the disability benefits available under the investment plan.

(a)1. The state board shall select and contract with a third-party administrator to provide administrative services if those services cannot be competitively and contractually provided by the division. With the approval of the state board, the third-party administrator may subcontract to provide components of the administrative services. As a cost of administration, the state board may compensate any such contractor for its services, in accordance with the terms of the contract, as is deemed necessary or proper by the board. The third-party administrator may not be an approved provider or be affiliated with an approved provider.

2. These administrative services may include, but are not limited to, enrollment of eligible employees, collection of employer and employee contributions, disbursement of contributions to approved providers in accordance with the allocation directions of members; services relating to consolidated billing; individual and collective recordkeeping and accounting; asset purchase, control, and safekeeping; and direct disbursement of funds to and from the third-party administrator, the division, the state board, employers, members, approved providers, and beneficiaries. This section does not prevent or prohibit a bundled provider from providing any administrative or customer service, including accounting and administration of individual member benefits and contributions; individual member recordkeeping; asset purchase, control, and safekeeping; direct execution of the member's instructions as to asset and contribution allocation; calculation of daily net asset values; direct access to member account information; or periodic reporting to members, at least quarterly, on account balances and transactions, if these services are authorized by the state board as part of the contract.

(b)1. The state board shall select and contract with one or more organizations to provide educational services. With approval of the state board, the organizations may subcontract to provide components of the educational services. As a cost of administration, the state board may compensate any such contractor for its services in accordance with the terms of the contract, as is deemed necessary or proper by the board. The education organization may not be an approved provider or be affiliated with an approved provider.

2. Educational services shall be designed by the state board and department to assist employers, eligible employees, members, and beneficiaries in order to maintain compliance with United States Department of Labor regulations under s. 404(c) of the Employee Retirement Income Security Act of 1974 and to assist employees in their choice of pension plan or investment plan retirement alternatives. Educational services include, but are not limited to, disseminating educational materials; providing retirement planning education; explaining the pension plan and the investment plan; and offering financial planning guidance on matters such as investment diversification, investment risks, investment costs, and asset allocation. An approved provider may also provide educational information, including retirement planning and investment allocation information concerning its products and services.

(c)1. In evaluating and selecting a third-party administrator, the state board shall establish criteria for evaluating the relative capabilities and qualifications of each proposed administrator. In developing such criteria, the state board shall consider:

a. The administrator's demonstrated experience in providing administrative services to public or private sector retirement systems.

b. The administrator's demonstrated experience in providing daily valued recordkeeping to defined contribution programs.

c. The administrator's ability and willingness to coordinate its activities with employers, the state board, and the division, and to supply to such employers, the board, and the division the information and data they require, including, but not limited to, monthly management reports, quarterly member reports, and ad hoc reports requested by the department or state board.

d. The cost-effectiveness and levels of the administrative services provided.

e. The administrator's ability to interact with the members, the employers, the state board, the division, and the providers; the means by which members may access account information, direct investment of contributions, make changes to their accounts, transfer moneys between available investment vehicles, and transfer moneys between investment products; and any fees that apply to such activities.

f. Any other factor deemed necessary by the state board.

2. In evaluating and selecting an educational provider, the state board shall establish criteria under which it shall consider the relative capabilities and qualifications of each proposed educational provider. In developing such criteria, the state board shall consider:

a. Demonstrated experience in providing educational services to public or private sector retirement systems.

b. Ability and willingness to coordinate its activities with the employers, the state board, and the division, and to supply to such employers, the board, and the division the information and data they require, including, but not limited to, reports on educational contacts.

c. The cost-effectiveness and levels of the educational services provided.

d. Ability to provide educational services via different media, including, but not limited to, the Internet, personal contact, seminars, brochures, and newsletters.

e. Any other factor deemed necessary by the state board.

3. The establishment of the criteria shall be solely within the discretion of the state board.

(d) The state board shall develop the form and content of any contracts to be offered under the investment plan. In developing the contracts, the board shall consider:

1. The nature and extent of the rights and benefits to be afforded in relation to the contributions required under the plan.

2. The suitability of the rights and benefits provided and the interests of employers in the recruitment and retention of eligible employees.

(e)1. The state board may contract for professional services, including legal, consulting, accounting, and actuarial services, deemed necessary to implement and administer the investment plan. The state board may enter into a contract with one or more vendors to provide low-cost investment advice to members, supplemental to education provided by the third-party administrator. All fees under any such contract shall be paid by those members who choose to use the services of the vendor.

2. The department may contract for professional services, including legal, consulting, accounting, and actuarial services, deemed necessary to implement and administer the investment plan in coordination with the pension plan. The department, in coordination with the state board, may enter into a contract with the third-party administrator in order to coordinate services common to the various programs within the Florida Retirement System.

(f) The third-party administrator may not receive direct or indirect compensation from an approved provider, except as specifically provided for in the contract with the state board.

(g) The state board shall receive and resolve member complaints against the program, the third-party administrator, or any program vendor or provider; shall resolve any conflict between the third-party administrator and an approved provider if such conflict threatens the implementation or administration of the program or the quality of services to employees; and may resolve any other conflicts. The third-party administrator shall retain all member records for at least 5 years for use in resolving any member conflicts. The state board, the third-party administrator, or a provider is not required to produce documentation or an audio recording to justify action taken with regard to a member if the action occurred 5 or more years before the complaint is submitted to the state board. It is presumed that all action taken 5 or more years before the complaint is submitted was taken at the request of the member and with the member's full knowledge and consent. To overcome this presumption, the member must present documentary evidence or an audio recording demonstrating otherwise.

(10) EDUCATION COMPONENT.—

(a) The state board, in coordination with the department, shall provide for an education component for *eligible employees* ~~system members~~ in a manner consistent with the provisions of this *subsection* ~~section~~. ~~The education component must be available to eligible employees at least 90 days prior to the beginning date of the election period for the employees of the respective types of employers.~~

(b) The education component must provide system members with impartial and balanced information about plan choices *except for members initially enrolled on or after July 1, 2014, as provided in paragraph (4)(g)*. The education component must involve multimedia formats. Program comparisons must, to the greatest extent possible, be based upon the retirement income that different retirement programs may provide to the member. The state board shall monitor the performance of the contract to ensure that the program is conducted in accordance with the contract, applicable law, and the rules of the state board.

(c) The state board, in coordination with the department, shall provide for an initial and ongoing transfer education component to provide system members *except for those members initially enrolled on or after July 1, 2014, as provided in paragraph (4)(g),* with information necessary to make informed plan choice decisions. The transfer education component must include, but is not limited to, information on:

1. The amount of money available to a member to transfer to the defined contribution program.

2. The features of and differences between the pension plan and the defined contribution program, both generally and specifically, as those differences may affect the member.

3. The expected benefit available if the member were to retire under each of the retirement programs, based on appropriate alternative sets of assumptions.

4. The rate of return from investments in the defined contribution program and the period of time over which such rate of return must be achieved to equal or exceed the expected monthly benefit payable to the member under the pension plan.

5. The historical rates of return for the investment alternatives available in the defined contribution programs.

6. The benefits and historical rates of return on investments available in a typical deferred compensation plan or a typical plan under s. 403(b) of the Internal Revenue Code for which the employee may be eligible.

7. The program choices available to employees of the State University System and the comparative benefits of each available program, if applicable.

8. Payout options available in each of the retirement programs.

~~(h) Pursuant to subsection (8), all Florida Retirement System employers have an obligation to regularly communicate the existence of the two Florida Retirement System plans and the plan choice in the natural course of administering their personnel functions, using the educational materials supplied by the state board and the Department of Management Services.~~

Section 7. Paragraph (b) of subsection (2) of section 121.591, Florida Statutes, is amended to read:

121.591 Payment of benefits.—Benefits may not be paid under the Florida Retirement System Investment Plan unless the member has terminated employment as provided in s. 121.021(39)(a) or is deceased and a proper application has been filed as prescribed by the state board or the department. Benefits, including employee contributions, are not payable under the investment plan for employee hardships, unforeseeable emergencies, loans, medical expenses, educational expenses, purchase of a principal residence, payments necessary to prevent eviction or foreclosure on an employee's principal residence, or any other reason except a requested distribution for retirement, a mandatory de minimis distribution authorized by the administrator, or a required minimum distribution provided pursuant to the Internal Revenue Code. The state board or department, as appropriate, may cancel an application for retirement benefits if the member or beneficiary fails to timely provide the information and documents required by this chapter and the rules of the state board and department. In accordance with their respective responsibilities, the state board and the department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application if the required information or documents are not received. The state board and the department, as appropriate, are authorized to cash out a de minimis account of a member who has been terminated from Florida Retirement System covered employment for a minimum of 6 calendar months. A de minimis account is an account containing employer and employee contributions and accumulated earnings of not more than $5,000 made under the provisions of this chapter. Such cash-out must be a complete lump-sum liquidation of the account balance, subject to the provisions of the Internal Revenue Code, or a lump-sum direct rollover distribution paid directly to the custodian

of an eligible retirement plan, as defined by the Internal Revenue Code, on behalf of the member. Any nonvested accumulations and associated service credit, including amounts transferred to the suspense account of the Florida Retirement System Investment Plan Trust Fund authorized under s. 121.4501(6), shall be forfeited upon payment of any vested benefit to a member or beneficiary, except for de minimis distributions or minimum required distributions as provided under this section. If any financial instrument issued for the payment of retirement benefits under this section is not presented for payment within 180 days after the last day of the month in which it was originally issued, the third-party administrator or other duly authorized agent of the state board shall cancel the instrument and credit the amount of the instrument to the suspense account of the Florida Retirement System Investment Plan Trust Fund authorized under s. 121.4501(6). Any amounts transferred to the suspense account are payable upon a proper application, not to include earnings thereon, as provided in this section, within 10 years after the last day of the month in which the instrument was originally issued, after which time such amounts and any earnings attributable to employer contributions shall be forfeited. Any forfeited amounts are assets of the trust fund and are not subject to chapter 717.

(2) DISABILITY RETIREMENT BENEFITS.—Benefits provided under this subsection are payable in lieu of the benefits that would otherwise be payable under the provisions of subsection (1). Such benefits must be funded from employer contributions made under s. 121.571, transferred employee contributions and funds accumulated pursuant to paragraph (a), and interest and earnings thereon.

(b) *Disability retirement; entitlement.—*

1.*a.* A member of the investment plan *initially enrolled before July 1, 2014,* who becomes totally and permanently disabled, as defined in paragraph (d), after completing 8 years of creditable service, or a member who becomes totally and permanently disabled in the line of duty regardless of length of service, is entitled to a monthly disability benefit.

b. A member of the investment plan initially enrolled on or after July 1, 2014, who becomes totally and permanently disabled, as defined in paragraph (d), after completing 10 years of creditable service, or a member who becomes totally and permanently disabled in the line of duty regardless of service, is entitled to a monthly disability benefit.

2. In order for service to apply toward the ~~8~~ years of creditable service required for regular disability benefits, or toward the creditable service used in calculating a service-based benefit as provided under paragraph (g), the service must be creditable service as described below:

a. The member's period of service under the investment plan shall be considered creditable service, except as provided in subparagraph d.

b. If the member has elected to retain credit for service under the pension plan as provided under s. 121.4501(3), all such service shall be considered creditable service.

c. If the member elects to transfer to his or her member accounts a sum representing the present value of his or her retirement credit under the pension plan as provided under s. 121.4501(3), the period of service under the pension plan represented in the present value amounts transferred shall be considered creditable service, except as provided in subparagraph d.

d. If a member has terminated employment and has taken distribution of his or her funds as provided in subsection (1), all creditable service represented by such distributed funds is forfeited for purposes of this subsection.

Section 8. Section 238.072, Florida Statutes, is amended to read:

238.072 Special service provisions for extension personnel.—All state and county cooperative extension personnel holding appointments by the United States Department of Agriculture for extension work in agriculture and home economics in this state who are joint representatives of the University of Florida and the United States Department of Agriculture, as provided in s. *121.051(8)* ~~121.051(7)~~, who are members of the Teachers' Retirement System, chapter 238, and who are prohibited from transferring to and participating in the Florida Retirement System, chapter 121, may retire with full benefits upon completion of 30 years of creditable service and shall be considered to have attained normal retirement age under this chapter, any law to the contrary notwithstanding. In order to comply with the provisions of s. 14, Art. X of the State Constitution, any liability accruing to the Florida Retirement System Trust Fund as a result of the provisions of this section shall be paid on an annual basis from the General Revenue Fund.

Section 9. Subsection (11) of section 413.051, Florida Statutes, is amended to read:

413.051 Eligible blind persons; operation of vending stands.—

(11) Effective July 1, 1996, blind licensees who remain members of the Florida Retirement System pursuant to s. *121.051(7)(b)1.,* ~~121.051(6)(b)1.~~ shall pay any unappropriated retirement costs from their net profits or from program income. Within 30 days after the effective date of this act, each blind licensee who is eligible to maintain membership in the Florida Retirement System under s. *121.051(7)(b)1.* ~~121.051(6)(b)1.~~, but who elects to withdraw from the system as provided in s. *121.051(7)(b)3.* ~~121.051(6)(b)3.~~, must, on or before July 31, 1996, notify the Division of Blind Services and the Department of Management Services in writing of his or her election to withdraw. Failure to timely notify the divisions shall be deemed a decision to remain a compulsory member of the Florida Retirement System. However, if, at any time after July 1, 1996, sufficient funds are not paid by a blind licensee to cover the required contribution to the Florida Retirement System, that blind licensee shall become ineligible to participate in the Florida Retirement System on the last day of the first month for which no contribution is made or the amount contributed is insufficient to cover the required contribution. For any blind licensee who becomes ineligible to participate in the Florida Retirement System as described in this subsection, no creditable service shall be earned under the Florida Retirement System for any period following the month that retirement contributions ceased to be reported. However, any such person may participate in the Florida Retirement System in the future if employed by a participating employer in a covered position.

Section 10. *Effective July 1, 2013, the Pension Reform Study Committee is created for the purpose of reviewing, analyzing, and evaluating the sustainability of the Florida Retirement System and to recommend reforms to maintain and enhance the long-term viability and sustainability of the system.*

(1) The study committee shall be composed of six members:

(a) Three members of the Senate appointed by the President of the Senate.

(b) Three members of the House of Representatives appointed by the Speaker of the House of Representatives.

(2) Members of the study committee must be appointed by July 31, 2013. By August 31, 2013, the study committee shall meet to establish procedures for the conduct of its business and to elect a chair and vice chair. The study committee shall meet at the call of the chair. A majority of the members constitutes a quorum, and a quorum is necessary for the purpose of voting on any action or recommendation of the study committee. All meetings shall be held in Tallahassee, unless otherwise decided by the study committee; however, no more than two such meetings may be held in other locations for the purpose of taking public testimony.

(3) The President of the Senate and the Speaker of the House of Representatives shall designate legislative staff knowledgeable in public pensions and the Florida Retirement System to assist the study committee and provide all necessary data collection, analysis, research, and support services.

(4) Study committee members shall serve without compensation but are entitled to be reimbursed for per diem and travel expenses as provided under s. 112.061, Florida Statutes.

(5) In reviewing, analyzing, and evaluating the sustainability of the Florida Retirement System, and recommending reforms to maintain and enhance the long-term viability and sustainability of the system, the study committee shall, at a minimum, consider the funding structure of the system, system funding levels, benefits provided, and the benefits of reforming the system structure, which must include the benefits of provid-

ing a hybrid or cash-balance option in lieu of or in addition to the current plan choices.

(6) The study committee shall submit a final report of its recommendations to the President of the Senate and the Speaker of the House of Representatives by January 1, 2014.

Section 11. *The Legislature finds that a proper and legitimate state purpose is served when employees and retirees of the state and its political subdivisions, and the dependents, survivors, and beneficiaries of such employees and retirees, are extended the basic protections afforded by governmental retirement systems. These persons must be provided benefits that are fair and adequate and that are managed, administered, and funded in an actuarially sound manner, as required by s. 14, Article X of the State Constitution and part VII of chapter 112, Florida Statutes. Therefore, the Legislature determines and declares that this act fulfills an important state interest.*

Section 12. Except as otherwise expressly provided in this act and except for this section, which shall take effect July 1, 2013, this act shall take effect July 1, 2014.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to retirement; amending s. 121.021, F.S.; revising the definition of "vested" or "vesting"; providing that a member initially enrolled in the Florida Retirement System after a certain date is vested in the pension plan after 10 years of creditable service; amending s. 121.051, F.S.; providing for compulsory membership in the Florida Retirement System Investment Plan for employees in the Elected Officers' Class or the Senior Management Service Class initially enrolled after a specified date; amending s. 121.052, F.S.; prohibiting members of the Elected Officers' Class from joining the Senior Management Service Class after a specified date; amending s. 121.055, F.S.; prohibiting an elected official eligible for membership in the Elected Officers' Class from enrolling in the Senior Management Service Class or in the Senior Management Service Optional Annuity Program; closing the Senior Management Optional Annuity Program to new members after a specified date; amending s. 121.091, F.S.; providing that certain members are entitled to a monthly disability benefit; revising provisions to conform to changes made by the act; amending s. 121.4501, F.S.; requiring certain employees initially enrolled in the Florida Retirement System on or after a specified date to be compulsory members of the investment plan; revising the definition of "member" or "employee"; revising a provision relating to acknowledgement of an employee's election to participate in the investment plan; placing certain employees in the pension plan from their date of hire until they are automatically enrolled in the investment plan or timely elect enrollment in the pension plan; authorizing certain employees to elect to participate in the pension plan, rather than the default investment plan, within a specified time; providing for the transfer of certain contributions; revising the education component; deleting the obligation of system employers to communicate the existence of both retirement plans; conforming provisions and cross-references to changes made by the act; amending s. 121.591, F.S.; revising provisions relating to disability retirement benefits; amending ss. 238.072 and 413.051, F.S.; conforming cross-references; creating a Pension Reform Study Committee to evaluate and provide recommendations relating to the Florida Retirement System; providing for membership; requiring a report to the Legislature; providing for termination; providing that the act fulfills an important state interest; providing effective dates.

Senator Simpson moved the following amendment which failed:

Amendment 2 (268786) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (c) of subsection (2) of section 121.051, Florida Statutes, is amended, subsections (3) through (9) of that section are renumbered as subsections (4) through (10), respectively, and a new subsection (3) is added to that section, to read:

121.051 Participation in the system.—

(2) OPTIONAL PARTICIPATION.—

(c) Employees of public community colleges or charter technical career centers sponsored by public community colleges, designated in s. 1000.21(3), who are members of the Regular Class of the Florida Retirement System and who comply with the criteria set forth in this paragraph and s. 1012.875 may, in lieu of participating in the Florida Retirement System, elect to withdraw from the system altogether and participate in the State Community College System Optional Retirement Program provided by the employing agency under s. 1012.875.

1.a. Through June 30, 2001, the cost to the employer for benefits under the optional retirement program equals the normal cost portion of the employer retirement contribution which would be required if the employee were a member of the pension plan's Regular Class, plus the portion of the contribution rate required by s. 112.363(8) which would otherwise be assigned to the Retiree Health Insurance Subsidy Trust Fund.

b. Effective July 1, 2001, through June 30, 2011, each employer shall contribute on behalf of each member of the optional program an amount equal to 10.43 percent of the employee's gross monthly compensation. The employer shall deduct an amount for the administration of the program.

c. Effective July 1, 2011, through June 30, 2012, each member shall contribute an amount equal to the employee contribution required under s. 121.71(3). The employer shall contribute on behalf of each program member an amount equal to the difference between 10.43 percent of the employee's gross monthly compensation and the employee's required contribution based on the employee's gross monthly compensation.

d. Effective July 1, 2012, each member shall contribute an amount equal to the employee contribution required under s. 121.71(3). The employer shall contribute on behalf of each program member an amount equal to the difference between 8.15 percent of the employee's gross monthly compensation and the employee's required contribution based on the employee's gross monthly compensation.

e. The employer shall contribute an additional amount to the Florida Retirement System Trust Fund equal to the unfunded actuarial accrued liability portion of the Regular Class contribution rate.

2. The decision to participate in the optional retirement program is irrevocable as long as the employee holds a position eligible for participation, except as provided in subparagraph 3. Any service creditable under the Florida Retirement System is retained after the member withdraws from the system; however, additional service credit in the system may not be earned while a member of the optional retirement program.

3. *Effective July 1, 2003, through December 31, 2014,* an employee who has elected to participate in the optional retirement program shall have one opportunity, at the employee's discretion, to transfer from the optional retirement program to the pension plan of the Florida Retirement System or to the investment plan established under part II of this chapter, subject to the terms of the applicable optional retirement program contracts. *Except as provided in subsection (3), an employee participating in the optional retirement program on or after January 1, 2015, is not eligible to transfer to the Florida Retirement System.*

a. If the employee chooses to move to the investment plan, any contributions, interest, and earnings creditable to the employee under the optional retirement program are retained by the employee in the optional retirement program, and the applicable provisions of s. 121.4501(4) govern the election.

b. If the employee chooses to move to the pension plan of the Florida Retirement System, the employee shall receive service credit equal to his or her years of service under the optional retirement program.

(I) The cost for such credit is the amount representing the present value of the employee's accumulated benefit obligation for the affected period of service. The cost shall be calculated as if the benefit commencement occurs on the first date the employee becomes eligible for unreduced benefits, using the discount rate and other relevant actuarial assumptions that were used to value the Florida Retirement System Pension Plan liabilities in the most recent actuarial valuation. The calculation must include any service already maintained under the pension plan in addition to the years under the optional retirement program. The

present value of any service already maintained must be applied as a credit to total cost resulting from the calculation. The division must ensure that the transfer sum is prepared using a formula and methodology certified by an enrolled actuary.

(II) The employee must transfer from his or her optional retirement program account and from other employee moneys as necessary, a sum representing the present value of the employee's accumulated benefit obligation immediately following the time of such movement, determined assuming that attained service equals the sum of service in the pension plan and service in the optional retirement program.

4. Participation in the optional retirement program is limited to employees who satisfy the following eligibility criteria:

a. The employee is otherwise eligible for membership or renewed membership in the Regular Class of the Florida Retirement System, as provided in s. 121.021(11) and (12) or s. 121.122.

b. The employee is employed in a full-time position classified in the Accounting Manual for Florida's Public Community Colleges as:

(I) Instructional; or

(II) Executive Management, Instructional Management, or Institutional Management and the community college determines that recruiting to fill a vacancy in the position is to be conducted in the national or regional market, and the duties and responsibilities of the position include the formulation, interpretation, or implementation of policies, or the performance of functions that are unique or specialized within higher education and that frequently support the mission of the community college.

c. The employee is employed in a position not included in the Senior Management Service Class of the Florida Retirement System as described in s. 121.055.

5. Members of the program are subject to the same reemployment limitations, renewed membership provisions, and forfeiture provisions applicable to regular members of the Florida Retirement System under ss. 121.091(9), 121.122, and 121.091(5), respectively. A member who receives a program distribution funded by employer and required employee contributions is deemed to be retired from a state-administered retirement system if the member is subsequently employed with an employer that participates in the Florida Retirement System.

6. Eligible community college employees are compulsory members of the Florida Retirement System until, pursuant to s. 1012.875, a written election to withdraw from the system and participate in the optional retirement program is filed with the program administrator and received by the division.

a. A community college employee whose program eligibility results from initial employment shall be enrolled in the optional retirement program retroactive to the first day of eligible employment. The employer and employee retirement contributions paid through the month of the employee plan change shall be transferred to the community college to the employee's optional program account, and, effective the first day of the next month, the employer shall pay the applicable contributions based upon subparagraph 1.

b. A community college employee whose program eligibility is due to the subsequent designation of the employee's position as one of those specified in subparagraph 4., or due to the employee's appointment, promotion, transfer, or reclassification to a position specified in subparagraph 4., must be enrolled in the program on the first day of the first full calendar month that such change in status becomes effective. The employer and employee retirement contributions paid from the effective date through the month of the employee plan change must be transferred to the community college to the employee's optional program account, and, effective the first day of the next month, the employer shall pay the applicable contributions based upon subparagraph 1.

7. Effective July 1, 2003, through December 31, 2008, any member of the optional retirement program who has service credit in the pension plan of the Florida Retirement System for the period between his or her first eligibility to transfer from the pension plan to the optional retirement program and the actual date of transfer may, during employment, transfer to the optional retirement program a sum representing the present value of the accumulated benefit obligation under the defined benefit retirement program for the period of service credit. Upon transfer, all service credit previously earned under the pension plan during this period is nullified for purposes of entitlement to a future benefit under the pension plan.

(3) INVESTMENT PLAN MEMBERSHIP COMPULSORY.-

(a) All eligible employees, except those eligible to withdraw from the system under s. 121.052(3)(d) or s. 121.055(1)(b)2., or those eligible for optional retirement programs under s. 121.051(1)(a), s. 121.051(2)(c), or s. 121.35, initially enrolled on or after January 1, 2015, are compulsory members of the investment plan, and membership in the pension plan is not permitted. Employees initially enrolled on or after January 1, 2015, are not eligible to use the election opportunity specified in s. 121.4501(4)(e).

(b) Employees eligible to withdraw from the system under s. 121.052(3)(d) or s. 121.055(1)(b)2., may choose to withdraw from the system or to participate in the investment plan as provided in those sections. Employees eligible for optional retirement programs under s. 121.051(2)(c) or s. 121.35, may choose to participate in the optional retirement program or the investment plan as provided in those sections. Eligible employees required to participate in the optional retirement program under s. 121.35, pursuant to s. 121.051(1)(a), must participate in the investment plan when employed in a position not eligible for the optional retirement program.

Section 2. Paragraph (c) of subsection (3) of section 121.052, Florida Statutes, is amended to read:

121.052 Membership class of elected officers.—

(3) PARTICIPATION AND WITHDRAWAL, GENERALLY.—Effective July 1, 1990, participation in the Elected Officers' Class shall be compulsory for elected officers listed in paragraphs (2)(a)-(d) and (f) assuming office on or after said date, unless the elected officer elects membership in another class or withdraws from the Florida Retirement System as provided in paragraphs (3)(a)-(d):

(c) *Before January 1, 2014,* any elected officer may, within 6 months after assuming office, or within 6 months after this act becomes a law for serving elected officers, elect membership in the Senior Management Service Class as provided in s. 121.055 in lieu of membership in the Elected Officers' Class. Any such election made by a county elected officer shall have no effect upon the statutory limit on the number of nonelective full-time positions that may be designated by a local agency employer for inclusion in the Senior Management Service Class under s. 121.055(1)(b)1.

Section 3. Paragraph (f) of subsection (1) and paragraph (c) of subsection (6) of section 121.055, Florida Statutes, are amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

(1)

(f) Effective July 1, 1997*, through December 31, 2013*:

1. Except as provided in *subparagraphs* ~~subparagraph~~ 3. *and 4.*, an elected state officer eligible for membership in the Elected Officers' Class under s. 121.052(2)(a), (b), or (c) who elects membership in the Senior Management Service Class under s. 121.052(3)(c) may, within 6 months after assuming office or within 6 months after this act becomes a law for serving elected state officers, elect to participate in the Senior Management Service Optional Annuity Program, as provided in subsection (6), in lieu of membership in the Senior Management Service Class.

2. Except as provided in *subparagraphs* ~~subparagraph~~ 3. *and 4.*, an elected officer of a local agency employer eligible for membership in the Elected Officers' Class under s. 121.052(2)(d) who elects membership in the Senior Management Service Class under s. 121.052(3)(c) may, within 6 months after assuming office, or within 6 months after this act becomes a law for serving elected officers of a local agency employer, elect to withdraw from the Florida Retirement System, as provided in sub-

paragraph (b)2., in lieu of membership in the Senior Management Service Class.

3. A retiree of a state-administered retirement system who is initially reemployed in a regularly established position on or after July 1, 2010, as an elected official eligible for the Elected Officers' Class may not be enrolled in renewed membership in the Senior Management Service Class or in the Senior Management Service Optional Annuity Program as provided in subsection (6), and may not withdraw from the Florida Retirement System as a renewed member as provided in subparagraph (b)2., as applicable, in lieu of membership in the Senior Management Service Class.

4. On or after January 1, 2014, an elected official eligible for membership in the Elected Officers' Class may not be enrolled in the Senior Management Service Class or in the Senior Management Service Optional Annuity Program as provided in subsection (6).

(6)

(c) *Participation.*—

1. An eligible employee who is employed on or before February 1, 1987, may elect to participate in the optional annuity program in lieu of participating in the Senior Management Service Class. Such election must be made in writing and filed with the department and the personnel officer of the employer on or before May 1, 1987. An eligible employee who is employed on or before February 1, 1987, and who fails to make an election to participate in the optional annuity program by May 1, 1987, shall be deemed to have elected membership in the Senior Management Service Class.

2. Except as provided in subparagraph 6., an employee who becomes eligible to participate in the optional annuity program by reason of initial employment commencing after February 1, 1987, may, within 90 days after the date of commencing employment, elect to participate in the optional annuity program. Such election must be made in writing and filed with the personnel officer of the employer. An eligible employee who does not within 90 days after commencing employment elect to participate in the optional annuity program shall be deemed to have elected membership in the Senior Management Service Class.

3. A person who is appointed to a position in the Senior Management Service Class and who is a member of an existing retirement system or the Special Risk or Special Risk Administrative Support Classes of the Florida Retirement System may elect to remain in such system or class in lieu of participating in the Senior Management Service Class or optional annuity program. Such election must be made in writing and filed with the department and the personnel officer of the employer within 90 days after such appointment. An eligible employee who fails to make an election to participate in the existing system, the Special Risk Class of the Florida Retirement System, the Special Risk Administrative Support Class of the Florida Retirement System, or the optional annuity program shall be deemed to have elected membership in the Senior Management Service Class.

4. Except as provided in subparagraph 5., an employee's election to participate in the optional annuity program is irrevocable if the employee continues to be employed in an eligible position and continues to meet the eligibility requirements set forth in this paragraph.

5. Effective from July 1, 2002, through September 30, 2002, an active employee in a regularly established position who has elected to participate in the Senior Management Service Optional Annuity Program has one opportunity to choose to move from the Senior Management Service Optional Annuity Program to the Florida Retirement System Pension Plan.

a. The election must be made in writing and must be filed with the department and the personnel officer of the employer before October 1, 2002, or, in the case of an active employee who is on a leave of absence on July 1, 2002, within 90 days after the conclusion of the leave of absence. This election is irrevocable.

b. The employee shall receive service credit under the pension plan equal to his or her years of service under the Senior Management Service Optional Annuity Program. The cost for such credit is the amount representing the present value of that employee's accumulated benefit obligation for the affected period of service.

c. The employee must transfer the total accumulated employer contributions and earnings on deposit in his or her Senior Management Service Optional Annuity Program account. If the transferred amount is not sufficient to pay the amount due, the employee must pay a sum representing the remainder of the amount due. The employee may not retain any employer contributions or earnings from the Senior Management Service Optional Annuity Program account.

6. A retiree of a state-administered retirement system who is initially reemployed on or after July 1, 2010, may not renew membership in the Senior Management Service Optional Annuity Program.

7. Effective January 1, 2014, the Senior Management Service Optional Annuity Program is closed to new members. Members enrolled in the Senior Management Service Optional Annuity Program before January 1, 2014, may retain their membership in the annuity program.

Section 4. Paragraph (c) of subsection (3) of section 121.35, Florida Statutes, is amended to read:

121.35 Optional retirement program for the State University System.—

(3) ELECTION OF OPTIONAL PROGRAM.—

(c) Any employee who becomes eligible to participate in the optional retirement program on or after January 1, 1993, shall be a compulsory participant of the program unless such employee elects membership in the Florida Retirement System. Such election shall be made in writing and filed with the personnel officer of the employer. Any eligible employee who fails to make such election within the prescribed time period shall be deemed to have elected to participate in the optional retirement program.

1. Any employee whose optional retirement program eligibility results from initial employment shall be enrolled in the program at the commencement of employment. If, within 90 days after commencement of employment, the employee elects membership in the Florida Retirement System, such membership shall be effective retroactive to the date of commencement of employment *as provided in s. 121.4501(4)*.

2. Any employee whose optional retirement program eligibility results from a change in status due to the subsequent designation of the employee's position as one of those specified in paragraph (2)(a) or due to the employee's appointment, promotion, transfer, or reclassification to a position specified in paragraph (2)(a) shall be enrolled in the optional retirement program upon such change in status and shall be notified by the employer of such action. If, within 90 days after the date of such notification, the employee elects to retain membership in the Florida Retirement System, such continuation of membership shall be retroactive to the date of the change in status.

3. Notwithstanding *subparagraphs 1. and 2.* ~~the provisions of this paragraph~~, effective July 1, 1997, any employee who is eligible to participate in the Optional Retirement Program and who fails to execute a contract with one of the approved companies and to notify the department in writing as provided in subsection (4) within 90 days after the date of eligibility shall be deemed to have elected membership in the Florida Retirement System, except as provided in s. 121.051(1)(a). This provision shall also apply to any employee who terminates employment in an eligible position before executing the required *investment* ~~annuity~~ contract and notifying the department. Such membership shall be retroactive to the date of eligibility, and all appropriate contributions shall be transferred to the Florida Retirement System Trust Fund and the Health Insurance Subsidy Trust Fund. *If a member is initially enrolled on or after January 1, 2015, the member is deemed to have elected membership in the Florida Retirement System Investment Plan and such membership shall be retroactive to the date of eligibility. All contributions required under s. 121.72, shall be transferred to a default fund in the investment plan as provided in s. 121.4501(4)(f), and the Health Insurance Subsidy Trust Fund.*

Section 5. Subsections (1) and (4), paragraph (c) of subsection (5), subsection (8), paragraph (a) of subsection (9), paragraphs (a), (b), (c), and (h) of subsection (10), and paragraphs (a) and (c) of subsection (15) of

section 121.4501, Florida Statutes, are amended, and paragraph (h) is added to subsection (9) of that section, to read:

121.4501 Florida Retirement System Investment Plan.—

(1) The Trustees of the State Board of Administration shall establish a defined contribution program called the "Florida Retirement System Investment Plan" or "investment plan" for members of the Florida Retirement System under which retirement benefits will be provided for eligible employees *initially enrolled before January 1, 2015,* who elect to participate in the program*, and for all eligible employees initially enrolled on or after January 1, 2015, who shall be compulsory members unless otherwise eligible to withdraw from the system under s. 121.052(3)(d) or s. 121.055(1)(b)2., or to participate in an optional retirement program under s. 121.051(1)(a), s. 121.051(2)(c), or s. 121.35*. The retirement benefits shall be provided through member-directed investments, in accordance with s. 401(a) of the Internal Revenue Code and related regulations. The employer and employee shall make contributions, as provided in this section and ss. 121.571 and 121.71, to the Florida Retirement System Investment Plan Trust Fund toward the funding of benefits.

(4) PARTICIPATION; ENROLLMENT.—

(a)1. *Effective June 1, 2002, through February 28, 2003, a 90-day election period is provided to each eligible employee participating in the Florida Retirement System, preceded by a 90-day education period, permitting each eligible employee to elect membership in the investment plan, and an employee who fails to elect the investment plan during the election period remains in the pension plan. An eligible employee employed in a regularly established position during the election period is granted the option to make one subsequent election, as provided in paragraph (e).* With respect to an eligible employee who *does not participate in the initial election period or who* is *initially* employed in a regularly established position *after the close of the initial election period but before January 1, 2015,* ~~on June 1, 2002, by a state employer:~~

~~a. Any such employee may elect to participate in the investment plan in lieu of retaining his or her membership in the pension plan. The election must be made in writing or by electronic means and must be filed with the third-party administrator by August 31, 2002, or, in the case of an active employee who is on a leave of absence on April 1, 2002, by the last business day of the 5th month following the month the leave of absence concludes. This election is irrevocable, except as provided in paragraph (g). Upon making such election, the employee shall be enrolled as a member of the investment plan, the employee's membership in the Florida Retirement System is governed by the provisions of this part, and the employee's membership in the pension plan terminates. The employee's enrollment in the investment plan is effective the first day of the month for which a full month's employer contribution is made to the investment plan.~~

~~b. Any such employee who fails to elect to participate in the investment plan within the prescribed time period is deemed to have elected to retain membership in the pension plan, and the employee's option to elect to participate in the investment plan is forfeited.~~

~~2. With respect to employees who become eligible to participate in the investment plan by reason of employment in a regularly established position with a state employer commencing after April 1, 2002:~~

~~a. Any~~ such employee shall, by default, be enrolled in the pension plan at the commencement of employment, and may, by the last business day of the 5th month following the employee's month of hire, elect to participate in the investment plan. The employee's election must be made in writing or by electronic means and must be filed with the third-party administrator. The election to participate in the investment plan is irrevocable, except as provided in paragraph *(e)* ~~(g)~~.

a.~~b.~~ If the employee files such election within the prescribed time period, enrollment in the investment plan is effective on the first day of employment. The retirement contributions paid through the month of the employee plan change shall be transferred to the investment program, and, effective the first day of the next month, the employer and employee must pay the applicable contributions based on the employee membership class in the program.

b.~~c.~~ An employee who fails to elect to participate in the investment plan within the prescribed time period is deemed to have elected to retain membership in the pension plan, and the employee's option to elect to participate in the investment plan is forfeited.

2.~~3.~~ With respect to employees who become eligible to participate in the investment plan pursuant to s. 121.051(2)(c)3. or s. 121.35(3)(i), the employee may elect to participate in the investment plan in lieu of retaining his or her membership in the State Community College System Optional Retirement Program or the State University System Optional Retirement Program. The election must be made in writing or by electronic means and must be filed with the third-party administrator. This election is irrevocable, except as provided in paragraph *(e)* ~~(g)~~. Upon making such election, the employee shall be enrolled as a member in the investment plan, the employee's membership in the Florida Retirement System is governed by the provisions of this part, and the employee's participation in the State Community College System Optional Retirement Program or the State University System Optional Retirement Program terminates. The employee's enrollment in the investment plan is effective on the first day of the month for which a full month's employer and employee contribution is made to the investment plan.

~~4. For purposes of this paragraph, "state employer" means any agency, board, branch, commission, community college, department, institution, institution of higher education, or water management district of the state, which participates in the Florida Retirement System for the benefit of certain employees.~~

~~(b)1. With respect to an eligible employee who is employed in a regularly established position on September 1, 2002, by a district school board employer:~~

~~a. Any such employee may elect to participate in the investment plan in lieu of retaining his or her membership in the pension plan. The election must be made in writing or by electronic means and must be filed with the third-party administrator by November 30, or, in the case of an active employee who is on a leave of absence on July 1, 2002, by the last business day of the 5th month following the month the leave of absence concludes. This election is irrevocable, except as provided in paragraph (g). Upon making such election, the employee shall be enrolled as a member of the investment plan, the employee's membership in the Florida Retirement System is governed by the provisions of this part, and the employee's membership in the pension plan terminates. The employee's enrollment in the investment plan is effective the first day of the month for which a full month's employer contribution is made to the investment program.~~

~~b. Any such employee who fails to elect to participate in the investment plan within the prescribed time period is deemed to have elected to retain membership in the pension plan, and the employee's option to elect to participate in the investment plan is forfeited.~~

~~2. With respect to employees who become eligible to participate in the investment plan by reason of employment in a regularly established position with a district school board employer commencing after July 1, 2002:~~

~~a. Any such employee shall, by default, be enrolled in the pension plan at the commencement of employment, and may, by the last business day of the 5th month following the employee's month of hire, elect to participate in the investment plan. The employee's election must be made in writing or by electronic means and must be filed with the third-party administrator. The election to participate in the investment plan is irrevocable, except as provided in paragraph (g).~~

~~b. If the employee files such election within the prescribed time period, enrollment in the investment plan is effective on the first day of employment. The employer retirement contributions paid through the month of the employee plan change shall be transferred to the investment plan, and, effective the first day of the next month, the employer shall pay the applicable contributions based on the employee membership class in the investment plan.~~

~~c. Any such employee who fails to elect to participate in the investment plan within the prescribed time period is deemed to have elected to retain membership in the pension plan, and the employee's option to elect to participate in the investment plan is forfeited.~~

~~3. For purposes of this paragraph, "district school board employer" means any district school board that participates in the Florida Retirement System for the benefit of certain employees, or a charter school or charter technical career center that participates in the Florida Retirement System as provided in s. 121.051(2)(d).~~

~~(c)1. With respect to an eligible employee who is employed in a regularly established position on December 1, 2002, by a local employer:~~

~~a. Any such employee may elect to participate in the investment plan in lieu of retaining his or her membership in the pension plan. The election must be made in writing or by electronic means and must be filed with the third-party administrator by February 28, 2003, or, in the case of an active employee who is on a leave of absence on October 1, 2002, by the last business day of the 5th month following the month the leave of absence concludes. This election is irrevocable, except as provided in paragraph (g). Upon making such election, the employee shall be enrolled as a participant of the investment plan, the employee's membership in the Florida Retirement System is governed by the provisions of this part, and the employee's membership in the pension plan terminates. The employee's enrollment in the investment plan is effective the first day of the month for which a full month's employer contribution is made to the investment plan.~~

~~b. Any such employee who fails to elect to participate in the investment plan within the prescribed time period is deemed to have elected to retain membership in the pension plan, and the employee's option to elect to participate in the investment plan is forfeited.~~

~~2. With respect to employees who become eligible to participate in the investment plan by reason of employment in a regularly established position with a local employer commencing after October 1, 2002:~~

~~a. Any such employee shall, by default, be enrolled in the pension plan at the commencement of employment, and may, by the last business day of the 5th month following the employee's month of hire, elect to participate in the investment plan. The employee's election must be made in writing or by electronic means and must be filed with the third-party administrator. The election to participate in the investment plan is irrevocable, except as provided in paragraph (g).~~

~~b. If the employee files such election within the prescribed time period, enrollment in the investment plan is effective on the first day of employment. The employer retirement contributions paid through the month of the employee plan change shall be transferred to the investment plan, and, effective the first day of the next month, the employer shall pay the applicable contributions based on the employee membership class in the investment plan.~~

~~c. Any such employee who fails to elect to participate in the investment plan within the prescribed time period is deemed to have elected to retain membership in the pension plan, and the employee's option to elect to participate in the investment plan is forfeited.~~

~~3. For purposes of this paragraph, "local employer" means any employer not included in paragraph (a) or paragraph (b).~~

(b)~~(d)~~ Contributions available for self-direction by a member who has not selected one or more specific investment products shall be allocated as prescribed by the state board. The third-party administrator shall notify the member at least quarterly that the member should take an affirmative action to make an asset allocation among the investment products.

(c)~~(e)~~ On or after July 1, 2011, a member of the pension plan who obtains a refund of employee contributions retains his or her prior plan choice upon return to employment in a regularly established position with a participating employer.

(d)~~(f)~~ A member of the investment plan who takes a distribution of any contributions from his or her investment plan account is considered a retiree. A retiree who is initially reemployed in a regularly established position on or after July 1, 2010, is not eligible to be enrolled in renewed membership.

(e)~~(g)~~ After the period during which an eligible employee *initially enrolled before January 1, 2015,* had the choice to elect the pension plan or the investment plan, or the month following the receipt of the eligible employee's plan election, if sooner, the employee shall have one opportunity, at the employee's discretion, to choose to move from the pension plan to the investment plan or from the investment plan to the pension plan. Eligible employees may elect to move between plans only if they are earning service credit in an employer-employee relationship consistent with s. 121.021(17)(b), excluding leaves of absence without pay. Effective July 1, 2005, such elections are effective on the first day of the month following the receipt of the election by the third-party administrator and are not subject to the requirements regarding an employer-employee relationship or receipt of contributions for the eligible employee in the effective month, except when the election is received by the third-party administrator. This paragraph is contingent upon approval by the Internal Revenue Service.

1. If the employee chooses to move to the investment plan, the provisions of subsection (3) govern the transfer.

2. If the employee chooses to move to the pension plan, the employee must transfer from his or her investment plan account, and from other employee moneys as necessary, a sum representing the present value of that employee's accumulated benefit obligation immediately following the time of such movement, determined assuming that attained service equals the sum of service in the pension plan and service in the investment plan. Benefit commencement occurs on the first date the employee is eligible for unreduced benefits, using the discount rate and other relevant actuarial assumptions that were used to value the pension plan liabilities in the most recent actuarial valuation. For any employee who, at the time of the second election, already maintains an accrued benefit amount in the pension plan, the then-present value of the accrued benefit is deemed part of the required transfer amount. The division must ensure that the transfer sum is prepared using a formula and methodology certified by an enrolled actuary. A refund of any employee contributions or additional member payments made which exceed the employee contributions that would have accrued had the member remained in the pension plan and not transferred to the investment plan is not permitted.

3. Notwithstanding subparagraph 2., an employee who chooses to move to the pension plan and who became eligible to participate in the investment plan by reason of employment in a regularly established position with a state employer after June 1, 2002; a district school board employer after September 1, 2002; or a local employer after December 1, 2002, must transfer from his or her investment plan account, and from other employee moneys as necessary, a sum representing the employee's actuarial accrued liability. A refund of any employee contributions or additional *member* ~~participant~~ payments made which exceed the employee contributions that would have accrued had the member remained in the pension plan and not transferred to the investment plan is not permitted.

4. An employee's ability to transfer from the pension plan to the investment plan pursuant to *paragraph (a)* ~~paragraphs (a)-(d)~~, and the ability of a current employee to have an option to later transfer back into the pension plan under subparagraph 2., shall be deemed a significant system amendment. Pursuant to s. 121.031(4), any resulting unfunded liability arising from actual original transfers from the pension plan to the investment plan must be amortized within 30 plan years as a separate unfunded actuarial base independent of the reserve stabilization mechanism defined in s. 121.031(3)(f). For the first 25 years, a direct amortization payment may not be calculated for this base. During this 25-year period, the separate base shall be used to offset the impact of employees exercising their second program election under this paragraph. The actuarial funded status of the pension plan will not be affected by such second program elections in any significant manner, after due recognition of the separate unfunded actuarial base. Following the initial 25-year period, any remaining balance of the original separate base shall be amortized over the remaining 5 years of the required 30-year amortization period.

5. If the employee chooses to transfer from the investment plan to the pension plan and retains an excess account balance in the investment plan after satisfying the buy-in requirements under this paragraph, the excess may not be distributed until the member retires from the pension plan. The excess account balance may be rolled over to the pension plan and used to purchase service credit or upgrade creditable service in the pension plan.

(f) All eligible employees, except those eligible to withdraw from the system under s. 121.052(3)(d) or s. 121.055(1)(b)2., or those eligible for

optional retirement programs under s. 121.051(1)(a), s. 121.051(2)(c), or s. 121.35, initially enrolled on or after January 1, 2015, are compulsory members of the investment plan. Employees eligible to withdraw from the system under s. 121.052(3)(d) or s. 121.055(1)(b)2., may choose to withdraw from the system or to participate in the investment plan as provided in those sections. Employees eligible for optional retirement programs under s. 121.051(2)(c) or s. 121.35, except as provided in s. 121.051(1)(a), may choose to participate in the optional retirement program or the investment plan as provided in those sections. Membership in the pension plan is not permitted except as provided in s. 121.591(2).

1. Employees initially enrolled on or after January 1, 2015, are not permitted to use the election opportunity specified in paragraph (e).

2. The amount of retirement contributions paid by the employee and employer, as required under s. 121.72, shall be placed in a default fund as designated by the state board, until an account is activated in the investment plan, at which time the member may move the contributions from the default fund to other funds provided in the investment plan.

(5) CONTRIBUTIONS.—

(c) The state board, acting as plan fiduciary, must ensure that all plan assets are held in a trust, pursuant to s. 401 of the Internal Revenue Code. The fiduciary must ensure that such contributions are allocated as follows:

1. The employer and employee contribution portion earmarked for member accounts shall be used to purchase interests in the appropriate investment vehicles as specified by the member, or in accordance with paragraph *(4)(b)* ~~(4)(d)~~.

2. The employer contribution portion earmarked for administrative and educational expenses shall be transferred to the Florida Retirement System Investment Plan Trust Fund.

3. The employer contribution portion earmarked for disability benefits shall be transferred to the Florida Retirement System Trust Fund.

(8) INVESTMENT PLAN ADMINISTRATION.—The investment plan shall be administered by the state board and affected employers. The state board may require oaths, by affidavit or otherwise, and acknowledgments from persons in connection with the administration of its statutory duties and responsibilities for the investment plan. An oath, by affidavit or otherwise, may not be required of a member at the time of enrollment. *For members initially enrolled before January 1, 2015,* acknowledgment of an employee's election to participate in the program shall be no greater than necessary to confirm the employee's election. The state board shall adopt rules to carry out its statutory duties with respect to administering the investment plan, including establishing the roles and responsibilities of affected state, local government, and education-related employers, the state board, the department, and third-party contractors. The department shall adopt rules necessary to administer the investment plan in coordination with the pension plan and the disability benefits available under the investment plan.

(a)1. The state board shall select and contract with a third-party administrator to provide administrative services if those services cannot be competitively and contractually provided by the division. With the approval of the state board, the third-party administrator may subcontract to provide components of the administrative services. As a cost of administration, the state board may compensate any such contractor for its services, in accordance with the terms of the contract, as is deemed necessary or proper by the board. The third-party administrator may not be an approved provider or be affiliated with an approved provider.

2. These administrative services may include, but are not limited to, enrollment of eligible employees, collection of employer and employee contributions, disbursement of contributions to approved providers in accordance with the allocation directions of members; services relating to consolidated billing; individual and collective recordkeeping and accounting; asset purchase, control, and safekeeping; and direct disbursement of funds to and from the third-party administrator, the division, the state board, employers, members, approved providers, and beneficiaries. This section does not prevent or prohibit a bundled provider from providing any administrative or customer service, including accounting and administration of individual member benefits and contributions; individual member recordkeeping; asset purchase, control, and safekeeping; direct execution of the member's instructions as to asset and contribution allocation; calculation of daily net asset values; direct access to member account information; or periodic reporting to members, at least quarterly, on account balances and transactions, if these services are authorized by the state board as part of the contract.

(b)1. The state board shall select and contract with one or more organizations to provide educational services. With approval of the state board, the organizations may subcontract to provide components of the educational services. As a cost of administration, the state board may compensate any such contractor for its services in accordance with the terms of the contract, as is deemed necessary or proper by the board. The education organization may not be an approved provider or be affiliated with an approved provider.

2. Educational services shall be designed by the state board and department to assist employers, eligible employees, members, and beneficiaries in order to maintain compliance with United States Department of Labor regulations under s. 404(c) of the Employee Retirement Income Security Act of 1974 and to assist employees in their choice of pension plan or investment plan retirement alternatives. Educational services include, but are not limited to, disseminating educational materials; providing retirement planning education; explaining the pension plan and the investment plan; and offering financial planning guidance on matters such as investment diversification, investment risks, investment costs, and asset allocation. An approved provider may also provide educational information, including retirement planning and investment allocation information concerning its products and services.

(c)1. In evaluating and selecting a third-party administrator, the state board shall establish criteria for evaluating the relative capabilities and qualifications of each proposed administrator. In developing such criteria, the state board shall consider:

a. The administrator's demonstrated experience in providing administrative services to public or private sector retirement systems.

b. The administrator's demonstrated experience in providing daily valued recordkeeping to defined contribution programs.

c. The administrator's ability and willingness to coordinate its activities with employers, the state board, and the division, and to supply to such employers, the board, and the division the information and data they require, including, but not limited to, monthly management reports, quarterly member reports, and ad hoc reports requested by the department or state board.

d. The cost-effectiveness and levels of the administrative services provided.

e. The administrator's ability to interact with the members, the employers, the state board, the division, and the providers; the means by which members may access account information, direct investment of contributions, make changes to their accounts, transfer moneys between available investment vehicles, and transfer moneys between investment products; and any fees that apply to such activities.

f. Any other factor deemed necessary by the state board.

2. In evaluating and selecting an educational provider, the state board shall establish criteria under which it shall consider the relative capabilities and qualifications of each proposed educational provider. In developing such criteria, the state board shall consider:

a. Demonstrated experience in providing educational services to public or private sector retirement systems.

b. Ability and willingness to coordinate its activities with the employers, the state board, and the division, and to supply to such employers, the board, and the division the information and data they require, including, but not limited to, reports on educational contacts.

c. The cost-effectiveness and levels of the educational services provided.

d. Ability to provide educational services via different media, including, but not limited to, the Internet, personal contact, seminars, brochures, and newsletters.

e. Any other factor deemed necessary by the state board.

3. The establishment of the criteria shall be solely within the discretion of the state board.

(d) The state board shall develop the form and content of any contracts to be offered under the investment plan. In developing the contracts, the board shall consider:

1. The nature and extent of the rights and benefits to be afforded in relation to the contributions required under the plan.

2. The suitability of the rights and benefits provided and the interests of employers in the recruitment and retention of eligible employees.

(e)1. The state board may contract for professional services, including legal, consulting, accounting, and actuarial services, deemed necessary to implement and administer the investment plan. The state board may enter into a contract with one or more vendors to provide low-cost investment advice to members, supplemental to education provided by the third-party administrator. All fees under any such contract shall be paid by those members who choose to use the services of the vendor.

2. The department may contract for professional services, including legal, consulting, accounting, and actuarial services, deemed necessary to implement and administer the investment plan in coordination with the pension plan. The department, in coordination with the state board, may enter into a contract with the third-party administrator in order to coordinate services common to the various programs within the Florida Retirement System.

(f) The third-party administrator may not receive direct or indirect compensation from an approved provider, except as specifically provided for in the contract with the state board.

(g) The state board shall receive and resolve member complaints against the program, the third-party administrator, or any program vendor or provider; shall resolve any conflict between the third-party administrator and an approved provider if such conflict threatens the implementation or administration of the program or the quality of services to employees; and may resolve any other conflicts. The third-party administrator shall retain all member records for at least 5 years for use in resolving any member conflicts. The state board, the third-party administrator, or a provider is not required to produce documentation or an audio recording to justify action taken with regard to a member if the action occurred 5 or more years before the complaint is submitted to the state board. It is presumed that all action taken 5 or more years before the complaint is submitted was taken at the request of the member and with the member's full knowledge and consent. To overcome this presumption, the member must present documentary evidence or an audio recording demonstrating otherwise.

(9) INVESTMENT OPTIONS OR PRODUCTS; PERFORMANCE REVIEW.—

(a) The state board shall develop policy and procedures for selecting, evaluating, and monitoring the performance of approved providers and investment products under the investment plan. In accordance with such policy and procedures, the state board shall designate and contract for a number of investment products as determined by the board. The board shall also select one or more bundled providers, each of which may offer multiple investment options and related services, if such approach is determined by the board to provide value to the members otherwise not available through individual investment products. Each approved bundled provider may offer investment options that provide members with the opportunity to invest in each of the following asset classes, to be composed of individual options that represent a single asset class or a combination thereof: money markets, United States fixed income, United States equities, and foreign stock. The state board shall review and manage all educational materials, contract terms, fee schedules, and other aspects of the approved provider relationships to ensure that no provider is unduly favored or penalized by virtue of its status within the investment plan. *Additionally, the state board, consistent with its fiduciary responsibilities, shall develop one or more investment products to be offered in the investment plan.*

(h) A self-directed brokerage account shall be offered as a service to investment plan members.

1. Notwithstanding any other provision of this section, the state board shall select a provider to offer investment plan members additional investment alternatives by providing a self-directed brokerage account.

2. The state board shall contract with a provider to offer a self-directed brokerage account. In selecting the provider, the state board shall consider the following:

a. Financial strength and stability as evidenced by the highest ratings assigned by nationally recognized rating services when comparing proposed providers that are so rated.

b. Reasonableness of fees compared to other providers taking into consideration the quantity and quality of services being offered.

c. Compliance with the Internal Revenue Code and all applicable federal and state securities laws.

d. Available methods for members to interact with the provider and the means by which members may access account information, direct investment of funds, transfer funds, and receive funds prospectuses and related investment materials as required by state and federal regulations.

e. The ability to provide prompt, efficient, and accurate responses to member directions, as well as providing confirmations and quarterly account statements in a timely fashion.

f. The process by which assets are invested, as well as any waiting periods when monies are transferred.

g. Organizational factors, including, but not limited to, financial solvency, organizational depth, and experience in providing self-directed brokerage account services to public defined contribution plans.

3. The provider of the self-directed brokerage account shall:

a. Make the self-directed brokerage account available under the most beneficial terms available to any customer.

b. Agree not to sell or distribute member lists generated through services rendered to the investment plan.

c. Not be a bundled provider.

d. Provide for an education component approved by the state board that is available in multimedia formats and that provides impartial and balanced information about investment options and fees associated with participation in the self-directed brokerage account.

4. The provider, as well as any of its related entities, may not offer any proprietary products as investment alternatives in the self-directed brokerage account.

5. The state board shall monitor the selected provider to ensure continued compliance with established selection criteria, board policy and procedures, state and federal regulations, and any contractual provisions.

6. The provider shall ensure that a member opening a self-directed brokerage account is provided a quarterly statement that details member investments in the self-directed brokerage account. The statement shall be in lieu of, and satisfy the requirements of, subsection (11) with respect to the member investments in the self-directed brokerage account. The provider shall include in the statement the following details:

a. Account investment options.

b. The market value of the account at the close of the current quarter and the previous quarter.

c. Account gains and losses.

d. Transfers into and out of the account.

e. Any fees, charges, penalties, and deductions that apply to the account.

7. The self-directed brokerage account may include the following securities as investment alternatives:

a. Stocks listed on a Securities and Exchange Commission regulated national exchange.

b. Exchange traded funds.

c. Mutual funds.

8. The self-directed brokerage account may not include the following as investment alternatives:

a. Illiquid investments.

b. Over-the-Counter Bulletin Board securities.

c. Pink Sheet securities.

d. Leveraged exchange traded funds.

e. Direct ownership of foreign securities.

f. Derivatives, including, but not limited to, futures and options contracts on securities, market indexes, and commodities.

g. Buying or trading on margin.

h. Investment plan products.

i. Any investment that would jeopardize the investment plan's tax qualified status.

9. A member may participate in the self-directed brokerage account if the member:

a. Maintains a minimum balance of $5,000 in the products offered under the investment plan.

b. Makes a minimum initial transfer of funds into the self-directed brokerage account of $1,000.

c. Makes subsequent transfers of funds into the self-directed brokerage account in amounts of $1,000 or greater.

d. Pays all trading fees, commissions, administrative fees, and any other expenses associated with participating in the self-directed brokerage account from the funds in the self-directed brokerage account.

e. Does not violate any trading restrictions established by the provider, the investment plan, or state or federal law.

10. Employer and employee contributions shall be initially deposited into investment plan products and may be transferred to the self-directed brokerage account.

11. Distributions are not permissible directly from assets in the self-directed brokerage account. Assets must first be transferred to investment plan products. A distribution may be requested after the transfer is completed and all investment plan distribution requirements are met.

12. The state board must notify members that:

a. The state board is not responsible for managing the self-directed brokerage account beyond administrative requirements as established between the state board and the provider of the self-directed brokerage account.

b. Investment alternatives available through the self-directed brokerage account have not been subjected to any selection process, are not monitored by the state board, require investment expertise to prudently buy, manage, or dispose of, and have a risk of substantial loss.

c. The member is responsible for all administrative, investment, and trading fees associated with participating in the self-directed brokerage account.

(10) EDUCATION COMPONENT.—

(a) The state board, in coordination with the department, shall provide for an education component for *eligible employees* ~~system members~~ in a manner consistent with the provisions of this *subsection* ~~section~~. ~~The education component must be available to eligible employees at least 90 days prior to the beginning date of the election period for the employees of the respective types of employers.~~

(b) The education component must provide system members with impartial and balanced information about plan choices *for members initially enrolled before January 1, 2015*. The education component must involve multimedia formats. Program comparisons must, to the greatest extent possible, be based upon the retirement income that different retirement programs may provide to the member. The state board shall monitor the performance of the contract to ensure that the program is conducted in accordance with the contract, applicable law, and the rules of the state board.

(c) The state board, in coordination with the department, shall provide for an initial and ongoing transfer education component to provide system members *initially enrolled before January 1, 2015,* with information necessary to make informed plan choice decisions. The transfer education component must include, but is not limited to, information on:

1. The amount of money available to a member to transfer to the defined contribution program.

2. The features of and differences between the pension plan and the defined contribution program, both generally and specifically, as those differences may affect the member.

3. The expected benefit available if the member were to retire under each of the retirement programs, based on appropriate alternative sets of assumptions.

4. The rate of return from investments in the defined contribution program and the period of time over which such rate of return must be achieved to equal or exceed the expected monthly benefit payable to the member under the pension plan.

5. The historical rates of return for the investment alternatives available in the defined contribution programs.

6. The benefits and historical rates of return on investments available in a typical deferred compensation plan or a typical plan under s. 403(b) of the Internal Revenue Code for which the employee may be eligible.

7. The program choices available to employees of the State University System and the comparative benefits of each available program, if applicable.

8. Payout options available in each of the retirement programs.

~~(h) Pursuant to subsection (8), all Florida Retirement System employers have an obligation to regularly communicate the existence of the two Florida Retirement System plans and the plan choice in the natural course of administering their personnel functions, using the educational materials supplied by the state board and the Department of Management Services.~~

(15) STATEMENT OF FIDUCIARY STANDARDS AND RESPONSIBILITIES.—

(a) Investment of *investment* ~~defined contribution~~ plan assets shall be made for the sole interest and exclusive purpose of providing benefits to members and beneficiaries and defraying reasonable expenses of administering the plan. The program's assets shall be invested on behalf of the program members with the care, skill, and diligence that a prudent person acting in a like manner would undertake. The performance of the investment duties set forth in this paragraph shall comply with the fiduciary standards set forth in the Employee Retirement Income Security Act of 1974 at 29 U.S.C. s. 1104(a)(1)(A)-(C). In case of conflict with other provisions of law authorizing investments, the investment and fiduciary standards set forth in this subsection shall prevail.

(c) Subparagraph (8)(b)2. and paragraph (b) incorporate the federal law concept of participant control, established by regulations of the United States Department of Labor under s. 404(c) of the Employee Retirement Income Security Act of 1974 (ERISA). The purpose of this paragraph is to assist employers and the state board in maintaining compliance with s. 404(c), while avoiding unnecessary costs and eroding member benefits under the investment plan. Pursuant to 29 C.F.R. s.

2550.404a-5(d)(4) ~~2550.404c-1(b)(2)(i)(B)(1)(viii)~~, the state board or its designated agents shall deliver to members of the investment plan a copy of the prospectus most recently provided to the plan~~, and, pursuant to 29 C.F.R. s. 2550.404c-1(b)(2)(i)(B)(2)(ii), shall provide such members an opportunity to obtain this information~~, except that:

1. The requirement to deliver a prospectus shall be satisfied by delivery of a fund profile or summary profile that contains the information that would be included in a summary prospectus as described by Rule 498 under the Securities Act of 1933, 17 C.F.R. s. 230.498. If the transaction fees, expense information or other information provided by a mutual fund in the prospectus does not reflect terms negotiated by the state board or its designated agents, the requirement is satisfied by delivery of a separate document described by Rule 498 substituting accurate information; and

2. Delivery shall be effected if delivery is through electronic means and the following standards are satisfied:

a. Electronically-delivered documents are prepared and provided consistent with style, format, and content requirements applicable to printed documents;

b. Each member is provided timely and adequate notice of the documents that are to be delivered, and their significance, and of the member's right to obtain a paper copy of such documents free of charge;

c. Members have adequate access to the electronic documents, at locations such as their worksites or public facilities, and have the ability to convert the documents to paper free of charge by the state board, and the board or its designated agents take appropriate and reasonable measures to ensure that the system for furnishing electronic documents results in actual receipt. Members have provided consent to receive information in electronic format, which consent may be revoked; and

d. The state board, or its designated agent, actually provides paper copies of the documents free of charge, upon request.

3. The state board is not required to deliver a prospectus or other information for the underlying investments available through the self-directed brokerage account authorized by paragraph (9)(h).

Section 6. Subsection (3) of section 121.591, Florida Statutes, is amended to read:

121.591 Payment of benefits.—Benefits may not be paid under the Florida Retirement System Investment Plan unless the member has terminated employment as provided in s. 121.021(39)(a) or is deceased and a proper application has been filed as prescribed by the state board or the department. Benefits, including employee contributions, are not payable under the investment plan for employee hardships, unforeseeable emergencies, loans, medical expenses, educational expenses, purchase of a principal residence, payments necessary to prevent eviction or foreclosure on an employee's principal residence, or any other reason except a requested distribution for retirement, a mandatory de minimis distribution authorized by the administrator, or a required minimum distribution provided pursuant to the Internal Revenue Code. The state board or department, as appropriate, may cancel an application for retirement benefits if the member or beneficiary fails to timely provide the information and documents required by this chapter and the rules of the state board and department. In accordance with their respective responsibilities, the state board and the department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application if the required information or documents are not received. The state board and the department, as appropriate, are authorized to cash out a de minimis account of a member who has been terminated from Florida Retirement System covered employment for a minimum of 6 calendar months. A de minimis account is an account containing employer and employee contributions and accumulated earnings of not more than $5,000 made under the provisions of this chapter. Such cash-out must be a complete lump-sum liquidation of the account balance, subject to the provisions of the Internal Revenue Code, or a lump-sum direct rollover distribution paid directly to the custodian of an eligible retirement plan, as defined by the Internal Revenue Code, on behalf of the member. Any nonvested accumulations and associated service credit, including amounts transferred to the suspense account of the Florida Retirement System Investment Plan Trust Fund authorized under s. 121.4501(6), shall be forfeited upon payment of any vested benefit to a member or beneficiary, except for de minimis distributions or minimum required distributions as provided under this section. If any financial instrument issued for the payment of retirement benefits under this section is not presented for payment within 180 days after the last day of the month in which it was originally issued, the third-party administrator or other duly authorized agent of the state board shall cancel the instrument and credit the amount of the instrument to the suspense account of the Florida Retirement System Investment Plan Trust Fund authorized under s. 121.4501(6). Any amounts transferred to the suspense account are payable upon a proper application, not to include earnings thereon, as provided in this section, within 10 years after the last day of the month in which the instrument was originally issued, after which time such amounts and any earnings attributable to employer contributions shall be forfeited. Any forfeited amounts are assets of the trust fund and are not subject to chapter 717.

(3) DEATH BENEFITS.—Under the Florida Retirement System Investment Plan:

(a)*1.* Survivor benefits are payable in accordance with the following terms and conditions:

a.~~1.~~ To the extent vested, benefits are payable only to a member's beneficiary or beneficiaries as designated by the member as provided in s. 121.4501(20).

b.~~2.~~ Benefits shall be paid by the third-party administrator or designated approved providers in accordance with the law, the contracts, and any applicable state board rule or policy.

c.~~3.~~ To receive benefits, the member must be deceased.

2.~~(b)~~ In the event of a member's death, all vested accumulations as described in s. 121.4501(6), less withholding taxes remitted to the Internal Revenue Service, shall be distributed, as provided in *subparagraph 3.* ~~paragraph (c)~~ or as described in s. 121.4501(20), as if the member retired on the date of death. No other death benefits are available for survivors of members, except for benefits, or coverage for benefits, as are otherwise provided by law or separately provided by the employer, at the employer's discretion.

3.~~(c)~~ Upon receipt by the third-party administrator of a properly executed application for distribution of benefits, the total accumulated benefit is payable by the third-party administrator to the member's surviving beneficiary or beneficiaries, as:

a.~~1.~~ A lump-sum distribution payable to the beneficiary or beneficiaries, or to the deceased member's estate;

b.~~2.~~ An eligible rollover distribution, if permitted, on behalf of the surviving spouse of a deceased member, whereby all accrued benefits, plus interest and investment earnings, are paid from the deceased member's account directly to the custodian of an eligible retirement plan, as described in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of the surviving spouse; or

c.~~3.~~ A partial lump-sum payment whereby a portion of the accrued benefit is paid to the deceased member's surviving spouse or other designated beneficiaries, less withholding taxes remitted to the Internal Revenue Service, and the remaining amount is transferred directly to the custodian of an eligible retirement plan, if permitted, as described in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of the surviving spouse. The proportions must be specified by the member or the surviving beneficiary.

(b) Each employer participating in the Florida Retirement System shall purchase a life insurance policy from a state term contract for each member of the Special Risk Class of the investment plan who is initially enrolled in the Florida Retirement System on or after January 1, 2015.

1. The Department of Management Services shall procure a life insurance product on a state term contract with the following attributes:

a. The benefit must be limited to Special Risk Class members who are killed in the line of duty.

b. The benefit must be equal to 10 times the employee's annual salary at the time of death or $500,000, whichever is greater.

c. The benefit must provide for monthly benefit payments, including interest, to be paid to the designated beneficiary or beneficiaries over a 20-year period.

d. The product must be guaranteed issue.

e. The product must provide level premium rates for the term of the policy.

f. Any administrative fees shall be the responsibility of the employer.

2. Survivor benefits provided by the life insurance policy are payable in addition to the survivor benefit provided under paragraph (a).

This *subsection* ~~paragraph~~ does not abrogate other applicable provisions of state or federal law providing for payment of death benefits.

Section 7. Section 238.072, Florida Statutes, is amended to read:

238.072 Special service provisions for extension personnel.—All state and county cooperative extension personnel holding appointments by the United States Department of Agriculture for extension work in agriculture and home economics in this state who are joint representatives of the University of Florida and the United States Department of Agriculture, as provided in s. *121.051(8)* ~~121.051(7)~~, who are members of the Teachers' Retirement System, chapter 238, and who are prohibited from transferring to and participating in the Florida Retirement System, chapter 121, may retire with full benefits upon completion of 30 years of creditable service and shall be considered to have attained normal retirement age under this chapter, any law to the contrary notwithstanding. In order to comply with the provisions of s. 14, Art. X of the State Constitution, any liability accruing to the Florida Retirement System Trust Fund as a result of the provisions of this section shall be paid on an annual basis from the General Revenue Fund.

Section 8. Subsection (11) of section 413.051, Florida Statutes, is amended to read:

413.051 Eligible blind persons; operation of vending stands.—

(11) Effective July 1, 1996, blind licensees who remain members of the Florida Retirement System pursuant to s. *121.051(7)(b)1.* ~~121.051(6)(b)1.~~ shall pay any unappropriated retirement costs from their net profits or from program income. Within 30 days after the effective date of this act, each blind licensee who is eligible to maintain membership in the Florida Retirement System under s. *121.051(7)(b)1.* ~~121.051(6)(b)1.~~, but who elects to withdraw from the system as provided in s. *121.051(7)(b)3.* ~~121.051(6)(b)3.~~, must, on or before July 31, 1996, notify the Division of Blind Services and the Department of Management Services in writing of his or her election to withdraw. Failure to timely notify the divisions shall be deemed a decision to remain a compulsory member of the Florida Retirement System. However, if, at any time after July 1, 1996, sufficient funds are not paid by a blind licensee to cover the required contribution to the Florida Retirement System, that blind licensee shall become ineligible to participate in the Florida Retirement System on the last day of the first month for which no contribution is made or the amount contributed is insufficient to cover the required contribution. For any blind licensee who becomes ineligible to participate in the Florida Retirement System as described in this subsection, no creditable service shall be earned under the Florida Retirement System for any period following the month that retirement contributions ceased to be reported. However, any such person may participate in the Florida Retirement System in the future if employed by a participating employer in a covered position.

Section 9. *Pension Reform Study Committee.—*

(1) The Pension Reform Study Committee is created for the purpose of reviewing, analyzing, and evaluating the sustainability of the Florida Retirement System and to recommend reforms to maintain and enhance the long-term viability and sustainability of the system.

(2) The study committee shall be composed of six members:

(a) Three members of the Senate appointed by the President of the Senate.

(b) Three members of the House of Representatives appointed by the Speaker of the House of Representatives.

(3) Members of the study committee must be appointed by July 31, 2013. By August 31, 2013, the study committee shall meet to establish procedures for the conduct of its business and to elect a chair and vice chair. The study committee shall meet at the call of the chair. A majority of the members constitutes a quorum, and a quorum is necessary for the purpose of voting on any action or recommendation of the study committee. All meetings shall be held in Tallahassee, unless otherwise decided by the study committee; however, no more than two such meetings may be held in other locations for the purpose of taking public testimony.

(4) The President of the Senate and the Speaker of the House of Representatives shall designate legislative staff knowledgeable in public pensions and the Florida Retirement System to assist the study committee and provide all necessary data collection, analysis, research, and support services.

(5) Study committee members shall serve without compensation but are entitled to be reimbursed for per diem and travel expenses as provided under s. 112.061, Florida Statutes.

(6) In reviewing, analyzing, and evaluating the sustainability of the Florida Retirement System, and recommending reforms to maintain and enhance the long-term viability and sustainability of the system, the study committee shall, at a minimum, consider the funding structure of the system, system funding levels, benefits provided, and the benefits of reforming the system structure, which must include the benefits of providing a hybrid or cash-balance option in lieu of or in addition to the current plan choices.

(7) The study committee shall submit a final report of its recommendations to the President of the Senate and the Speaker of the House of Representatives by January 1, 2014.

(8) The study committee is terminated June 30, 2014.

Section 10. *(1) Effective January 1, 2015, in order to fund the benefit changes provided in this act, the required employer contribution rates for the unfunded actuarial liability of the Florida Retirement System established in section 121.71(5), Florida Statutes, shall be adjusted as follows:*

(a) Elected Officers' Class.—Legislators, the Governor, the Lieutenant Governor, Cabinet Officers, State Attorneys, and Public Defenders shall be increased by 0.02 percentage points.

(b) Elected Officers' Class.—County Elected Officers shall be increased by 0.02 percentage points.

(c) Senior Management Service Class.—The Senior Management Service Class shall be increased by 0.01 percentage points.

(2) The adjustments provided in subsection (1) shall be in addition to all other changes to such contribution rates which may be enacted into law to take effect on July 1, 2014, and July 1, 2015. The Division of Law Revision and Information is requested to adjust accordingly the contribution rates provided in section 121.71, Florida Statutes.

Section 11. *Except for the amendments made by this act to ss. 121.051, 121.052, and 121.055, Florida Statutes, which apply only to members of the State Community College System Optional Retirement Program, Elected Officers' Class, and the Senior Management Service Class, respectively, this act does not modify or limit any retirement benefit or plan choice currently available to members who first enrolled in the Florida Retirement System before January 1, 2015.*

Section 12. *The Legislature finds that a proper and legitimate state purpose is served when employees and retirees of the state and its political subdivisions, and the dependents, survivors, and beneficiaries of such employees and retirees, are extended the basic protections afforded by governmental retirement systems. These persons must be provided benefits that are fair and adequate and that are managed, administered, and funded in an actuarially sound manner, as required by s. 14, Article X of the State Constitution and part VII of chapter 112, Florida Statutes. Therefore, the Legislature determines and declares that this act fulfills an important state interest.*

Section 13. *(1) Effective upon this act becoming a law, the State Board of Administration and the Department of Management Services shall request, as soon as practicable, a determination letter from the United States Internal Revenue Service. If the Internal Revenue Service*

refuses to act upon a request for a determination letter, then a legal opinion from a qualified tax attorney or firm may be substituted for such letter.

(2) If the board or the department receives notification from the United States Internal Revenue Service that this act or any portion of this act will cause the Florida Retirement System, or a portion thereof, to be disqualified for tax purposes under the Internal Revenue Code, then the portion that will cause the disqualification does not apply. Upon such notice, the state board and the department shall notify the presiding officers of the Legislature.

Section 14. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2013.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.051, F.S.; limiting the ability of members of an optional retirement program to transfer to the Florida Retirement System; providing for compulsory membership in the Florida Retirement System Investment Plan for employees initially enrolled after a specified date; authorizing certain employees to participate in the investment plan; amending s. 121.052, F.S.; prohibiting members of the Elected Officers' Class from joining the Senior Management Service Class after a specified date; amending s. 121.055, F.S.; closing the Senior Management Service Optional Annuity Program to new members after a specified date; prohibiting an elected official eligible for membership in the Elected Officers' Class from enrolling in the Senior Management Service Class or in the Senior Management Service Optional Annuity Program; closing the Senior Management Service Optional Annuity Program to new members after a specified date; amending s. 121.35, F.S.; providing that certain participants in the optional retirement program for the State University System have a choice between the optional retirement program and the Florida Retirement System Investment Plan; providing for compulsory membership in the investment plan for certain employees; amending s. 121.4501, F.S.; requiring certain employees initially enrolled in the Florida Retirement System on or after a specified date to be compulsory members of the investment plan; providing for the transfer of certain contributions; revising a provision relating to acknowledgment of an employee's election to participate in the investment plan; requiring the State Board of Administration to develop investment products to be offered in the investment plan; requiring the State Board of Administration to provide a self-directed brokerage account as an investment option; requiring the state board to contract with a provider to provide a self-directed brokerage account investment option; providing self-directed brokerage account requirements; revising the education component; deleting the obligation of system employers to communicate the existence of both retirement plans; providing the state board and the provider of the self-directed brokerage account investment option with certain responsibilities; providing that the state board is not required to deliver certain information regarding the self-directed brokerage account; making conforming changes; removing unnecessary language; amending s. 121.591, F.S.; providing an additional death benefit to specified members of the Special Risk Class; amending ss. 238.072 and 413.051, F.S.; conforming cross-references; creating a Pension Reform Study Committee to evaluate and provide recommendations relating to the Florida Retirement System; providing for membership; requiring a report to the Legislature; providing for termination; adjusting the required employer contribution rates for the unfunded actuarial liability of the Florida Retirement System for select classes; providing a directive to the Division of Law Revision and Information; providing that the act does not modify or limit benefits available to current members except as specified; providing that the act fulfills an important state interest; requiring the State Board of Administration and the Department of Management Services to request a determination letter from the Internal Revenue Service; providing effective dates.

On motion by Senator Simpson, further consideration of **CS for CS for HB 7011** with pending **Amendment 1 (750668)** was deferred.

Consideration of **CS for CS for SB 904**, **CS for CS for SB 1628**, and **CS for CS for SB 1458** was deferred.

SB 1680—A bill to be entitled An act relating to public records and public meetings exemptions; amending s. 383.412, F.S.; eliminating requirements that the closed portion of a meeting of the State Child Abuse Death Review Committee or a local committee at which specified identifying information is discussed be recorded, that no portion of such closed meeting be off the record, and that the recording be maintained by the state committee or a local committee; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1680**, on motion by Senator Altman, by two-thirds vote **HB 725** was withdrawn from the Committees on Children, Families, and Elder Affairs; Governmental Oversight and Accountability; and Rules.

On motion by Senator Altman—

HB 725—A bill to be entitled An act relating to public records and public meetings exemptions; amending s. 383.412, F.S.; eliminating requirements that the closed portion of a meeting of the State Child Abuse Death Review Committee or a local committee at which specified identifying information is discussed be recorded, that no portion of such closed meeting be off the record, and that the recording be maintained by the state committee or a local committee; providing an effective date.

—a companion measure, was substituted for **SB 1680** and read the second time by title.

Pursuant to Rule 4.19, **HB 725** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 966** was deferred.

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.

—was read the second time by title.

Pending further consideration of **CS for SB 1630**, on motion by Senator Legg, by two-thirds vote **CS for CS for HB 7009** was withdrawn from the Committees on Education; Judiciary; Appropriations Subcommittee on Education; and Appropriations.

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

CS for CS for HB 7009—A bill to be entitled An act relating to charter schools; amending s. 1002.33, F.S.; clarifying enforcement of policies agreed to by the sponsor and charter school that are subsequently amended; requiring a sponsor to annually report specific in-

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

—a companion measure, was substituted for **CS for SB 1630** and read the second time by title.

Senator Legg moved the following amendments which were adopted:

Amendment 1 (541520) (with title amendment)—Delete lines 67-634 and insert:

Section 1. Paragraph (b) of subsection (5), paragraphs (b), (c), and (h) of subsection (6), paragraphs (a) and (c) of subsection (7), and paragraph (a) of subsection (8) of section 1002.33, Florida Statutes, are amended, to read:

1002.33 Charter schools.—

(5) SPONSOR; DUTIES.—

(b) *Sponsor duties.*—

1.a. The sponsor shall monitor and review the charter school in its progress toward the goals established in the charter.

b. The sponsor shall monitor the revenues and expenditures of the charter school and perform the duties provided in s. 1002.345.

c. The sponsor may approve a charter for a charter school before the applicant has identified space, equipment, or personnel, if the applicant indicates approval is necessary for it to raise working funds.

d. The *sponsor* ~~sponsor's policies~~ shall not apply *its policies* to a charter school unless mutually agreed to by both the sponsor and the charter school. *If the sponsor subsequently amends any agreed-upon sponsor policy, the version of the policy in effect at the time of the execution of the charter, or any subsequent modification thereof, shall remain in effect and the sponsor may not hold the charter school responsible for any provision of a newly revised policy until the revised policy is mutually agreed upon.*

e. The sponsor shall ensure that the charter is innovative and consistent with the state education goals established by s. 1000.03(5).

f. The sponsor shall ensure that the charter school participates in the state's education accountability system. If a charter school falls short of performance measures included in the approved charter, the sponsor shall report such shortcomings to the Department of Education.

g. The sponsor shall not be liable for civil damages under state law for personal injury, property damage, or death resulting from an act or omission of an officer, employee, agent, or governing body of the charter school.

h. The sponsor shall not be liable for civil damages under state law for any employment actions taken by an officer, employee, agent, or governing body of the charter school.

i. The sponsor's duties to monitor the charter school shall not constitute the basis for a private cause of action.

j. The sponsor shall not impose additional reporting requirements on a charter school without providing reasonable and specific justification in writing to the charter school.

k. The sponsor shall submit an annual report to the Department of Education in a web-based format to be determined by the department.

(I) The report shall include the following information:

(A) The number of draft applications received on or before May 1 and each applicant's contact information.

(B) The number of final applications received on or before August 1 and each applicant's contact information.

(C) The date each application was approved, denied, or withdrawn.

(D) The date each final contract was executed.

(II) Beginning August 31, 2013, and each year thereafter, the sponsor shall submit to the department the information for the applications submitted the previous year.

(III) The department shall compile an annual report, by district, and post the report on its website by November 1 of each year.

2. Immunity for the sponsor of a charter school under subparagraph 1. applies only with respect to acts or omissions not under the sponsor's direct authority as described in this section.

3. This paragraph does not waive a district school board's sovereign immunity.

4. A Florida College System institution may work with the school district or school districts in its designated service area to develop charter schools that offer secondary education. These charter schools must include an option for students to receive an associate degree upon high school graduation. *If a Florida College System institution operates an approved teacher preparation program under s. 1004.04 or s. 1004.85, the institution may operate no more than one charter school that serves students in kindergarten through grade 12. In kindergarten through grade 8, the charter school shall implement innovative blended learning instructional models in which, for a given course, a student learns in part through online delivery of content and instruction with some element of student control over time, place, path, or pace and in part at a supervised brick-and-mortar location away from home. A student in a blended learning course must be a full-time student of the charter school and receive the online instruction in a classroom setting at the charter school.* District school boards shall cooperate with and assist the Florida College System institution on the charter application. Florida College System institution applications for charter schools are not subject to the time deadlines outlined in subsection (6) and may be approved by the district school board at any time during the year. Florida College System institutions may not report FTE for any students who receive FTE funding through the Florida Education Finance Program.

5. A school district may enter into nonexclusive interlocal agreements with federal and state agencies, counties, municipalities, and other governmental entities that operate within the geographical borders of the school district to act on behalf of such governmental entities in the inspection, issuance, and other necessary activities for all necessary permits, licenses, and other permissions that a charter school needs in order for development, construction, or operation. A charter school may use, but may not be required to use, a school district for these services. The interlocal agreement must include, but need not be limited to, the identification of fees that charter schools will be charged for such services. The fees must consist of the governmental entity's fees plus a fee for the school district to recover no more than actual costs for providing such services. These services and fees are not included within the services to be provided pursuant to subsection (20).

(6) APPLICATION PROCESS AND REVIEW.—Charter school applications are subject to the following requirements:

(b) A sponsor shall receive and review all applications for a charter school using an evaluation instrument developed by the Department of Education. A sponsor shall receive and consider charter school applications received on or before August 1 of each calendar year for charter schools to be opened at the beginning of the school district's next school year, or to be opened at a time agreed to by the applicant and the sponsor. A sponsor may *not refuse to receive a charter school application submitted before August 1 and may* receive *an application submitted* ~~applications~~ later than *August 1* ~~this date~~ if it chooses. *In order to facilitate greater collaboration in the application process, an applicant may submit a draft charter school application on or before May 1 with an application fee of $500. If a draft application is timely submitted, the sponsor shall review and provide feedback as to material deficiencies in the application by July 1. The applicant shall then have until August 1 to resubmit a revised and final application. The sponsor may approve the draft application.* A sponsor may not charge an applicant for a charter any fee for the processing or consideration of an application, and a sponsor may not base its consideration or approval of *a final* ~~an~~ application upon the promise of future payment of any kind. Before approving or denying any *final* application, the sponsor shall allow the applicant, upon receipt of written notification, at least 7 calendar days to make technical or nonsubstantive corrections and clarifications, including, but not limited to, corrections of grammatical, typographical, and like errors or missing signatures, if such errors are identified by the sponsor as cause to deny the *final* application.

1. In order to facilitate an accurate budget projection process, a sponsor shall be held harmless for FTE students who are not included in the FTE projection due to approval of charter school applications after the FTE projection deadline. In a further effort to facilitate an accurate budget projection, within 15 calendar days after receipt of a charter school application, a sponsor shall report to the Department of Education the name of the applicant entity, the proposed charter school location, and its projected FTE.

2. In order to ensure fiscal responsibility, an application for a charter school shall include a full accounting of expected assets, a projection of expected sources and amounts of income, including income derived from projected student enrollments and from community support, and an expense projection that includes full accounting of the costs of operation, including start-up costs.

3.a. A sponsor shall by a majority vote approve or deny an application no later than 60 calendar days after the application is received, unless the sponsor and the applicant mutually agree in writing to temporarily postpone the vote to a specific date, at which time the sponsor shall by a majority vote approve or deny the application. If the sponsor fails to act on the application, an applicant may appeal to the State Board of Education as provided in paragraph (c). If an application is denied, the sponsor shall, within 10 calendar days after such denial, articulate in writing the specific reasons, based upon good cause, supporting its denial of the charter application and shall provide the letter of denial and supporting documentation to the applicant and to the Department of Education.

b. An application submitted by a high-performing charter school identified pursuant to s. 1002.331 may be denied by the sponsor only if the sponsor demonstrates by clear and convincing evidence that:

(I) The application does not materially comply with the requirements in paragraph (a);

(II) The charter school proposed in the application does not materially comply with the requirements in paragraphs (9)(a)-(f);

(III) The proposed charter school's educational program does not substantially replicate that of the applicant or one of the applicant's high-performing charter schools;

(IV) The applicant has made a material misrepresentation or false statement or concealed an essential or material fact during the application process; or

(V) The proposed charter school's educational program and financial management practices do not materially comply with the requirements of this section.

Material noncompliance is a failure to follow requirements or a violation of prohibitions applicable to charter school applications, which failure is quantitatively or qualitatively significant either individually or when aggregated with other noncompliance. An applicant is considered to be replicating a high-performing charter school if the proposed school is substantially similar to at least one of the applicant's high-performing charter schools and the organization or individuals involved in the establishment and operation of the proposed school are significantly involved in the operation of replicated schools.

c. If the sponsor denies an application submitted by a high-performing charter school, the sponsor must, within 10 calendar days after such denial, state in writing the specific reasons, based upon the criteria in sub-subparagraph b., supporting its denial of the application and must provide the letter of denial and supporting documentation to the applicant and to the Department of Education. The applicant may appeal the sponsor's denial of the application directly to the State Board of Education pursuant to sub-subparagraph (c)3.b.

4. For budget projection purposes, the sponsor shall report to the Department of Education the approval or denial of a charter application within 10 calendar days after such approval or denial. In the event of approval, the report to the Department of Education shall include the final projected FTE for the approved charter school.

5. Upon approval of a charter application, the initial startup shall commence with the beginning of the public school calendar for the district in which the charter is granted unless the sponsor allows a waiver of this subparagraph for good cause.

(c)1. An applicant may appeal any denial of that applicant's application or failure to act on an application to the State Board of Education no later than 30 calendar days after receipt of the sponsor's decision or failure to act and shall notify the sponsor of its appeal. Any response of the sponsor shall be submitted to the State Board of Education within 30 calendar days after notification of the appeal. Upon receipt of notification from the State Board of Education that a charter school applicant is filing an appeal, the Commissioner of Education shall convene a meeting of the Charter School Appeal Commission to study and make recommendations to the State Board of Education regarding its pending decision about the appeal. The commission shall forward its recommendation to the state board *at least* ~~no later than~~ 7 calendar days *before* ~~prior to~~ the date on which the appeal is to be heard. *An appeal regarding the denial of an application submitted by a high-performing charter school pursuant to s. 1002.331 shall be conducted by the State Board of Education in accordance with this paragraph, except that the commission shall not convene to make recommendations regarding the appeal. However, the Commissioner of Education shall review the appeal and make a recommendation to the state board.*

2. The Charter School Appeal Commission *or, in the case of an appeal regarding an application submitted by a high-performing charter school, the State Board of Education* may reject an appeal submission for failure to comply with procedural rules governing the appeals process. The rejection shall describe the submission errors. The appellant shall have 15 calendar days after notice of rejection in which to resubmit an appeal that meets the requirements set forth in State Board of Education rule. An appeal submitted subsequent to such rejection is considered timely if the original appeal was filed within 30 calendar days after receipt of

notice of the specific reasons for the sponsor's denial of the charter application.

3.a. The State Board of Education shall by majority vote accept or reject the decision of the sponsor no later than 90 calendar days after an appeal is filed in accordance with State Board of Education rule. The State Board of Education shall remand the application to the sponsor with its written decision that the sponsor approve or deny the application. The sponsor shall implement the decision of the State Board of Education. The decision of the State Board of Education is not subject to the provisions of the Administrative Procedure Act, chapter 120.

b. If an appeal concerns an application submitted by a high-performing charter school identified pursuant to s. 1002.331, the State Board of Education shall determine whether the sponsor has shown, by clear and convincing evidence, that:

(I) The application does not materially comply with the requirements in paragraph (a);

(II) The charter school proposed in the application does not materially comply with the requirements in paragraphs (9)(a)-(f);

(III) The proposed charter school's educational program does not substantially replicate that of the applicant or one of the applicant's high-performing charter schools;

(IV) The applicant has made a material misrepresentation or false statement or concealed an essential or material fact during the application process; or

(V) The proposed charter school's educational program and financial management practices do not materially comply with the requirements of this section.

The State Board of Education shall approve or reject the sponsor's denial of an application no later than 90 calendar days after an appeal is filed in accordance with State Board of Education rule. The State Board of Education shall remand the application to the sponsor with its written decision that the sponsor approve or deny the application. The sponsor shall implement the decision of the State Board of Education. The decision of the State Board of Education is not subject to the Administrative Procedure Act, chapter 120.

(h) The terms and conditions for the operation of a charter school shall be set forth by the sponsor and the applicant in a written contractual agreement, called a charter. The sponsor *may* ~~shall~~ not impose unreasonable rules or regulations that violate the intent of giving charter schools greater flexibility to meet educational goals. The sponsor *has 30* ~~shall have 60~~ days *after approval of the application* to provide an initial proposed charter contract to the charter school. The applicant and the sponsor *have 40* ~~shall have 75~~ days thereafter to negotiate and notice the charter contract for final approval by the sponsor unless both parties agree to an extension. The proposed charter contract shall be provided to the charter school at least 7 calendar days prior to the date of the meeting at which the charter is scheduled to be voted upon by the sponsor. The Department of Education shall provide mediation services for any dispute regarding this section subsequent to the approval of a charter application and for any dispute relating to the approved charter, except disputes regarding charter school application denials. If the Commissioner of Education determines that the dispute cannot be settled through mediation, the dispute may be appealed to an administrative law judge appointed by the Division of Administrative Hearings. The administrative law judge *has final order authority to* ~~may~~ rule on issues of equitable treatment of the charter school as a public school, whether proposed provisions of the charter violate the intended flexibility granted charter schools by statute, or on any other matter regarding this section except a charter school application denial, a charter termination, or a charter nonrenewal and shall award the prevailing party reasonable attorney's fees and costs incurred to be paid by the losing party. The costs of the administrative hearing shall be paid by the party whom the administrative law judge rules against.

(7) CHARTER.—The major issues involving the operation of a charter school shall be considered in advance and written into the charter. The charter shall be signed by the governing board of the charter school and the sponsor, following a public hearing to ensure community input.

(a) The charter shall address and criteria for approval of the charter shall be based on:

1. The school's mission, the students to be served, and the ages and grades to be included.

2. The focus of the curriculum, the instructional methods to be used, any distinctive instructional techniques to be employed, and identification and acquisition of appropriate technologies needed to improve educational and administrative performance which include a means for promoting safe, ethical, and appropriate uses of technology which comply with legal and professional standards.

a. The charter shall ensure that reading is a primary focus of the curriculum and that resources are provided to identify and provide specialized instruction for students who are reading below grade level. The curriculum and instructional strategies for reading must be consistent with the *Next Generation* Sunshine State Standards and grounded in scientifically based reading research.

b. In order to provide students with access to diverse instructional delivery models, to facilitate the integration of technology within traditional classroom instruction, and to provide students with the skills they need to compete in the 21st century economy, the Legislature encourages instructional methods for blended learning courses consisting of both traditional classroom and online instructional techniques. Charter schools may implement blended learning courses which combine traditional classroom instruction and virtual instruction. Students in a blended learning course must be full-time students of the charter school and receive the online instruction in a classroom setting at the charter school. Instructional personnel certified pursuant to s. 1012.55 who provide virtual instruction for blended learning courses may be employees of the charter school or may be under contract to provide instructional services to charter school students. At a minimum, such instructional personnel must hold an active state or school district adjunct certification under s. 1012.57 for the subject area of the blended learning course. The funding and performance accountability requirements for blended learning courses are the same as those for traditional courses.

3. The current incoming baseline standard of student academic achievement, the outcomes to be achieved, and the method of measurement that will be used. The criteria listed in this subparagraph shall include a detailed description of:

a. How the baseline student academic achievement levels and prior rates of academic progress will be established.

b. How these baseline rates will be compared to rates of academic progress achieved by these same students while attending the charter school.

c. To the extent possible, how these rates of progress will be evaluated and compared with rates of progress of other closely comparable student populations.

The district school board is required to provide academic student performance data to charter schools for each of their students coming from the district school system, as well as rates of academic progress of comparable student populations in the district school system.

4. The methods used to identify the educational strengths and needs of students and how well educational goals and performance standards are met by students attending the charter school. The methods shall provide a means for the charter school to ensure accountability to its constituents by analyzing student performance data and by evaluating the effectiveness and efficiency of its major educational programs. Students in charter schools shall, at a minimum, participate in the statewide assessment program created under s. 1008.22.

5. In secondary charter schools, a method for determining that a student has satisfied the requirements for graduation in s. 1003.428, s. 1003.429, or s. 1003.43.

6. A method for resolving conflicts between the governing board of the charter school and the sponsor.

7. The admissions procedures and dismissal procedures, including the school's code of student conduct.

8. The ways by which the school will achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other public schools in the same school district.

9. The financial and administrative management of the school, including a reasonable demonstration of the professional experience or competence of those individuals or organizations applying to operate the charter school or those hired or retained to perform such professional services and the description of clearly delineated responsibilities and the policies and practices needed to effectively manage the charter school. A description of internal audit procedures and establishment of controls to ensure that financial resources are properly managed must be included. Both public sector and private sector professional experience shall be equally valid in such a consideration.

10. The asset and liability projections required in the application which are incorporated into the charter and shall be compared with information provided in the annual report of the charter school.

11. A description of procedures that identify various risks and provide for a comprehensive approach to reduce the impact of losses; plans to ensure the safety and security of students and staff; plans to identify, minimize, and protect others from violent or disruptive student behavior; and the manner in which the school will be insured, including whether or not the school will be required to have liability insurance, and, if so, the terms and conditions thereof and the amounts of coverage.

12. The term of the charter which shall provide for cancellation of the charter if insufficient progress has been made in attaining the student achievement objectives of the charter and if it is not likely that such objectives can be achieved before expiration of the charter. The initial term of a charter shall be for 4 or 5 years. In order to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a municipality or other public entity as provided by law are eligible for up to a 15-year charter, subject to approval by the district school board. A charter lab school is eligible for a charter for a term of up to 15 years. In addition, to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a private, not-for-profit, s. 501(c)(3) status corporation are eligible for up to a 15-year charter, subject to approval by the district school board. Such long-term charters remain subject to annual review and may be terminated during the term of the charter, but only according to the provisions set forth in subsection (8).

13. The facilities to be used and their location. *The sponsor may not require a charter school to have a certificate of occupancy or a temporary certificate of occupancy for such a facility earlier than 15 calendar days before the first day of school.*

14. The qualifications to be required of the teachers and the potential strategies used to recruit, hire, train, and retain qualified staff to achieve best value.

15. The governance structure of the school, including the status of the charter school as a public or private employer as required in paragraph (12)(i).

16. A timetable for implementing the charter which addresses the implementation of each element thereof and the date by which the charter shall be awarded in order to meet this timetable.

17. In the case of an existing public school that is being converted to charter status, alternative arrangements for current students who choose not to attend the charter school and for current teachers who choose not to teach in the charter school after conversion in accordance with the existing collective bargaining agreement or district school board rule in the absence of a collective bargaining agreement. However, alternative arrangements shall not be required for current teachers who choose not to teach in a charter lab school, except as authorized by the employment policies of the state university which grants the charter to the lab school.

18. Full disclosure of the identity of all relatives employed by the charter school who are related to the charter school owner, president, chairperson of the governing board of directors, superintendent, governing board member, principal, assistant principal, or any other person employed by the charter school who has equivalent decisionmaking authority. For the purpose of this subparagraph, the term "relative" means father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

19. Implementation of the activities authorized under s. 1002.331 by the charter school when it satisfies the eligibility requirements for a high-performing charter school. A high-performing charter school shall notify its sponsor in writing by March 1 if it intends to increase enrollment or expand grade levels the following school year. The written notice shall specify the amount of the enrollment increase and the grade levels that will be added, as applicable.

(c) A charter may be modified during its initial term or any renewal term upon the recommendation of the sponsor or the charter school's governing board and the approval of both parties to the agreement. *Modification may include, but is not limited to, consolidation of multiple charters into a single charter if the charters are operated under the same governing board and physically located on the same campus, regardless of the renewal cycle.*

(8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

(a) *The sponsor shall make student academic achievement for all students the most important factor when determining whether to renew or terminate the charter.* The sponsor may *also* choose not to renew or may terminate the charter for any of the following grounds:

1. Failure to participate in the state's education accountability system created in s. 1008.31, as required in this section, or failure to meet the requirements for student performance stated in the charter.

2. Failure to meet generally accepted standards of fiscal management.

3. Violation of law.

4. Other good cause shown.

And the title is amended as follows:

Delete lines 2-26 and insert: An act relating to education; amending s. 1002.33, F.S.; clarifying enforcement of policies agreed to by the sponsor and charter school which are subsequently amended; requiring a charter school sponsor to submit an annual report that includes specified information; authorizing a charter school operated by a Florida College System institution to serve students in kindergarten through grade 12 if certain criteria are met; authorizing a school district to enter into certain interlocal agreements and authorizing charter schools to use the school district for certain related services; revising provisions relating to the timely submission of charter school applications; providing requirements relating to the appeal of a denied application submitted by a high-performing charter school; prohibiting a sponsor from requiring a charter school to have a certificate of occupancy before the first day of school or to identify the students who will be enrolled; providing for modification of a charter; requiring a sponsor to make student academic achievement for all students a priority in deciding whether to renew a charter; revising the

Amendment 2 (906024) (with title amendment)—Delete lines 635-1068 and insert:

Section 1. Paragraphs (g) and (n) of subsection (9), paragraph (i) of subsection (10), paragraph (a) of subsection (21), and subsection (27) of section 1002.33, Florida Statutes, are amended, paragraphs (o) and (p) are added to subsection (9) of that section, paragraph (c) is added to subsection (16) of that section, and paragraph (c) is added to subsection (26) of that section, to read:

1002.33 Charter schools.—

(9) CHARTER SCHOOL REQUIREMENTS.—

(g)*1.* In order to provide financial information that is comparable to that reported for other public schools, charter schools are to maintain all financial records that constitute their accounting system:

a.~~1.~~ In accordance with the accounts and codes prescribed in the most recent issuance of the publication titled "Financial and Program Cost Accounting and Reporting for Florida Schools"; or

b.~~2.~~ At the discretion of the charter school's governing board, a charter school may elect to follow generally accepted accounting standards for not-for-profit organizations, but must reformat this information for reporting according to this paragraph.

2. Charter schools shall provide annual financial report and program cost report information in the state-required formats for inclusion in district reporting in compliance with s. 1011.60(1). Charter schools that are operated by a municipality or are a component unit of a parent nonprofit organization may use the accounting system of the municipality or the parent but must reformat this information for reporting according to this paragraph.

3. A charter school shall provide the sponsor with a concise, uniform, monthly financial statement summary sheet that contains a balance sheet and a statement of revenue, expenditures, and changes in fund balance. The balance sheet and the statement of revenue, expenditures, and changes in fund balance shall be in the governmental funds format prescribed by the Governmental Accounting Standards Board. ~~A charter school shall provide a monthly financial statement to the sponsor unless the charter school is designated as~~ A high-performing charter school pursuant to s. 1002.331~~, in which case the high-performing charter school~~ may provide a quarterly financial statement *in the same format and requirements as the uniform monthly financial statement summary sheet*. ~~The financial statement required under this paragraph shall be in a form prescribed by the Department of Education.~~

4. A charter school shall maintain and provide financial information as required in this paragraph. The financial statement required in subparagraph 3. must be in a form prescribed by the Department of Education.

(n)1. The director and a representative of the governing board of a charter school that has earned a grade of "D" or "F" pursuant to s. 1008.34(2) shall appear before the sponsor to present information concerning each contract component having noted deficiencies. The director and a representative of the governing board shall submit to the sponsor for approval a school improvement plan to raise student achievement. Upon approval by the sponsor, the charter school shall begin implementation of the school improvement plan. The department shall offer technical assistance and training to the charter school and its governing board and establish guidelines for developing, submitting, and approving such plans.

2.a. If a charter school earns three consecutive grades of "D," two consecutive grades of "D" followed by a grade of "F," or two nonconsecutive grades of "F" within a 3-year period, the charter school governing board shall choose one of the following corrective actions:

(I) Contract for educational services to be provided directly to students, instructional personnel, and school administrators, as prescribed in state board rule;

(II) Contract with an outside entity that has a demonstrated record of effectiveness to operate the school;

(III) Reorganize the school under a new director or principal who is authorized to hire new staff; or

(IV) Voluntarily close the charter school.

b. The charter school must implement the corrective action in the school year following receipt of a third consecutive grade of "D," a grade of "F" following two consecutive grades of "D," or a second nonconsecutive grade of "F" within a 3-year period.

c. The sponsor may annually waive a corrective action if it determines that the charter school is likely to improve a letter grade if additional time is provided to implement the intervention and support strategies prescribed by the school improvement plan. Notwithstanding this sub-subparagraph, a charter school that earns a second consecutive grade of "F" is subject to subparagraph 4.

d. A charter school is no longer required to implement a corrective action if it improves by at least one letter grade. However, the charter school must continue to implement strategies identified in the school improvement plan. The sponsor must annually review implementation of the school improvement plan to monitor the school's continued improvement pursuant to subparagraph 5.

e. A charter school implementing a corrective action that does not improve by at least one letter grade after 2 full school years of implementing the corrective action must select a different corrective action. Implementation of the new corrective action must begin in the school year following the implementation period of the existing corrective action, unless the sponsor determines that the charter school is likely to improve a letter grade if additional time is provided to implement the existing corrective action. Notwithstanding this sub-subparagraph, a charter school that earns a second consecutive grade of "F" while implementing a corrective action is subject to subparagraph 4.

3. A charter school with a grade of "D" or "F" that improves by at least one letter grade must continue to implement the strategies identified in the school improvement plan. The sponsor must annually review implementation of the school improvement plan to monitor the school's continued improvement pursuant to subparagraph 5.

4. The sponsor shall terminate a charter if the charter school earns two consecutive grades of "F" unless:

a. The charter school is established to turn around the performance of a district public school pursuant to s. 1008.33(4)(b)3. Such charter schools shall be governed by s. 1008.33;

b. The charter school serves a student population the majority of which resides in a school zone served by a district public school that earned a grade of "F" in the year before the charter school opened and the charter school earns at least a grade of "D" in its third year of operation. The exception provided under this sub-subparagraph does not apply to a charter school in its fourth year of operation and thereafter; or

c. The state board grants the charter school a waiver of termination. The charter school must request the waiver within *15* ~~30~~ days after *the department's official release* ~~completion~~ of school *grades* ~~grade appeals~~. The state board may waive termination if the charter school demonstrates that the learning gains of its students on statewide assessments are comparable to or better than the learning gains of similarly situated students enrolled in nearby district public schools. The waiver is valid for 1 year and may only be granted once. Charter schools that have been in operation for more than 5 years are not eligible for a waiver under this sub-subparagraph.

5. The director and a representative of the governing board of a graded charter school that has implemented a school improvement plan under this paragraph shall appear before the sponsor at least once a year to present information regarding the progress of intervention and support strategies implemented by the school pursuant to the school improvement plan and corrective actions, if applicable. The sponsor shall communicate at the meeting, and in writing to the director, the services provided to the school to help the school address its deficiencies.

6. Notwithstanding any provision of this paragraph except sub-subparagraphs 4.a.-c., the sponsor may terminate the charter at any time pursuant to subsection (8).

(o)1. Upon initial notification of nonrenewal, closure, or termination of its charter, a charter school may not expend more than $10,000 per expenditure without prior written approval from the sponsor unless such expenditure was included within the annual budget submitted to the sponsor pursuant to the charter contract, is for reasonable attorney fees and costs during the pendency of any appeal, or is for reasonable fees and costs to conduct an independent audit.

2. An independent audit shall be completed within 30 days after notice of nonrenewal, closure, or termination to account for all public funds and assets.

3. A provision in a charter contract that contains an acceleration clause requiring the expenditure of funds based upon closure or upon notification of nonrenewal or termination is void and unenforceable.

4. A charter school may not enter into a contract with an employee that exceeds the term of the school's charter contract with its sponsor.

5. A violation of this paragraph triggers a reversion or clawback power by the sponsor allowing for collection of an amount equal to or less than the accelerated amount that exceeds normal expenditures. The reversion or clawback plus legal fees and costs shall be levied against the person or entity receiving the accelerated amount.

(p) Each charter school shall maintain a website that enables the public to obtain information regarding the school; the school's academic performance; the names of the governing board members; the programs at the school; any management companies, service providers, or education management corporations associated with the school; the school's annual budget and its annual independent fiscal audit; the school's grade pursuant to s. 1008.34; and, on a quarterly basis, the minutes of governing board meetings.

(10) ELIGIBLE STUDENTS.—

(i) The capacity of a high-performing charter school identified pursuant to s. 1002.331 shall be determined annually by the governing board of the charter school. The governing board shall notify the sponsor of any increase in enrollment by March 1 of the school year preceding the increase. *A sponsor may not require a charter school to identify the names of students to be enrolled or to enroll those students before the start of the school year as a condition of approval or renewal of a charter.*

(16) EXEMPTION FROM STATUTES.—

(c) For purposes of subparagraphs (b)4.-7.:

1. The duties assigned to a district school superintendent apply to charter school administrative personnel, as defined in s. 1012.01(3)(a) and (b), and the charter school governing board shall designate at least one administrative person to be responsible for such duties.

2. The duties assigned to a district school board apply to a charter school governing board.

3. A charter school may hire instructional personnel and other employees on an at-will basis.

4. Notwithstanding any provision to the contrary, instructional personnel and other employees on contract may be suspended or dismissed any time during the term of the contract without cause.

(21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

(a) The Department of Education shall provide information to the public, directly and through sponsors, on how to form and operate a charter school and how to enroll in a charter school once it is created. This information shall include a *model* ~~standard~~ application *form* ~~format~~, *standard* charter *contract* ~~format~~, *standard* evaluation instrument, and *standard* charter renewal *contract* ~~format~~, which shall include the information specified in subsection (7) and shall be developed by consulting and negotiating with both school districts and charter schools before implementation. The charter and charter renewal *contracts* ~~formats~~ shall be used by charter school sponsors.

(26) STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.—

(c) An employee of the charter school, or his or her spouse, or an employee of a charter management organization, or his or her spouse, may not be a member of the governing board of the charter school.

(27) RULEMAKING.—The Department of Education, after consultation with school districts and charter school directors, shall recommend that the State Board of Education adopt rules to implement specific subsections of this section. Such rules shall require minimum paperwork and shall not limit charter school flexibility authorized by statute. The State Board of Education shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to implement a charter model application form, *standard* evaluation instrument, and *standard* charter and charter renewal *contracts* ~~formats~~ in accordance with this section.

Section 2. Subsections (2) and (5) of section 1002.331, Florida Statutes, are amended to read:

1002.331 High-performing charter schools.—

(2) A high-performing charter school is authorized to:

(a) Increase its student enrollment once per school year ~~by up~~ to ~~15 percent~~ more than the capacity identified in the charter*, but student enrollment may not exceed the current facility capacity*.

(b) Expand grade levels within kindergarten through grade 12 to add grade levels not already served if any annual enrollment increase resulting from grade level expansion is within the limit established in paragraph (a).

(c) Submit a quarterly, rather than a monthly, financial statement to the sponsor pursuant to s. 1002.33(9)(g).

(d) Consolidate under a single charter the charters of multiple high-performing charter schools operated in the same school district by the charter schools' governing board regardless of the renewal cycle.

(e) Receive a modification of its charter to a term of 15 years or a 15-year charter renewal. The charter may be modified or renewed for a shorter term at the option of the high-performing charter school. The charter must be consistent with s. 1002.33(7)(a)19. and (10)(h) and (i), is subject to annual review by the sponsor, and may be terminated during its term pursuant to s. 1002.33(8).

A high-performing charter school shall notify its sponsor in writing by March 1 if it intends to increase enrollment or expand grade levels the following school year. The written notice shall specify the amount of the enrollment increase and the grade levels that will be added, as applicable. *If a charter school notifies the sponsor of its intent to expand, the sponsor shall modify the charter within 90 days to include the new enrollment maximum and may not make any other changes. The sponsor may deny a request to increase the enrollment of a high-performing charter school if the commissioner has declassified the charter school as high-performing. If a high-performing charter school requests to consolidate multiple charters, the sponsor shall have 40 days after receipt of that request to provide an initial draft charter to the charter school. The sponsor and charter school shall have 50 days thereafter to negotiate and notice the charter contract for final approval by the sponsor.*

(5) The Commissioner of Education, upon request by a charter school, shall verify that the charter school meets the criteria in subsection (1) and provide a letter to the charter school and the sponsor stating that the charter school is a high-performing charter school pursuant to this section. *The commissioner shall annually determine whether a high-performing charter school under subsection (1) continues to meet the criteria in that subsection. Such high-performing charter school shall maintain its high-performing status unless the commissioner determines that the charter school no longer meets the criteria in subsection (1), at which time the commissioner shall send a letter providing notification of its declassification as a high-performing charter school.*

Section 3. Paragraph (b) of subsection (1) and paragraph (a) of subsection (2) of section 1002.332, Florida Statutes, are amended to read:

1002.332 High-performing charter school system.—

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

(b) "High-performing charter school system" means an entity that:

1. *Operated* ~~Operates~~ at least three high-performing charter schools in the state *during each of the previous 3 school years*;

2. *Operated* ~~Operates~~ a system of charter schools in which at least 50 percent of the charter schools *were* ~~are~~ high-performing charter schools pursuant to s. 1002.331 and no charter school earned a school grade of "D" or "F" pursuant to s. 1008.34 *in any of the previous 3 school years regardless of whether the entity currently operates the charter school*, except that:

a. If the entity ~~has~~ assumed operation of a public school pursuant to s. 1008.33(4)(b)3. with a school grade of "F," that school's grade may not be considered in determining high-performing charter school system status for a period of 3 years.

b. If the entity *established* ~~establishes~~ a new charter school that *served* ~~serves~~ a student population the majority of which *resided* ~~resides~~ in a school zone served by a public school that earned a grade of "F" or

three consecutive grades of "D" pursuant to s. 1008.34, that charter school's grade may not be considered in determining high-performing charter school system status if it *attained* ~~attains~~ and *maintained* ~~maintains~~ a school grade that *was* ~~is~~ higher than that of the public school serving that school zone within 3 years after establishment; and

3. *Did* ~~Has~~ not *receive* ~~received~~ a financial audit that revealed one or more of the financial emergency conditions set forth in s. 218.503(1) for any charter school assumed or established by the entity *in the most recent 3 fiscal years for which such audits are available*.

(2)(a) The Commissioner of Education~~, upon request by an entity,~~ shall verify *all charter schools served by an entity and verify* that the entity meets the criteria in *this section* ~~subsection (1)~~ for the *previous* ~~prior~~ school year and provide a letter to the entity stating that it is a high-performing charter school system.

1. As part of the commissioner's verification, the entity shall identify all charter schools in this state which the entity has operated or provided services for the previous 3 years, regardless of whether the entity currently operates or provides services for the charter school. For all such charter schools that the entity no longer operates, the entity shall identify the reasons the entity terminated the operation or services or grounds stated by the charter school's governing board in terminating the operation or services of the entity.

2. The commissioner shall annually determine whether a high-performing charter school system continues to meet the criteria in this section. A high-performing charter school system shall maintain its high-performing status unless the commissioner determines that the charter school system no longer meets the criteria in this section, at which time the commissioner shall send a letter providing notification of its declassification as a high-performing charter school system.

And the title is amended as follows:

Delete lines 26-60 and insert: charter renewals and terminations; 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; providing that certain district school duties also apply to 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 the Commissioner of Education to annually review a high-performing charter school's eligibility for high-performing status; authorizing declassification as a high-performing charter school; amending s. 1002.332, F.S.; revising requirements for classification as a high-performing charter school system; requiring the commissioner to annually review a high-performing charter school system's eligibility for high-performing status; authorizing declassification as a high-performing charter school system; requiring

Senator Legg moved the following amendment:

Amendment 3 (270732) (with title amendment)—Delete lines 1069-1074 and insert:

Section 4. *Full implementation of online assessments for Next Generation Sunshine State Standards in English/language arts and mathematics adopted under s. 1003.41, Florida Statutes, for all kindergarten through grade 12 public school students shall 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.*

Section 5. *The technology infrastructure, connectivity, and capacity of all public schools and school districts that administer statewide standardized assessments pursuant to s. 1008.22, Florida Statutes, including online assessments, shall be load tested and independently verified as appropriate, adequate, efficient, and sustainable.*

Section 6. *The Department of Education shall develop a proposed statewide, standard charter contract and a proposed definition of the term "management company" by consulting and negotiating with school districts and charter schools and provide the proposed charter contract to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1, 2013.*

And the title is amended as follows:

Delete lines 60-62 and insert: as a high-performing charter school system; 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; requiring the Department of Education to develop a proposed statewide, standard charter contract; providing an effective

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

Senator Montford moved the following amendment to **Amendment 3** which failed:

Amendment 3A (482450) (with title amendment)—Delete lines 19-25.

And the title is amended as follows:

Delete lines 46-48 and insert: sustainable; providing an effective

The question recurred on **Amendment 3 (270732)** which was adopted.

Senator Montford moved the following amendment:

Amendment 4 (589856) (with title amendment)—Between lines 1074 and 1075 insert:

Section 5. Subsection (9) is added to section 1002.31, Florida Statutes, to read:

1002.31 Public school parental choice.—

(9) For a school or program that is a public school of choice under this section, the calculation for compliance with maximum class size pursuant to s. 1003.03 is the average number of students at the school level.

Section 6. Section 1002.451, Florida Statutes, is created to read:

1002.451 District innovation school of technology program.—

(1) DISTRICT INNOVATION SCHOOL OF TECHNOLOGY.—

(a) A district school board may operate an innovation school of technology for the purpose of developing the innovative use of industry-leading technology while requiring high student academic achievement and accountability in exchange for flexibility and exemption from specified statutes and rules. The innovation school of technology shall operate within existing resources.

(b) An innovation school of technology is a school that has, on a schoolwide basis, adopted and implemented a blended learning program. A blended learning program is an education program in which a student learns in part through online delivery of content and instruction with some element of student control over time, place, path, or pace and in part at a supervised brick-and-mortar location away from home. Blended learning models must include major components such as differentiated instruction, data-driven placement, flexible scheduling, differentiated teaching, and self-paced learning. The school may use one of the following blended learning models:

1. Flipped classroom model in which students use online instructional videos and practice concepts in the classroom with the support of the teacher;

2. Flex model in which students learn primarily online and teachers act as facilitators; or

3. Rotation model in which students move between different learning modalities, such as online instruction, teacher-directed instruction, seminar or group projects, and one-on-one teacher coaching. Rotation models include individual, station, and laboratory models.

(c) An innovation school of technology must be open to any student covered in an interdistrict agreement or residing in the school district in which the innovation school of technology is located. An innovation school of technology shall enroll an eligible student who submits a timely application if the number of applications does not exceed the capacity of a program, class, grade level, or building. If the number of applications exceeds capacity, all applicants shall have an equal chance of being admitted through a public random selection process. However, a district may give enrollment preference to students who identify the innovation school of technology as the student's preferred choice pursuant to the district's controlled open enrollment plan.

(2) GUIDING PRINCIPLES.—An innovation school of technology shall be guided by the following principles:

(a) Meet high standards of student achievement in exchange for flexibility with respect to statutes or rules.

(b) Implement innovative learning methods and assessment tools to implement a schoolwide transformation regarding industry-leading technology to improve student learning and academic achievement.

(c) Promote enhanced academic success and financial efficiency by aligning responsibility with accountability and industry-leading technology.

(d) Measure student performance based on student learning growth, or based on student achievement if student learning growth cannot be measured.

(e) Provide a parent with sufficient information as to whether his or her child is reading at grade level and making learning gains each year.

(f) Incorporate industry certifications and similar recognitions into performance expectations.

(g) Focus on utilizing industry-leading hardware and software technology for student individual use and to develop the school's infrastructure in furtherance of this section.

(3) TERM OF PERFORMANCE CONTRACT.—An innovation school of technology may operate pursuant to a performance contract with the State Board of Education for a period of 5 years.

(a) Before expiration of the performance contract, the school's performance shall be evaluated against the eligibility criteria, purpose, guiding principles, and compliance with the contract to determine whether the contract may be renewed. The contract may be renewed every 5 years.

(b) The performance contract shall be terminated by the State Board of Education if:

1. The school receives a grade of "F" as an innovation school of technology for 2 consecutive years;

2. The school or district fails to comply with the criteria in this section;

3. The school or district does not comply with terms of the contract which specify that a violation results in termination; or

4. Other good cause is shown.

(4) FUNDING.—A district school board operating an innovation school of technology shall report full-time equivalent students to the department in a manner prescribed by the department, and funding shall be provided through the Florida Education Finance Program as provided in ss. 1011.61 and 1011.62. An innovation school of technology may seek and receive additional funding through incentive grants or public or private partnerships.

(5) EXEMPTION FROM STATUTES.—

(a) An innovation school of technology is exempt from chapters 1000-1013. However, an innovation school of technology shall comply with the following provisions of those chapters:

1. Laws pertaining to the following:

a. Schools of technology, including this section.

b. Student assessment program and school grading system.

c. Services to students who have disabilities.

d. Civil rights, including s. 1000.05, relating to discrimination.

e. Student health, safety, and welfare.

2. Laws governing the election and compensation of district school board members and election or appointment and compensation of district school superintendents.

3. Section 1003.03, governing maximum class size, except that the calculation for compliance pursuant to s. 1003.03 is the average at the school level.

4. Sections 1012.22(1)(c) and 1012.27(2), relating to compensation and salary schedules.

5. Section 1012.33(5), relating to workforce reductions, for annual contracts for instructional personnel. This subparagraph does not apply to at-will employees.

6. Section 1012.335, relating to contracts with instructional personnel hired on or after July 1, 2011, for annual contracts for instructional personnel. This subparagraph does not apply to at-will employees.

(b) An innovation school of technology shall also comply with chapter 119 and s. 286.011, relating to public meetings and records, public inspection, and criminal and civil penalties.

(c) An innovation school of technology is exempt from ad valorem taxes and the State Requirements for Educational Facilities when leasing facilities.

(6) APPLICATION PROCESS AND PERFORMANCE CONTRACT.—

(a) A district school board may apply to the State Board of Education for an innovation school of technology if the district:

1. Has at least 20 percent of its total enrollment in public school choice programs or at least 5 percent of its total enrollment in charter schools;

2. Has no material weaknesses or instances of material noncompliance noted in the annual financial audit conducted pursuant to s. 218.39; and

3. Has received a district grade of "A" or "B" in each of the past 3 years.

(b) A district school board may operate one innovation school of technology upon an application being approved by the State Board of Education.

1. A district school board may apply to the State Board of Education to establish additional schools of technology if each existing innovation school of technology in the district:

a. Meets all requirements in this section and in the performance contract;

b. Has a grade of "A" or "B"; and

c. Has at least 50 percent of its students exceed the state average on the statewide assessment program pursuant to s. 1008.22. This comparison may take student subgroups, as defined in the federal Elementary and Secondary Education Act (ESEA), 20 U.S.C. s. 6311(b)(2)(C)(v)(II), into specific consideration so that at least 50 percent of students in each student subgroup meet or exceed the statewide average performance, rounded to the nearest whole number, of that particular subgroup.

2. Notwithstanding subparagraph 1., the number of schools of technology in a school district may not exceed:

a. Seven in a school district that has 100,000 or more students.

b. Five in a school district that has 50,000 to 99,999 students.

c. Three in a school district that has fewer than 50,000 students.

(c) A school district that meets the eligibility requirements of paragraph (a) may apply to the State Board of Education at any time to enter into a performance contract to operate an innovation school of technology. The application must, at a minimum:

1. Demonstrate how the school district meets and will continue to meet the requirements of this section;

2. Identify how the school will accomplish the purposes and guiding principles of this section;

3. Identify the statutes or rules from which the district is seeking a waiver for the school;

4. Identify and provide supporting documentation for the purpose and impact of each waiver, how each waiver would enable the school to achieve the purpose and guiding principles of this section, and how the school would not be able to achieve the purpose and guiding principles of this section without each waiver; and

5. Confirm that the school board remains responsible for the operation, control, and supervision of the school in accordance with all applicable laws, rules, and district procedures not waived pursuant to this section or waived pursuant to other applicable law.

(d) The State Board of Education shall approve or deny the application within 90 days or, with the agreement of the school district, at a later date.

(e) The performance contract must address the terms under which the State Board of Education may cancel the contract and, at a minimum, the methods by which:

1. Upon execution of the performance contract, the school district will plan the program during the first year, begin at least partial implementation of the program during the second year, and fully implement the program by the third year. A district may implement the program sooner than specified in this subparagraph if authorized in the performance contract.

2. The school will integrate industry-leading technology into instruction, assessment, and professional development. The school may also restructure the school day or school year in a way that allows it to best accomplish its goals.

3. The school and district will monitor performance progress based on skills that help students succeed in college and careers, including problem solving, research, interpretation, and communication.

4. The school will incorporate industry certifications and similar recognitions into performance expectations.

5. The school and district will comply with this section and the performance contract.

(f) Three or more contiguous school districts may apply to enter into a joint performance contract as a Region of Technology, subject to terms and conditions contained in this section for a single school district.

(g) The State Board of Education shall monitor schools of technology to ensure that the respective school district is in compliance with this section and the performance contract.

(h) The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section, including, but not limited to, an application, evaluation instrument, and renewal evaluation instrument.

(i) This section does not supersede the provisions of s. 768.28.

(7) REPORTS.—The school district of an innovation school of technology shall submit to the State Board of Education, the President of the Senate, and the Speaker of the House of Representatives an annual report by December 1 of each year which delineates the performance of the innovation school of technology as it relates to the academic performance of students. The annual report shall be submitted in a format prescribed by the Department of Education and must include, but need not be limited to, the following:

(a) Evidence of compliance with this section.

(b) Efforts to close the achievement gap.

(c) Longitudinal performance of students, by grade level and subgroup, in mathematics, reading, writing, science, and any other subject that is included as a part of the statewide assessment program in s. 1008.22.

(d) Longitudinal performance for students who take an Advanced Placement Examination, organized by age, gender, and race, and for students who participate in the National School Lunch Program.

(e) Number and percentage of students who take an Advanced Placement Examination.

(f) Identification and analysis of industry-leading technology used to comply with this section, including, but not limited to, recommendations and lessons learned from such use.

And the title is amended as follows:

Delete line 62 and insert: standard charter contract; amending s. 1002.31, F.S.; providing a calculation for compliance with class size maximums for a public school of choice; creating s. 1002.451, F.S.; creating schools of technology to allow school districts to be innovative with industry-leading technology and earn flexibility for high academic achievement; describing permissible learning models; specifying student eligibility requirements; providing guiding principles for schools of innovation; providing guiding principles for schools of technology; specifying requirements of a performance contract between the State Board of Education and an innovation school of technology; establishing the term of the performance contract; providing for funding; exempting schools of technology from ch. 1000-1013, F.S., subject to certain exceptions; exempting such schools from certain ad valorem taxes and other requirements; specifying school district eligibility; establishing an application process; limiting the number of schools of technology that may be operated and established in a school district; providing for a Region of Technology in which three or more school districts enter into a joint performance contract; requiring the State Board of Education to monitor schools of technology for compliance with the act and performance contracts; requiring the State Board of Education to adopt rules; requiring a school district with an innovation school of technology to submit an annual report to the State Board of Education and the Legislature; specifying requirements for such report; providing an effective

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

Senator Montford moved the following amendment to **Amendment 4** which was adopted:

Amendment 4A (741640)—Between lines 130 and 131 insert:

7. Section 1012.34, relating to requirements for performance evaluations of instructional personnel and school administrators.

Amendment 4 (589856) as amended was adopted.

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

Senator Flores moved the following amendment which was adopted:

Amendment 5 (150830) (with title amendment)—Between lines 1068 and 1069 insert:

Section 4. Subsection (6) is added to section 1012.2315, Florida Statutes, to read:

1012.2315 Assignment of teachers.—

(6) ASSIGNMENT OF TEACHERS BASED UPON PERFORMANCE

EVALUATIONS.—

(a) If a high school or middle school student is currently taught by a classroom teacher who, during that school year, receives a performance evaluation rating of "needs improvement" or "unsatisfactory" under s. 1012.34, the student may not be assigned the following school year to a classroom teacher in the same subject area who received a performance evaluation rating of "needs improvement" or "unsatisfactory" in the preceding school year.

(b) If an elementary school student is currently taught by a classroom teacher who, during that school year, receives a performance evaluation rating of "needs improvement" or "unsatisfactory" under s. 1012.34, the student may not be assigned the following school year to a classroom teacher who received a performance evaluation rating of "needs improvement" or "unsatisfactory" in the preceding school year.

(c) For a student enrolling in an extracurricular course as defined in s. 1003.01(15), a parent may choose to have the student taught by a teacher who received a performance evaluation of "needs improvement" or "unsatisfactory" in the preceding school year if the student and the student's parent receive an explanation of the impact of teacher effectiveness on student learning and the principal receives written consent from the parent.

And the title is amended as follows:

Delete line 60 and insert: as a high-performing charter school system; amending s. 1012.2315, F.S.; providing that a student may not be assigned to an unsatisfactory teacher, particularly in a single subject if the student is in high school or middle school, for two consecutive school years; allowing a parent to choose for his or her child to be taught by a particular teacher in an extracurricular course under certain circumstances; requiring

Pursuant to Rule 4.19, **CS for CS for HB 7009** as amended was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1722** was deferred.

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.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 150**, on motion by Senator Altman, by two-thirds vote **CS for HB 461** was withdrawn from the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

On motion by Senator Altman—

CS for HB 461—A bill to be entitled An act relating to deaf and hard-of-hearing students; amending s. 1003.55, F.S.; requiring the Department of Education to develop a model communication plan to be used in the development of an individual education plan for deaf or hard-of-hearing students; requiring the department to disseminate the model to each school district and provide technical assistance; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 150** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 461** was placed on the calendar of Bills on Third Reading.

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.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1132**, on motion by Senator Brandes, by two-thirds vote **CS for CS for HB 7127** was withdrawn from the Committees on Transportation; Community Affairs; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Appropriations.

On motion by Senator Brandes—

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 transportation 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 units 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 to 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.

—a companion measure, was substituted for **CS for CS for SB 1132** and read the second time by title.

Senator Brandes moved the following amendment:

Amendment 1 (740626) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Paragraph (m) of subsection (3) of section 11.45, Florida Statutes, is repealed.*

Section 2. Paragraph (b) of subsection (2) and subsection (3) of section 20.23, Florida Statutes, are amended, and present subsections (4) through (7) of that section are renumbered as subsections (3) through (6), to read:

20.23 Department of Transportation.—There is created a Department of Transportation which shall be a decentralized agency.

(2)

(b) The commission shall ~~have the primary functions to~~:

1. Recommend major transportation policies for the Governor's approval, and assure that approved policies and any revisions ~~thereto~~ are properly executed.

2. Periodically review the status of the state transportation system including highway, transit, rail, seaport, intermodal development, and aviation components of the system and recommend improvements therein to the Governor and the Legislature.

3. Perform an in-depth evaluation of the annual department budget request, the Florida Transportation Plan, and the tentative work program for compliance with all applicable laws and established departmental policies. Except as specifically provided in s. 339.135(4)(c)2., (d), and (f), the commission may not consider individual construction projects, but shall consider methods of accomplishing the goals of the department in the most effective, efficient, and businesslike manner.

4. Monitor the financial status of the department on a regular basis to assure that the department is managing revenue and bond proceeds responsibly and in accordance with law and established policy.

5. Monitor on at least a quarterly basis, the efficiency, productivity, and management of the department, using performance and production standards developed by the commission pursuant to s. 334.045.

6. Perform an in-depth evaluation of the factors causing disruption of project schedules in the adopted work program and recommend to the Legislature and the Governor methods to eliminate or reduce the disruptive effects of these factors.

7. Recommend to the Governor and the Legislature improvements to the department's organization in order to streamline and optimize the efficiency of the department. In reviewing the department's organization, the commission shall determine if the current district organizational structure is responsive to Florida's changing economic and demographic development patterns. The initial report by the commission must be delivered to the Governor and Legislature by December 15, 2000, and each year thereafter, as appropriate. The commission may retain ~~such~~ experts *that* ~~as~~ are reasonably necessary to effectuate this subparagraph, and the department shall pay the expenses of *the* ~~such~~ experts.

8. Monitor the efficiency, productivity, and management of the authorities created under chapters *345,* 348*,* and 349, including any authority formed using the provisions of part I of chapter 348*,* and any authority formed under chapter 343 ~~which is not monitored under subsection (3)~~. The commission shall also conduct periodic reviews of each authority's operations and budget, acquisition of property, management of revenue and bond proceeds, and compliance with applicable laws and generally accepted accounting principles.

~~(3) There is created the Florida Statewide Passenger Rail Commission.~~

~~(a)1. The commission shall consist of nine voting members appointed as follows:~~

~~a. Three members shall be appointed by the Governor, one of whom must have a background in the area of environmental concerns, one of whom must have a legislative background, and one of whom must have a general business background.~~

~~b. Three members shall be appointed by the President of the Senate, one of whom must have a background in civil engineering, one of whom must have a background in transportation construction, and one of whom must have a general business background.~~

~~c. Three members shall be appointed by the Speaker of the House of Representatives, one of whom must have a legal background, one of whom must have a background in financial matters, and one of whom must have a general business background.~~

~~2. The initial term of each member appointed by the Governor shall be for 4 years. The initial term of each member appointed by the President of the Senate shall be for 3 years. The initial term of each member appointed by the Speaker of the House of Representatives shall be for 2 years. Succeeding terms for all members shall be for 4 years.~~

~~3. A vacancy occurring during a term shall be filled by the respective appointing authority in the same manner as the original appointment and only for the balance of the unexpired term. An appointment to fill a vacancy shall be made within 60 days after the occurrence of the vacancy.~~

~~4. The commission shall elect one of its members as chair of the commission. The chair shall hold office at the will of the commission. Five members of the commission shall constitute a quorum, and the vote of five members shall be necessary for any action taken by the commission. The commission may meet upon the constitution of a quorum. A vacancy in the commission does not impair the right of a quorum to exercise all rights and perform all duties of the commission.~~

~~5. The members of the commission are not entitled to compensation but are entitled to reimbursement for travel and other necessary expenses as provided in s. 112.061.~~

~~(b) The commission shall have the primary functions of:~~

~~1. Monitoring the efficiency, productivity, and management of all publicly funded passenger rail systems in the state, including, but not limited to, any authority created under chapter 343, chapter 349, or chapter 163 if the authority receives public funds for the provision of passenger rail service. The commission shall advise each monitored authority of its findings and recommendations. The commission shall also conduct periodic reviews of each monitored authority's passenger rail and associated transit operations and budget, acquisition of property, management of revenue and bond proceeds, and compliance with applicable laws and generally accepted accounting principles. The commission may seek the assistance of the Auditor General in conducting such reviews and shall report the findings of such reviews to the Legislature. This paragraph does not preclude the Florida Transportation Commission from conducting its performance and work program monitoring responsibilities.~~

~~2. Advising the department on policies and strategies used in planning, designing, building, operating, financing, and maintaining a coordinated statewide system of passenger rail services.~~

~~3. Evaluating passenger rail policies and providing advice and recommendations to the Legislature on passenger rail operations in the state.~~

~~(c) The commission or a member of the commission may not enter into the day to day operation of the department or a monitored authority and is specifically prohibited from taking part in:~~

~~1. The awarding of contracts.~~

~~2. The selection of a consultant or contractor or the prequalification of any individual consultant or contractor. However, the commission may recommend to the secretary standards and policies governing the procedure for selection and prequalification of consultants and contractors.~~

~~3. The selection of a route for a specific project.~~

~~4. The specific location of a transportation facility.~~

~~5. The acquisition of rights of way.~~

~~6. The employment, promotion, demotion, suspension, transfer, or discharge of any department personnel.~~

~~7. The granting, denial, suspension, or revocation of any license or permit issued by the department.~~

~~(d) The commission is assigned to the Office of the Secretary of the Department of Transportation for administrative and fiscal accountability purposes, but it shall otherwise function independently of the control and direction of the department except that reasonable expenses of the commission shall be subject to approval by the Secretary of Transportation. The department shall provide administrative support and service to the commission.~~

Section 3. Paragraphs (j) and (m) of subsection (2) of section 110.205, Florida Statutes, are amended to read:

110.205 Career service; exemptions.—

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

(j) The appointed secretaries and the State Surgeon General, assistant secretaries, deputy secretaries, and deputy assistant secretaries of all departments; the executive directors, assistant executive directors, deputy executive directors, and deputy assistant executive directors of all departments; the directors of all divisions and those positions determined by the department to have managerial responsibilities comparable to such positions, which positions include, but are not limited to, program directors, assistant program directors, district administrators, deputy district administrators, the Director of Central Operations Services of the Department of Children and Family Services, the State Transportation Development Administrator, State *Freight and Logistics* ~~Public Transportation and Modal~~ Administrator, district secretaries, district directors of transportation development, transportation operations, transportation support, and the managers of the offices specified in s. *20.23(3)(b)* ~~20.23(4)(b)~~, of the Department of Transportation. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules of the Senior Management Service; and the county health department directors and county health department administrators of the Department of Health.

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

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

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

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

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

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

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

Section 4. Section 311.22, Florida Statutes, is amended to read:

311.22 Additional authorization for funding certain dredging projects.—

(1) The *Department of Transportation* ~~Florida Seaport Transportation and Economic Development Council~~ shall establish a program to fund dredging projects in counties having a population of fewer than 300,000 according to the last official census. Funds made available under this program may be used to fund approved projects for the dredging or deepening of channels, turning basins, or harbors on a 25-percent local matching basis with any port authority, as such term is defined in s. 315.02(2), which complies with the permitting requirements in part IV of chapter 373 and the local financial management and reporting provisions of part III of chapter 218.

(2) The *department* ~~council~~ shall adopt rules for evaluating the projects that may be funded pursuant to this section. The rules must provide criteria for evaluating the economic benefit of the project. The rules must include the creation of an administrative review process by the *department* ~~council~~ which is similar to the process described in s. 311.09(5)-(11), and provide for a review by the ~~Department of Transportation and the~~ Department of Economic Opportunity of all projects submitted for funding under this section.

(3) This section expires on July 1, 2018.

Section 5. Paragraph (a) of subsection (3) of section 316.515, Florida Statutes, is amended to read:

316.515 Maximum width, height, length.—

(3) LENGTH LIMITATION.—Except as otherwise provided in this section, length limitations apply solely to a semitrailer or trailer, and not to a truck tractor or to the overall length of a combination of vehicles. No combination of commercial motor vehicles coupled together and operating on the public roads may consist of more than one truck tractor and two trailing units. Unless otherwise specifically provided for in this

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

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

Section 6. *Subsection (3) of section 316.530, Florida Statutes, is repealed.*

Section 7. Subsection (3) of section 316.545, Florida Statutes, is amended to read:

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

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

(a) *If* ~~When~~ the excess weight is 200 pounds or less than the maximum ~~herein~~ provided *by this chapter*, the penalty *is* ~~shall be~~ $10;

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

(c) For a vehicle equipped with fully functional idle-reduction technology, any penalty shall be calculated by reducing the actual gross vehicle weight or the internal bridge weight by the certified weight of the idle-reduction technology or by *550* ~~400~~ pounds, whichever is less. The vehicle operator must present written certification of the weight of the idle-reduction technology and must demonstrate or certify that the idle-reduction technology is fully functional at all times. This calculation is not allowed for vehicles described in s. 316.535(6);

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

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

Section 8. Section 331.360, Florida Statutes, is reordered and amended to read:

331.360 ~~Joint participation agreement or assistance;~~ Spaceport *system* ~~master~~ plan.—

(2)~~(1)~~ ~~It shall be the duty, function, and responsibility of~~ The department *shall* ~~of Transportation to~~ promote the further development and improvement of aerospace transportation facilities; to address intermodal requirements and impacts of the launch ranges, spaceports, and other space transportation facilities; to assist in the development of joint-use facilities and technology that support aviation and aerospace operations; to coordinate and cooperate in the development of spaceport infrastructure and related transportation facilities contained in the Strategic Intermodal System Plan; to encourage, where appropriate, the cooperation and integration of airports and spaceports in order to meet transportation-related needs; and to facilitate and promote cooperative efforts between federal and state government entities to improve space transportation capacity and efficiency. In carrying out this duty and responsibility, the department may assist and advise, cooperate with, and coordinate with federal, state, local, or private organizations and individuals. The department may administratively house its space transportation responsibilities within an existing division or office.

(3)~~(2)~~ Notwithstanding any other provision of law, the department ~~of Transportation~~ may enter into *an* ~~a joint participation~~ agreement with, or otherwise assist, Space Florida as necessary to effectuate the provisions of this chapter and may allocate funds for such purposes in its 5-year work program. However, the department may not fund the administrative or operational costs of Space Florida.

(1)~~(3)~~ Space Florida shall develop a spaceport *system* ~~master~~ plan *that identifies statewide spaceport goals and the need* for expansion and modernization of space transportation facilities within spaceport territories as defined in s. 331.303. The plan *must* ~~shall~~ contain recommended projects *that* ~~to~~ meet current and future commercial, national, and state space transportation requirements. Space Florida shall submit the plan to *each* ~~any~~ appropriate metropolitan planning organization for review of intermodal impacts. Space Florida shall submit the spaceport *system* ~~master~~ plan to the department ~~of Transportation~~, *which may include those portions of the system plan which are relevant to the Department of Transportation's mission* ~~and such plan may be included~~ within the department's 5-year work program of qualifying *projects* ~~aerospace discretionary capacity improvement under subsection (4)~~. The plan *must* ~~shall~~ identify appropriate funding levels *for each project* ~~and include recommendations on appropriate sources of revenue that may be developed to contribute to the State Transportation Trust Fund~~.

(4)*(a) Beginning in fiscal year 2013-2014, a minimum of $15 million annually is authorized to be made available from the State Transportation Trust Fund to fund space transportation projects. The funds for this initiative shall be from the funds dedicated to public transportation projects pursuant to s. 206.46(3).*

(b) Before executing an agreement, Space Florida must provide project-specific information to the department in order to demonstrate that the project includes transportation and aerospace benefits. The project-specific information must include, but need not be limited to:

1. The description, characteristics, and scope of the project.

2. The funding sources for and costs of the project.

3. The financing considerations that emphasize federal, local, and private participation.

4. A financial feasibility and risk analysis, including a description of the efforts to protect the state's investment and to ensure that project goals are realized.

5. A demonstration that the project will encourage, enhance, or create economic benefits for the state.

(c) The department may fund up to 50 percent of eligible project costs. If the project meets the following criteria, the department may fund up to 100 percent of eligible project costs. The project must:

1. Provide important access and on-spaceport capacity improvements;

2. Provide capital improvements to strategically position the state to maximize opportunities in the aerospace industry or foster growth and development of a sustainable and world-leading aerospace industry in the state;

3. Meet state goals of an integrated intermodal transportation system; and

4. Demonstrate the feasibility and availability of matching funds through federal, local, or private partners ~~Subject to the availability of appropriated funds, the department may participate in the capital cost of eligible spaceport discretionary capacity improvement projects. The annual legislative budget request shall be based on the proposed funding requested for approved spaceport discretionary capacity improvement projects~~.

Section 9. Subsection (11) is added to section 332.007, Florida Statutes, to read:

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

(11) The department may fund strategic airport investment projects at up to 100 percent of the project's cost if all the following criteria are met:

(a) Important access and on-airport capacity improvements are provided.

(b) Capital improvements that strategically position the state to maximize opportunities in international trade, logistics, and the aviation industry are provided.

(c) Goals of an integrated intermodal transportation system for the state are achieved.

(d) Feasibility and availability of matching funds through federal, local, or private partners are demonstrated.

Section 10. Subsections (16) and (26) of section 334.044, Florida Statutes, are amended to read:

334.044 Department; powers and duties.—The department shall have the following general powers and duties:

(16) To plan, acquire, lease, construct, maintain, and operate toll facilities; to authorize the issuance and refunding of bonds; and to fix and collect tolls or other charges for travel on any such facilities. *Effective July 1, 2013, and notwithstanding any other law to the contrary, the department may not enter into a lease-purchase agreement with an expressway authority, regional transportation authority, or other entity. This provision does not invalidate a lease-purchase agreement authorized under chapter 348 or chapter 2000-411, Laws of Florida, and existing as of July 1, 2013, and does not limit the department's authority under s. 334.30.*

(26) To provide for the enhancement of environmental benefits, including air and water quality; to prevent roadside erosion; to conserve the natural roadside growth and scenery; and to provide for the implementation and maintenance of roadside conservation, enhancement, and stabilization programs. No less than 1.5 percent of the amount contracted for construction projects shall be allocated by the department on a statewide basis for the purchase of plant materials. Department districts may not expend funds for landscaping in connection with any project that is limited to resurfacing existing lanes unless the expenditure has been approved by the department's secretary or the secretary's designee. To the greatest extent practical, a minimum of 50 percent of the funds allocated under this subsection shall be allocated for large plant materials and the remaining funds for other plant materials. *Except as prohibited by applicable federal law or regulation,* all plant materials shall be purchased from Florida commercial nursery stock in this state on a uniform competitive bid basis. The department shall develop grades and standards for landscaping materials purchased through this process. To accomplish these activities, the department may contract with nonprofit organizations having the primary purpose of developing youth employment opportunities.

Section 11. Subsection (6) is added to section 335.0415, Florida Statutes, to read:

335.0415 Public road jurisdiction and transfer process.—

(6) Notwithstanding the provisions of subsections (1)–(5) or any other provision of law to the contrary, it is the intent of the Legislature that, as a pilot program, the City of Miami be provided and assume certain responsibilities for the maintenance of State Road 5/Brickell Avenue/Biscayne Boulevard within defined limits in the City of Miami.

(a) The department shall enter into an interlocal agreement with the City of Miami which must provide that the City of Miami be responsible for street cleaning, landscaping, and maintenance of the right-of-way of State Road 5/Brickell Avenue/Biscayne Boulevard, from its intersection with Interstate 95 to its intersection with Northeast 15th Street, excluding the Brickell Bridge and its approaches, for a 5-year period. The interlocal agreement must:

1. Contain performance measures to ensure that the facility and landscaping are maintained in accordance with applicable department standards.

2. Require the city to meet or exceed the performance measures as a condition of payment by the department for the work performed by the city.

3. Indemnify and hold the department harmless from any liability arising out of the city's exercise of, or failure to exercise, the transferred responsibilities.

(b) During the final year of the 5-year pilot program, the Florida Transportation Commission shall conduct a study to evaluate the effectiveness and benefits of the pilot program. The commission may retain such experts as are reasonably necessary to complete the study, and the department shall pay the expenses of such experts. The commission shall complete the study within 60 days after the end of the 5-year pilot program and shall provide a written report of its findings and conclusions to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of each of the appropriations committees of the Legislature.

Section 12. Section 335.06, Florida Statutes, is amended to read:

335.06 Access roads to the state park system.—*A* ~~Any~~ road *that* ~~which~~ provides access to property within the state park system *must* ~~shall~~ be maintained by the department if the road is a part of the State Highway System *and may be improved and maintained by the department if the road is part of a county road system or city street system. If the department does not maintain a county or city road that is a part of the county road system or the city street system and that provides access to the state park system, the road must* ~~or shall~~ be maintained by the appropriate county or municipality ~~if the road is a part of the county road system or the city street system~~.

Section 13. Section 336.71, Florida Statutes, is created to read:

336.71 Public-private cooperation in construction of county roads.—

(1) If a county receives a proposal, solicited or unsolicited, from a private entity seeking to construct, extend, or improve a county road or portion thereof, the county may enter into an agreement with the private entity for completion of the road construction project, which agreement may provide for payment to the private entity, from public funds, if the county conducts a noticed public hearing and finds that the proposed county road construction project:

(a) Is in the best interest of the public.

(b) Would only use county funds for portions of the project that will be part of the county road system.

(c) Would have adequate safeguards to ensure that additional costs or unreasonable service disruptions are not realized by the traveling public and residents of the state.

(d) Upon completion, would be a part of the county road system owned by the county.

(e) Would result in a financial benefit to the public by completing the subject project at a cost to the public significantly lower than if the project were constructed by the county using the normal procurement process.

(2) The notice for the public hearing provided for in subsection (1) must be published at least 14 days before the date of the public meeting at which the governing board takes final action. The notice must identify the project and the estimated cost of the project, and specify that the purpose for the public meeting is to consider whether it is in the public's best interest to accept the proposal and enter into an agreement. The determination of cost savings pursuant to paragraph (1)(e) must be supported by a cost estimate of a professional engineer which is made available to the public at least 14 days before the public meeting and placed in the record for that meeting.

(3) The project and agreement are exempt from s. 255.20 pursuant to s. 255.20(1)(c)11. if the process in subsection (1) is followed.

(4) Except as otherwise expressly provided in this section, this section does not affect existing law by granting additional powers to or imposing further restrictions on local government entities.

Section 14. Subsection (13) of section 337.11, Florida Statutes, is amended to read:

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

(13) Each contract let by the department for the performance of road or bridge construction or maintenance work shall *require* ~~contain a provision requiring the contractor to provide proof to the department, in the form of a notarized affidavit from the contractor, that~~ all motor vehicles that *the contractor* ~~he or she~~ operates or causes to be operated in this state *to be* ~~are~~ registered in compliance with chapter 320.

Section 15. Subsection (1) of section 337.14, Florida Statutes, is amended to read:

337.14 Application for qualification; certificate of qualification; restrictions; request for hearing.—

(1) *A* ~~Any~~ person *who desires* ~~desiring~~ to bid for the performance of any construction contract *with a proposed budget estimate* in excess of $250,000 which the department proposes to let must first be certified by the department as qualified pursuant to this section and rules of the department. The rules of the department *must* ~~shall~~ address the qualification of *a person* ~~persons~~ to bid on construction contracts *with a proposed budget estimate that is* in excess of $250,000 and *must* ~~shall~~ include requirements with respect to the equipment, past record, experience, financial resources, and organizational personnel of the applicant necessary to perform the specific class of work for which the person seeks certification. The department may limit the dollar amount of any contract upon which a person is qualified to bid or the aggregate total dollar volume of contracts such person *may* ~~is allowed to~~ have under contract at any one time. Each applicant *who seeks* ~~seeking~~ qualification to bid on construction contracts *with a proposed budget estimate* in excess of $250,000 *must* ~~shall~~ furnish the department a statement under oath, on such forms as the department may prescribe, setting forth detailed information as required on the application. Each application for certification *must* ~~shall~~ be accompanied by the latest annual financial statement of the applicant completed within the last 12 months. If the application or the annual financial statement shows the financial condition of the applicant more than 4 months *before* ~~prior to~~ the date on which the application is received by the department, ~~then~~ an interim financial statement must be submitted and be accompanied by an updated application. The interim financial statement must cover the period from the end date of the annual statement and must show the financial condition of the applicant no more than 4 months *before* ~~prior to~~ the date the interim financial statement is received by the department. However, upon request by the applicant, an application and accompanying annual or interim financial statement received by the department within 15 days after either 4-month period *provided pursuant to* ~~under~~ this subsection *must* ~~shall~~ be considered timely. Each required annual or interim financial statement must be audited and accompanied by the opinion of a certified public accountant. An applicant desiring to bid exclusively for the performance of construction contracts with proposed budget estimates of less than $1 million may submit reviewed annual or reviewed interim financial statements prepared by a certified public accountant. The information required by this subsection is confidential and exempt from the provisions of s. 119.07(1). The department shall act upon the application for qualification within 30 days after the department determines that the application is complete. The department may waive the requirements of this subsection for projects having a contract price of $500,000 or less if the department determines that the project is of a noncritical nature and the waiver will not endanger public health, safety, or property.

Section 16. Subsection (2) of section 337.168, Florida Statutes, is amended to read:

337.168 Confidentiality of official estimates, identities of potential bidders, and bid analysis and monitoring system.—

(2) A document *that reveals* ~~revealing~~ the identity of *a person who has* ~~persons who have~~ requested or obtained *a* bid *package, plan* ~~packages, plans~~, or specifications pertaining to any project to be let by the department is confidential and exempt from the provisions of s. 119.07(1) for the period *that* ~~which~~ begins 2 working days *before* ~~prior to~~ the deadline for obtaining bid packages, plans, or specifications and ends with the letting of the bid. *A document that reveals the identity of a person who has requested or obtained a bid package, plan, or specifications pertaining to any project to be let by the department before the 2 working days before the deadline for obtaining bid packages, plans, or specifications remains a public record subject to the provisions of s. 119.07(1).*

Section 17. Section 337.25, Florida Statutes, is amended to read:

337.25 Acquisition, lease, and disposal of real and personal property.—

(1)(a) The department may purchase, lease, exchange, or otherwise acquire any land, property interests, or buildings or other improvements, including personal property within such buildings or on such lands, necessary to secure or utilize transportation rights-of-way for existing, proposed, or anticipated transportation facilities on the State Highway System, on the State Park Road System, in a rail corridor, or in a transportation corridor designated by the department. Such property shall be held in the name of the state.

(b) The department may accept donations of any land or buildings or other improvements, including personal property within such buildings or on such lands with or without such conditions, reservations, or reverter provisions as are acceptable to the department. Such donations may be used as transportation rights-of-way or to secure or utilize transportation rights-of-way for existing, proposed, or anticipated transportation facilities on the State Highway System, on the State Park Road System, or in a transportation corridor designated by the department.

(c) When lands, buildings, or other improvements are needed for transportation purposes, but are held by a federal, state, or local governmental entity and utilized for public purposes other than transportation, the department may compensate the entity for such properties by providing functionally equivalent replacement facilities. The providing of replacement facilities under this subsection may only be undertaken with the agreement of the governmental entity affected.

(d) The department may contract pursuant to s. 287.055 for auction services used in the conveyance of real or personal property or the conveyance of leasehold interests under the provisions of subsections (4) and (5). The contract may allow for the contractor to retain a portion of the proceeds as compensation for the contractor's services.

(2) A complete inventory shall be made of all real or personal property immediately upon possession or acquisition. Such inventory shall include *a statement of the location or site of each piece of realty, structure,*

or severable item ~~an itemized listing of all appliances, fixtures, and other severable items; a statement of the location or site of each piece of realty, structure, or severable item; and the serial number assigned to each~~. Copies of each inventory shall be filed in the district office in which the property is located. Such inventory shall be carried forward to show the final disposition of each item of property, both real and personal.

(3) The inventory of real property which was acquired by the state after December 31, 1988, which has been owned by the state for 10 or more years, and which is not within a transportation corridor or within the right-of-way of a transportation facility shall be evaluated to determine the necessity for retaining the property. If the property is not needed for the construction, operation, and maintenance of a transportation facility, or is not located within a transportation corridor, the department may dispose of the property pursuant to subsection (4).

(4) The department may *convey* ~~sell~~, in the name of the state, any land, building, or other property, real or personal, which was acquired under the provisions of subsection (1) and which the department has determined is not needed for the construction, operation, and maintenance of a transportation facility. ~~With the exception of any parcel governed by paragraph (c), paragraph (d), paragraph (f), paragraph (g), or paragraph (i), the department shall afford first right of refusal to the local government in the jurisdiction of which the parcel is situated.~~ When such a determination has been made, property may be disposed of *through negotiations, sealed competitive bids, auctions, or any other means the department deems to be in its best interest, with due advertisement for property valued by the department at greater than $10,000. A sale may not occur at a price less than the department's current estimate of value, except as provided in paragraphs (a)-(d). The department may afford a right of first refusal to the local government or other political subdivision in the jurisdiction in which the parcel is situated, except in conveyances transacted under paragraph (a), paragraph (c), or paragraph (e).* ~~in the following manner:~~

(a) If the ~~value of the~~ property *has been donated to the state for transportation purposes and a facility has not been constructed for a period of at least 5 years, plans have not been prepared for the construction of such facility, and the property is not located in a transportation corridor, the governmental entity may authorize reconveyance of the donated property for no consideration to the original donor or the donor's heirs, successors, assigns, or representatives* ~~is $10,000 or less as determined by department estimate, the department may negotiate the sale~~.

(b) If ~~the value of~~ the property *is to be used for a public purpose, the property may be conveyed without consideration to a governmental entity* ~~exceeds $10,000 as determined by department estimate, such property may be sold to the highest bidder through receipt of sealed competitive bids, after due advertisement, or by public auction held at the site of the improvement which is being sold~~.

(c) If *the property was originally acquired specifically to provide replacement housing for persons displaced by transportation projects, the department may negotiate for the sale of such property as replacement housing. As compensation, the state shall receive no less than its investment in such property or the department's current estimate of value, whichever is lower. It is expressly intended that this benefit be extended only to persons actually displaced by the project. Dispositions to any other person must be for no less than the department's current estimate of value*~~, in the discretion of the department, public sale would be inequitable, properties may be sold by negotiation to the owner holding title to the property abutting the property to be sold, provided such sale is at a negotiated price not less than fair market value as determined by an independent appraisal, the cost of which shall be paid by the owner of the abutting land. If negotiations do not result in the sale of the property to the owner of the abutting land and the property is sold to someone else, the cost of the independent appraisal shall be borne by the purchaser, and the owner of the abutting land shall have the cost of the appraisal refunded to him or her. If, however, no purchase takes place, the owner of the abutting land shall forfeit the sum paid by him or her for the independent appraisal. If, due to action of the department, the property is removed from eligibility for sale, the cost of any appraisal prepared shall be refunded to the owner of the abutting land~~.

(d) If *the department determines that the property will require significant costs to be incurred or that continued ownership of the property exposes the department to significant liability risks, the department may use the projected maintenance costs over the next 10 years to offset the property's value in establishing a value for disposal of the property, even if that value is zero* ~~property acquired for use as a borrow pit is no longer needed, the department may sell such property to the owner of the parcel of abutting land from which the borrow pit was originally acquired, provided the sale is at a negotiated price not less than fair market value as determined by an independent appraisal, the cost of which shall be paid by the owner of such abutting land~~.

(e) If*, in the discretion of the department, a sale to anyone other than an abutting property owner would be inequitable, the property may be sold to the abutting owner for the department's current estimate of value.* ~~the department begins the process for disposing of the property on its own initiative, either by negotiation under the provisions of paragraph (a), paragraph (c), paragraph (d), or paragraph (i), or by receipt of sealed competitive bids or public auction under the provisions of paragraph (b) or paragraph (i), a department staff appraiser may determine the fair market value of the property by an appraisal.~~

~~(f) Any property which was acquired by a county or by the department using constitutional gas tax funds for the purpose of a right of way or borrow pit for a road on the State Highway System, State Park Road System, or county road system and which is no longer used or needed by the department may be conveyed without consideration to that county. The county may then sell such surplus property upon receipt of competitive bids in the same manner prescribed in this section.~~

~~(g) If a property has been donated to the state for transportation purposes and the facility has not been constructed for a period of at least 5 years and no plans have been prepared for the construction of such facility and the property is not located in a transportation corridor, the governmental entity may authorize reconveyance of the donated property for no consideration to the original donor or the donor's heirs, successors, assigns, or representatives.~~

~~(h) If property is to be used for a public purpose, the property may be conveyed without consideration to a governmental entity.~~

~~(i) If property was originally acquired specifically to provide replacement housing for persons displaced by transportation projects, the department may negotiate for the sale of such property as replacement housing. As compensation, the state shall receive no less than its investment in such properties or fair market value, whichever is lower. It is expressly intended that this benefit be extended only to those persons actually displaced by such project. Dispositions to any other persons must be for fair market value.~~

~~(j) If the department determines that the property will require significant costs to be incurred or that continued ownership of the property exposes the department to significant liability risks, the department may use the projected maintenance costs over the next 5 years to offset the market value in establishing a value for disposal of the property, even if that value is zero.~~

(5) The department may convey a leasehold interest for commercial or other purposes, in the name of the state, to any land, building, or other property, real or personal, which was acquired under the provisions of subsection (1). *However, a lease may not be entered into at a price less than the department's current estimate of value.*

(a) *A lease may be through negotiations, sealed competitive bids, auctions, or any other means the department deems to be in its best interest* ~~The department may negotiate such a lease at the prevailing market value with the owner from whom the property was acquired; with the holders of leasehold estates existing at the time of the department's acquisition; or, if public bidding would be inequitable, with the owner holding title to privately owned abutting property, if reasonable notice is provided to all other owners of abutting property~~. The department may allow an outdoor advertising sign to remain on the property acquired, or be relocated on department property, and such sign shall not be considered a nonconforming sign pursuant to chapter 479.

(b) *If, in the discretion of the department, a lease to a person other than an abutting property owner or tenant with a leasehold interest in the abutting property would be inequitable, the property may be leased to the abutting owner or tenant for no less than the department's current estimate of value* ~~All other leases shall be by competitive bid~~.

(c) No lease signed pursuant to paragraph (a) ~~or paragraph (b)~~ shall be for a period of more than 5 years; however, the department may renegotiate *or extend* such a lease for an additional term of 5 years *as the department deems appropriate* ~~without rebidding~~.

(d) Each lease shall provide that*, unless otherwise directed by the lessor,* any improvements made to the property during the term of the lease shall be removed at the lessee's expense.

(e) If property is to be used for a public purpose, ~~including a fair, art show, or other educational, cultural, or fundraising activity,~~ the property may be leased without consideration to a governmental entity ~~or school board~~. *A lease for a public purpose is exempt from the term limits in paragraph (c).*

(f) Paragraphs (c) and *(e)* ~~(d)~~ do not apply to leases entered into pursuant to s. 260.0161(3), except as provided in such a lease.

(g) No lease executed under this subsection may be utilized by the lessee to establish the ~~4 years'~~ standing required by s. 73.071(3)(b) if the business had not been established for *the specified number of* 4 years on the date title passed to the department.

(h) The department may enter into a long-term lease without compensation with a public port listed in s. 403.021(9)(b) for rail corridors used for the operation of a short-line railroad to the port.

(6) Nothing in this chapter prevents the joint use of right-of-way for alternative modes of transportation; provided that the joint use does not impair the integrity and safety of the transportation facility.

(7) The *department's estimate of value, required by subsections (4) and (5), shall be prepared in accordance with department procedures, guidelines, and rules for valuation of real property. If the value of the property exceeds $50,000, as determined by the department estimate, the sale or lease must be at a negotiated price not less than the estimate of value as determined by an appraisal prepared in accordance with department procedures, guidelines, and rules for valuation of real property, the cost of which shall be paid by the party seeking the purchase or lease of the property* ~~appraisal required by paragraphs (4)(c) and (d) shall be prepared in accordance with department guidelines and rules by an independent appraiser who has been certified by the department. If federal funds were used in the acquisition of the property, the appraisal shall also be subject to the approval of the Federal Highway Administration~~.

(8) A "due advertisement" under this section is an advertisement in a newspaper of general circulation in the area of the improvements of not less than 14 calendar days prior to the date of the receipt of bids or the date on which a public auction is to be held.

(9) The department, with the approval of the Chief Financial Officer, is authorized to disburse state funds for real estate closings in a manner consistent with good business practices and in a manner minimizing costs and risks to the state.

(10) The department is authorized to purchase title insurance in those instances where it is determined that such insurance is necessary to protect the public's investment in property being acquired for transportation purposes. The department shall adopt procedures to be followed in making the determination to purchase title insurance for a particular parcel or group of parcels which, at a minimum, shall set forth criteria which the parcels must meet.

(11) This section does not modify the requirements of s. 73.013.

Section 18. Subsection (2) of section 337.251, Florida Statutes, is amended to read:

337.251 Lease of property for joint public-private development and areas above or below department property.—

(2) The department may request proposals for the lease of such property or, if the department receives a proposal *for* ~~to negotiate~~ a lease *of a particular department property that the department desires to consider*, *the department must* ~~it shall~~ publish a notice in a newspaper of general circulation at least once a week for 2 weeks, stating that it has received the proposal and will accept, for *120* ~~60~~ days after the date of publication, other proposals for *lease of the particular property* ~~use of the space~~. A copy of the notice must be mailed to each local government in the affected area. *The department shall, by rule, establish an application fee for the submission of proposals pursuant to this section. The fee must be sufficient to pay the anticipated costs of evaluating the proposals. The department may engage the services of private consultants to assist in the evaluation. Before approval, the department must determine that the proposed lease:*

(a) Is in the public's best interest;

(b) Does not require state funds to be used; and

(c) Has adequate safeguards in place to ensure that no additional costs are borne and no service disruptions are experienced by the traveling public and residents of the state in the event of default by the private lessee or upon termination or expiration of the lease.

Section 19. Subsection (5) of section 338.161, Florida Statutes, is amended to read:

338.161 Authority of department or toll agencies to advertise and promote electronic toll collection; expanded uses of electronic toll collection system; authority of department to collect tolls, fares, and fees for private and public entities.—

(5) If the department finds that it can increase nontoll revenues or add convenience or other value for its customers, and if a public or private transportation facility owner agrees that its facility will become interoperable with the department's electronic toll collection and video billing systems, the department *may* ~~is authorized to~~ enter into an agreement with the *owner of such facility under which the department uses* ~~private or public entities for the department's use of~~ its electronic toll collection and video billing systems to collect and enforce for the owner tolls, fares, administrative fees, and other applicable charges *due* ~~imposed~~ in connection with use of *the owner's facility* ~~transportation facilities of the private or public entities that become interoperable with the department's electronic toll collection system~~. The department may modify its rules regarding toll collection procedures and the imposition of administrative charges to be applicable to toll facilities that are not part of the turnpike system or otherwise owned by the department. This subsection may not be construed to limit the authority of the department under any other provision of law or under any agreement entered into *before* ~~prior to~~ July 1, 2012.

Section 20. Subsection (4) of section 338.165, Florida Statutes, is amended to read:

338.165 Continuation of tolls.—

(4) Notwithstanding any other law to the contrary, pursuant to s. 11, Art. VII of the State Constitution, and subject to the requirements of subsection (2), the Department of Transportation may request the Division of Bond Finance to issue bonds secured by toll revenues collected on the Alligator Alley, the Sunshine Skyway Bridge, ~~the Beeline East Expressway, the Navarre Bridge,~~ and the Pinellas Bayway to fund transportation projects located within the county or counties in which the *revenue-producing* project is located and contained in the adopted work program of the department.

Section 21. Subsections (3) and (4) of section 338.26, Florida Statutes, are amended to read:

338.26 Alligator Alley toll road.—

(3) Fees generated from tolls shall be deposited in the State Transportation Trust Fund, and any amount of funds generated annually in excess of that required to reimburse outstanding contractual obligations, to operate and maintain the highway and toll facilities, including reconstruction and restoration, to pay for those projects that are funded with Alligator Alley toll revenues and that are contained in the 1993-1994 adopted work program or the 1994-1995 tentative work program submitted to the Legislature on February 22, 1994, and to *design and construct* ~~develop and operate~~ a fire station at mile marker 63 on Alligator Alley*, which may be used by Collier County or other appropriate local governmental entity* to provide fire, rescue, and emergency management services ~~to the adjacent counties~~ along Alligator Alley, may be transferred to the Everglades Fund of the South Florida Water Management District *in accordance with the memorandum of understanding of June 30, 1997, between the district and the department*. The South

Florida Water Management District shall deposit funds for projects undertaken pursuant to s. 373.4592 in the Everglades Trust Fund pursuant to s. 373.45926(4)(a). Any funds remaining in the Everglades Fund may be used for environmental projects to restore the natural values of the Everglades, subject to compliance with any applicable federal laws and regulations. Projects *must* ~~shall~~ be limited to:

(a) Highway redesign to allow for improved sheet flow of water across the southern Everglades.

(b) Water conveyance projects to enable more water resources to reach Florida Bay to replenish marine estuary functions.

(c) Engineering design plans for wastewater treatment facilities as recommended in the Water Quality Protection Program Document for the Florida Keys National Marine Sanctuary.

(d) Acquisition of lands to move STA 3/4 out of the Toe of the Boot, provided such lands are located within 1 mile of the northern border of STA 3/4.

(e) Other Everglades Construction Projects as described in the February 15, 1994, conceptual design document.

~~(4) The district may issue revenue bonds or notes under s. 373.584 and pledge the revenue from the transfers from the Alligator Alley toll revenues as security for such bonds or notes. The proceeds from such revenue bonds or notes shall be used for environmental projects; at least 50 percent of said proceeds must be used for projects that benefit Florida Bay, as described in this section subject to resolutions approving such activity by the Board of Trustees of the Internal Improvement Trust Fund and the governing board of the South Florida Water Management District and the remaining proceeds must be used for restoration activities in the Everglades Protection Area.~~

Section 22. Subsections (2) through (4) of section 339.175, Florida Statutes, are amended to read:

339.175 Metropolitan planning organization.—

(2) DESIGNATION.—

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

2. To the extent possible, only one M.P.O. shall be designated for each urbanized area or group of contiguous urbanized areas. More than one M.P.O. may be designated within an existing urbanized area only if the Governor and the existing M.P.O. determine that the size and complexity of the existing urbanized area makes the designation of more than one M.P.O. for the area appropriate.

(b) Each M.P.O. designated in a manner prescribed by Title 23 of the United States Code shall be created and operated under the provisions of this section pursuant to an interlocal agreement entered into pursuant to s. 163.01. The signatories to the interlocal agreement shall be the department and the governmental entities designated by the Governor for membership on the M.P.O. Each M.P.O. shall be considered separate from the state or the governing body of a local government that is represented on the governing board of the M.P.O. or that is a signatory to the interlocal agreement creating the M.P.O. and shall have such powers and privileges that are provided under s. 163.01. If there is a conflict between this section and s. 163.01, this section prevails.

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

(d) In the case of an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of the metropolitan planning area in existence as of the date of enactment of this paragraph shall be retained, except that the boundaries may be adjusted by agreement of the Governor and affected metropolitan planning organizations in the manner described in this section. If more than one M.P.O. has authority within a metropolitan area or an area that is designated as a nonattainment area, each M.P.O. shall consult with other M.P.O.'s designated for such area and with the state in the coordination of plans and programs required by this section.

(e) The governing body of the M.P.O. shall designate, at a minimum, a chair, vice chair, and agency clerk. The chair and vice chair shall be selected from among the member delegates comprising the governing board. The agency clerk shall be charged with the responsibility of preparing meeting minutes and maintaining agency records. The clerk shall be a member of the M.P.O. governing board, an employee of the M.P.O., or other natural person.

Each M.P.O. required under this section must be fully operative no later than 6 months following its designation.

(3) VOTING MEMBERSHIP.—

(a) The voting membership of an M.P.O. shall consist of not fewer than 5 or more than 19 apportioned members, the exact number to be determined on an equitable geographic-population ratio ~~basis by the Governor~~, based on an agreement among the affected units of general-purpose local government *and the Governor* as required by federal ~~rules and~~ regulations. *The voting membership of an M.P.O. that is redesignated after the effective date of this act as a result of the expansion of the M.P.O. to include a new urbanized area or the consolidation of two or more M.P.O.'s may consist of no more than 25 members.* The Governor, in accordance with 23 U.S.C. s. 134, may also provide for M.P.O. members who represent municipalities to alternate with representatives from other municipalities within the metropolitan planning area that do not have members on the M.P.O. County commission members shall compose not less than one-third of the M.P.O. membership, except for an M.P.O. with more than 15 members located in a county with a 5-member county commission or an M.P.O. with 19 members located in a county with no more than 6 county commissioners, in which case county commission members may compose less than one-third percent of the M.P.O. membership, but all county commissioners must be members. All voting members shall be elected officials of general-purpose local governments, except that an M.P.O. may include, as part of its apportioned voting members, a member of a statutorily authorized planning board, an official of an agency that operates or administers a major mode of transportation, or an official of Space Florida. As used in this section, the term "elected officials of a general-purpose local government" *excludes* ~~shall exclude~~ constitutional officers, including sheriffs, tax collectors, supervisors of elections, property appraisers, clerks of the court, and similar types of officials. County commissioners shall compose not less than 20 percent of the M.P.O. membership if an official of an agency that operates or administers a major mode of transportation has been appointed to an M.P.O.

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

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

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

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

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

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

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

(4) APPORTIONMENT.—

(a) *Each M.P.O. in the state shall review the composition of its membership in conjunction with the decennial census, as prepared by the United States Department of Commerce, Bureau of the Census, and, with the agreement of the affected units of general-purpose local government and the Governor, reapportion the membership as necessary to comply with subsection (3)* ~~The Governor shall, with the agreement of the affected units of general-purpose local government as required by federal rules and regulations, apportion the membership on the applicable M.P.O. among the various governmental entities within the area~~.

(b) At the request of a majority of the affected units of general-purpose local government comprising an M.P.O., the Governor and a majority of units of general-purpose local government serving on an M.P.O. shall cooperatively agree upon and prescribe who may serve as an alternate member and a method for appointing alternate members who may vote at any M.P.O. meeting that an alternate member attends in place of a regular member. The method *must* ~~shall~~ be set forth as a part of the interlocal agreement describing the M.P.O.'s membership or in the M.P.O.'s operating procedures and bylaws. The governmental entity so designated shall appoint the appropriate number of members to the M.P.O. from eligible officials. Representatives of the department shall serve as nonvoting advisers to the M.P.O. governing board. Additional nonvoting advisers may be appointed by the M.P.O. as deemed necessary; however, to the maximum extent feasible, each M.P.O. shall seek to appoint nonvoting representatives of various multimodal forms of transportation not otherwise represented by voting members of the M.P.O. An M.P.O. shall appoint nonvoting advisers representing major military installations located within the jurisdictional boundaries of the M.P.O. upon the request of the aforesaid major military installations and subject to the agreement of the M.P.O. All nonvoting advisers may attend and participate fully in governing board meetings but may not vote or be members of the governing board. ~~The Governor shall review the composition of the M.P.O. membership in conjunction with the decennial census as prepared by the United States Department of Commerce, Bureau of the Census, and reapportion it as necessary to comply with subsection (3).~~

(c)~~(b)~~ Except for members who represent municipalities on the basis of alternating with representatives from other municipalities that do not have members on the M.P.O. as provided in paragraph (3)(a), the members of an M.P.O. shall serve 4-year terms. Members who represent municipalities on the basis of alternating with representatives from other municipalities that do not have members on the M.P.O. as provided in paragraph (3)(a) may serve terms of up to 4 years as further provided in the interlocal agreement described in paragraph (2)(b). The membership of a member who is a public official automatically terminates upon the member's leaving his or her elective or appointive office for any reason, or may be terminated by a majority vote of the total membership of the entity's governing board represented by the member. A vacancy shall be filled by the original appointing entity. A member may be reappointed for one or more additional 4-year terms.

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

Section 23. Paragraph (a) of subsection (1) and subsections (4) and (5) of section 339.2821, Florida Statutes, are amended to read:

339.2821 Economic development transportation projects.—

(1)(a) The department, in consultation with the Department of Economic Opportunity *and Enterprise Florida, Inc.*, may make and approve expenditures and contract with the appropriate governmental body for the direct costs of transportation projects. The Department of Economic Opportunity and the Department of Environmental Protection may formally review and comment on recommended transportation projects, although the department has final approval authority for any project authorized under this section.

(4) A contract between the department and a governmental body for a transportation project must:

(a) Specify that the transportation project is for the construction of a new or expanding business and specify the number of full-time permanent jobs that will result from the project.

(b) Identify the governmental body and require that the governmental body award the construction of the particular transportation project to the lowest and best bidder in accordance with applicable state and federal statutes or rules unless the transportation project can be constructed using existing local governmental employees within the contract period specified by the department.

(c) Require that the governmental body provide the department with ~~quarterly~~ progress reports. Each ~~quarterly~~ progress report must contain:

1. A narrative description of the work completed and whether the work is proceeding according to the transportation project schedule;

2. A description of each change order executed by the governmental body;

3. A budget summary detailing planned expenditures compared to actual expenditures; and

4. The identity of each small or minority business used as a contractor or subcontractor.

(d) Require that the governmental body make and maintain records in accordance with accepted governmental accounting principles and practices for each progress payment made for work performed in connection with the transportation project, each change order executed by the governmental body, and each payment made pursuant to a change order. The records are subject to financial audit as required by law.

(e) Require that the governmental body, upon completion and acceptance of the transportation project, certify to the department that the transportation project has been completed in compliance with the terms and conditions of the contract between the department and the governmental body and meets the minimum construction standards established in accordance with s. 336.045.

(f) Specify that ~~the department transfer~~ funds *will not be transferred* to the governmental body *unless construction has begun on the facility of the* ~~not more often than quarterly, upon receipt of a request for funds from the governmental body and consistent with the needs of the transportation project. The governmental body shall expend funds received from the department in a timely manner. The department may not transfer funds unless construction has begun on the facility of a~~ business on whose behalf the award was made. *If construction of the transportation project does not begin within 4 years after the date of the initial grant award, the grant award is terminated* ~~A contract totaling less than $200,000 is exempt from the transfer requirement~~.

(g) Require that funds be used only on a transportation project that has been properly reviewed and approved in accordance with the criteria set forth in this section.

(h) Require that the governing board of the governmental body adopt a resolution accepting future maintenance and other attendant costs occurring after completion of the transportation project if the transportation project is constructed on a county or municipal system.

(5) For purposes of this section, Space Florida may serve as the governmental body or as the contracting agency for a ~~transportation~~ project within *a* spaceport territory as defined by s. 331.304.

Section 24. *Section 339.401, Florida Statutes, is repealed.*

Section 25. *Section 339.402, Florida Statutes, is repealed.*

Section 26. *Section 339.403, Florida Statutes, is repealed.*

Section 27. *Section 339.404, Florida Statutes, is repealed.*

Section 28. *Section 339.405, Florida Statutes, is repealed.*

Section 29. *Section 339.406, Florida Statutes, is repealed.*

Section 30. *Section 339.407, Florida Statutes, is repealed.*

Section 31. *Section 339.408, Florida Statutes, is repealed.*

Section 32. *Section 339.409, Florida Statutes, is repealed.*

Section 33. *Section 339.410, Florida Statutes, is repealed.*

Section 34. *Section 339.411, Florida Statutes, is repealed.*

Section 35. *Section 339.412, Florida Statutes, is repealed.*

Section 36. *Section 339.414, Florida Statutes, is repealed.*

Section 37. *Section 339.415, Florida Statutes, is repealed.*

Section 38. *Section 339.416, Florida Statutes, is repealed.*

Section 39. *Section 339.417, Florida Statutes, is repealed.*

Section 40. *Section 339.418, Florida Statutes, is repealed.*

Section 41. *Section 339.419, Florida Statutes, is repealed.*

Section 42. *Section 339.420, Florida Statutes, is repealed.*

Section 43. *Section 339.421, Florida Statutes, is repealed.*

Section 44. Paragraphs (a) and (c) of subsection (2) and paragraph (i) of subsection (7) of section 339.55, Florida Statutes, are amended to read:

339.55 State-funded infrastructure bank.—

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

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

(c)1. Emergency loans for damages incurred to public-use commercial deepwater seaports, public-use airports, *public-use spaceports,* and other public-use transit and intermodal facilities that are within an area that is part of an official state declaration of emergency pursuant to chapter 252 and all other applicable laws. Such loans:

a. May not exceed 24 months in duration except in extreme circumstances, for which the Secretary of Transportation may grant up to 36 months upon making written findings specifying the conditions requiring a 36-month term.

b. Require application from the recipient to the department that includes documentation of damage claims filed with the Federal Emergency Management Agency or an applicable insurance carrier and documentation of the recipient's overall financial condition.

c. Are subject to approval by the Secretary of Transportation and the Legislative Budget Commission.

2. Loans provided under this paragraph must be repaid upon receipt by the recipient of eligible program funding for damages in accordance with the claims filed with the Federal Emergency Management Agency or an applicable insurance carrier, but no later than the duration of the loan.

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

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

Section 45. Subsection (11) of section 341.031, Florida Statutes, is amended to read:

341.031 Definitions relating to Florida Public Transit Act.—As used in ss. 341.011-341.061, the term:

(11) "Intercity bus service" means regularly scheduled bus service for the general public which operates with limited stops over fixed routes connecting two or more urban areas not in close proximity; has the capacity for transporting baggage carried by passengers; *and* makes meaningful connections with scheduled intercity bus service to more distant points, if such service is available~~; maintains scheduled information in the National Official Bus Guide; and provides package express service incidental to passenger transportation~~.

Section 46. Section 341.053, Florida Statutes, is amended to read:

341.053 Intermodal Development Program; administration; eligible projects; limitations.—

(1) There is created within the Department of Transportation an Intermodal Development Program to provide for major capital investments in fixed-guideway transportation systems, access to seaports, airports*, spaceports,* and other transportation terminals, providing for the construction of intermodal or multimodal terminals; and to *plan or fund construction of airport, spaceport, seaport, transit, and rail projects that* ~~otherwise~~ facilitate the intermodal or multimodal movement of people and goods.

(2) *The Intermodal Development Program shall be used for projects that support statewide goals as outlined in the Florida Transportation Plan, the Strategic Intermodal System Plan, the Freight Mobility and Trade Plan, or the appropriate department modal plan* ~~In recognition of the department's role in the economic development of this state, the department shall develop a proposed intermodal development plan to connect Florida's airports, deepwater seaports, rail systems serving both passenger and freight, and major intermodal connectors to the Strategic Intermodal System highway corridors as the primary system for the movement of people and freight in this state in order to make the intermodal development plan a fully integrated and interconnected system. The intermodal development plan must:~~

~~(a) Define and assess the state's freight intermodal network, including airports, seaports, rail lines and terminals, intercity bus lines and terminals, and connecting highways.~~

~~(b) Prioritize statewide infrastructure investments, including the acceleration of current projects, which are found by the Freight Stakeholders Task Force to be priority projects for the efficient movement of people and freight.~~

~~(c) Be developed in a manner that will assure maximum use of existing facilities and optimum integration and coordination of the various modes of transportation, including both government-owned and privately-owned resources, in the most cost-effective manner possible.~~

(3) The Intermodal Development Program shall be administered by the department.

(4) The department shall review funding requests from a rail authority created pursuant to chapter 343. The department may include

projects of the authorities, including planning and design, in the tentative work program.

(5) ~~No single transportation authority operating a fixed guideway transportation system, or single fixed guideway transportation system not administered by a transportation authority, receiving funds under the Intermodal Development Program shall receive more than 33 1/3 percent of the total intermodal development funds appropriated between July 1, 1990, and June 30, 2015. In determining the distribution of funds under the Intermodal Development Program in any fiscal year, the department shall assume that future appropriation levels will be equal to the current appropriation level.~~

~~(6)~~ The department *may* ~~is authorized to~~ fund projects within the Intermodal Development Program, which are consistent, to the maximum extent feasible, with approved local government comprehensive plans of the units of local government in which the project is located. Projects that are eligible for funding under this program include *planning studies,* major capital investments in public rail and fixed-guideway transportation *or freight* facilities and systems which provide intermodal access; road, rail, intercity bus service, or fixed-guideway access to, from, or between seaports, airports, *spaceports, intermodal logistics centers,* and other transportation terminals; construction of intermodal or multimodal terminals*, including projects on airports, spaceports, intermodal logistics centers, or seaports which assist in the movement or transfer of people or goods*; development and construction of dedicated bus lanes; and projects which otherwise facilitate the intermodal or multimodal movement of people and goods.

Section 47. Section 343.80, Florida Statutes, is amended to read:

343.80 Short title.—This part may be cited as the "Northwest Florida *Regional* Transportation *Finance* ~~Corridor~~ Authority Law."

Section 48. Section 343.805, Florida Statutes, is amended to read:

343.805 Definitions.—As used in this part, the term:

(1) "Agency of the state" means the state and any department of, or corporation, agency, or instrumentality heretofore or hereafter created, designated, or established by, the state.

(2) "Authority" means the body politic and corporate and agency of the state created by this part.

(3) "Bonds" means the notes, bonds, refunding bonds, or other evidences of indebtedness or obligations, in either temporary or definitive form, which the authority is authorized to issue pursuant to this part.

(4) "Department" means the Department of Transportation existing under chapters 334-339.

(5) "Federal agency" means the United States, the President of the United States, and any department of, or corporation, agency, or instrumentality heretofore or hereafter created, designated, or established by, the United States.

(6) "Limited access expressway" or "expressway" means a street or highway especially designed for through traffic and over, from, or to which a person does not have the right of easement, use, or access except in accordance with the rules adopted and established by the authority for the use of such facility. Such highway or street may be a parkway, from which trucks, buses, and other commercial vehicles are excluded, or it may be a freeway open to use by all customary forms of street and highway traffic.

(7) "Members" means the governing body of the authority, and the term "member" means one of the individuals constituting such governing body.

(8) "Northwest Florida Regional Transportation Finance Authority System" or "system" means any and all expressways and appurtenant facilities thereto owned by the Authority, including, but not limited to, all approaches, roads, bridges, and avenues of access for said expressway or expressways.

(9)~~(8)~~ "State Board of Administration" means the body corporate existing under the provisions of s. 9, Art. XII of the State Constitution, or any successor thereto.

~~(9) "U.S. 98 corridor" means U.S. Highway 98 and any feeder roads, reliever roads, connector roads, bridges, and other transportation appurtenances, existing or constructed in the future, that support U.S. Highway 98 in Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, Franklin, and Wakulla Counties.~~

~~(10) "U.S. 98 corridor system" means any and all expressways and appurtenant facilities, including, but not limited to, all approaches, roads, bridges, and avenues of access for the expressways that are either built by the authority or whose ownership is transferred to the authority by other governmental or private entities.~~

Terms importing singular number include the plural number in each case and vice versa, and terms importing persons include firms and corporations.

Section 49. Section 343.81, Florida Statutes, is amended to read:

343.81 Northwest Florida *Regional* Transportation *Finance* ~~Corridor~~ Authority.—

(1) There is created and established a body politic and corporate, an agency of the state, to be known as the Northwest Florida *Regional* Transportation *Finance* ~~Corridor~~ Authority, hereinafter referred to as "the authority."

(2)(a) The governing body of the authority shall consist of *five* ~~eight~~ voting members, *two from Okaloosa County and* one each from ~~Escambia, Santa Rosa~~, Walton, ~~Okaloosa,~~ Bay, *and* Gulf~~, Franklin, and Wakulla~~ Counties, appointed by the Governor to a 4-year term. The appointees shall be residents of their respective counties and may not hold an elected office. Upon the effective date of his or her appointment, or as soon thereafter as practicable, each appointed member of the authority shall enter upon his or her duties. Each appointed member shall hold office until his or her successor has been appointed and has qualified. A vacancy occurring during a term shall be filled only for the balance of the unexpired term. Any member of the authority shall be eligible for reappointment. Members of the authority may be removed from office by the Governor for misconduct, malfeasance, misfeasance, or nonfeasance in office.

(b) The district secretary of the Department of Transportation serving Northwest Florida shall serve as an ex officio, nonvoting member.

(3)(a) The authority shall elect one of its members as chair and shall also elect a secretary and a treasurer who may or may not be members of the authority. The chair, secretary, and treasurer shall hold such offices at the will of the authority.

(b) *Three* ~~Five~~ members of the authority shall constitute a quorum, and the vote of at least *three* ~~Five~~ members shall be necessary for any action taken by the authority. A vacancy in the authority does not impair the right of a quorum of the authority to exercise all of the rights and perform all of the duties of the authority.

(c) The authority shall meet at least quarterly but may meet more frequently upon the call of the chair. The authority should alternate the locations of its meetings among the seven counties.

(4) Members of the authority shall serve without compensation but shall be entitled to receive from the authority their travel expenses and per diem incurred in connection with the business of the authority, as provided in s. 112.061.

(5) The authority may employ an executive director, an executive secretary, its own counsel and legal staff, technical experts, engineers, and such employees, permanent or temporary, as it may require. The authority shall determine the qualifications and fix the compensation of such persons, firms, or corporations and may employ a fiscal agent or agents; however, the authority shall solicit sealed proposals from at least three persons, firms, or corporations for the performance of any services as fiscal agents. The authority may delegate to one or more of its agents or employees its power as it shall deem necessary to carry out the purposes of this part, subject always to the supervision and control of the authority.

~~(6) The authority may establish technical advisory committees to provide guidance and advice on corridor related issues. The authority shall establish the size, composition, and focus of any technical advisory~~

~~committee created. A member appointed to a technical advisory committee shall serve without compensation but shall be entitled to per diem or travel expenses, as provided in s. 112.061.~~

Section 50. Section 343.82, Florida Statutes, is amended to read:

343.82 Purposes and powers.—

(1) *The authority created and established by the provisions of this part is hereby granted and shall have the right to acquire, hold, construct, improve, maintain, operate, own and lease in the capacity of lessor, the Northwest Florida Regional Transportation Finance Authority System* ~~The primary purpose of the authority is to improve mobility on the U.S. 98 corridor in Northwest Florida to enhance traveler safety, identify and develop hurricane evacuation routes, promote economic development along the corridor, and implement transportation projects to alleviate current or anticipated traffic congestion~~.

(2)(a) The authority*, in the construction of the Northwest Florida Regional Transportation Finance Authority System,* is authorized to construct any feeder roads, reliever roads, connector roads, bypasses, or appurtenant facilities ~~that are intended to improve mobility along the U.S. 98 corridor~~. The transportation improvement projects may also include all necessary approaches, roads, bridges, and avenues of access that are desirable and proper with the concurrence, where applicable, of the department if the project is to be part of the State Highway System or the respective county or municipal governing boards. Any transportation facilities constructed by the authority may be tolled.

(b) Notwithstanding any special act to the contrary, the authority shall plan for and study the feasibility of constructing, operating, and maintaining a bridge or bridges spanning Choctawhatchee Bay ~~or Santa Rosa Sound, or both,~~ and access roads to such bridge or bridges, including studying the environmental and economic feasibility of such bridge or bridges and access roads, and such other transportation facilities that become part of such bridge system. The authority may construct, operate, and maintain the bridge system if the authority determines that the bridge system project is feasible and consistent with the authority's primary purpose and master plan.

~~(3)(a) The authority shall develop and adopt a corridor master plan no later than July 1, 2007. The goals and objectives of the master plan are to identify areas of the corridor where mobility, traffic safety, and efficient hurricane evacuation need to be improved; evaluate the economic development potential of the corridor and consider strategies to develop that potential; develop methods of building partnerships with local governments, other state and federal entities, the private sector business community, and the public in support of corridor improvements; and to identify projects that will accomplish these goals and objectives.~~

~~(b) After its adoption, the master plan shall be updated annually before July 1 of each year.~~

~~(c) The authority shall present the original master plan and updates to the governing bodies of the counties within the corridor and to the legislative delegation members representing those counties within 90 days after adoption.~~

~~(d) The authority may undertake projects or other improvements in the master plan in phases as particular projects or segments thereof become feasible, as determined by the authority. In carrying out its purposes and powers, the authority may request funding and technical assistance from the department and appropriate federal and local agencies, including, but not limited to, state infrastructure bank loans, advances from the Toll Facilities Revolving Trust Fund, and from any other sources.~~

(3)~~(4)~~ The authority is granted and shall have and may exercise all powers necessary, appurtenant, convenient, or incidental to the carrying out of the aforesaid purposes, including, but not limited to, the following rights and powers:

(a) To acquire, hold, construct, improve, maintain, operate, own, and lease in the capacity of lessor transportation facilities ~~within the U.S. 98 corridor~~.

(b) To borrow money and to make and issue negotiable notes, bonds, refunding bonds, and other evidences of indebtedness or obligations, either in temporary or definitive form, hereinafter in this chapter sometimes called "revenue bonds" of the authority, for the purpose of financing all or part of the *Northwest Florida Regional Transportation Finance Authority System* ~~mobility improvements within the U.S. 98 corridor~~, as well as the appurtenant facilities, including all approaches, streets, roads, bridges, and avenues of access authorized by this part, the bonds to mature not exceeding 40 years after the date of the issuance thereof, and to secure the payment of such bonds or any part thereof by a pledge of any or all of its revenues, rates, fees, rentals, or other charges.

(c) To fix, alter, charge, establish, and collect tolls, rates, fees, rentals, and other charges for the services and facilities of the Northwest Florida *Regional* Transportation *Finance Authority* ~~Corridor~~ System, which rates, fees, rentals, and other charges shall always be sufficient to comply with any covenants made with the holders of any bonds issued pursuant to this part; however, such right and power may be assigned or delegated by the authority to the department. ~~The authority may not impose tolls or other charges on existing highways and other transportation facilities within the corridor.~~

(d) To acquire by donation or otherwise, purchase, hold, lease as lessee, and use any franchise, property, real, personal, or mixed, tangible or intangible, or any options thereof in its own name or in conjunction with others, or interest therein, necessary or desirable for carrying out the purposes of the authority and to sell, lease as lessor, transfer, and dispose of any property or interest therein at any time acquired by *the authority, which the authority and the department have determined is not needed for the construction, operation, and maintenance of the system* ~~it~~.

(e) To sue and be sued, implead and be impleaded, complain, and defend in all courts.

(f) To adopt, use, and alter at will a corporate seal.

(g) To enter into and make leases.

~~(h) To enter into and make lease-purchase agreements with the department for terms not exceeding 40 years or until any bonds secured by a pledge of rentals thereunder, and any refundings thereof, are fully paid as to both principal and interest, whichever is longer.~~

(h)~~(i)~~ To make contracts of every name and nature, including, but not limited to, partnerships providing for participation in ownership and revenues, and to execute all instruments necessary or convenient for the carrying on of its business.

(i)~~(j)~~ Without limitation of the foregoing, to ~~borrow money and~~ accept grants from and to enter into contracts, leases, or other transactions with any federal agency, the state, any agency of the state, or any other public body of the state.

(j)~~(k)~~ To have the power of eminent domain, including the procedural powers granted under chapters 73 and 74.

(k)~~(l)~~ To pledge, hypothecate, or otherwise encumber all or any part of the revenues, rates, fees, rentals, or other charges or receipts of the authority.

(l)~~(m)~~ To enter into partnership and other agreements respecting ownership and revenue participation in order to facilitate financing and constructing any project or portions thereof.

(m)~~(n)~~ To participate in agreements with private entities and to receive private contributions.

(n)~~(o)~~ To contract with the department or with a private entity for the operation of traditional and electronic toll collection facilities ~~along the U.S. 98 corridor~~.

(o)~~(p)~~ To do all acts and things necessary or convenient for the conduct of its business and the general welfare of the authority in order to carry out the powers granted to it by this part or any other law.

(p)~~(q)~~ To construct, operate, and maintain roads, bridges, avenues of access, thoroughfares, and boulevards and to construct, repair, replace, operate, install, and maintain electronic toll payment systems thereon, with all necessary and incidental powers to accomplish the foregoing.

(4)~~(5)~~ The authority does not have power at any time or in any manner to pledge the credit or taxing power of the state or any political subdivision or agency thereof, nor shall any of the authority's obligations be deemed to be obligations of the state or of any political subdivision or agency thereof, nor shall the state or any political subdivision or agency thereof, except the authority, be liable for the payment of the principal of or interest on such obligations.

Section 51. Section 343.83, Florida Statutes, is amended to read:

343.83 Improvements, bond financing authority.—Pursuant to s. 11(f), Art. VII of the State Constitution, the Legislature approves bond financing by the Northwest Florida *Regional* Transportation *Finance* ~~Corridor~~ Authority for improvements to toll collection facilities, interchanges to the legislatively approved system, and any other facility appurtenant, necessary, or incidental to the approved system. Subject to terms and conditions of applicable revenue bond resolutions and covenants, such costs may be financed in whole or in part by revenue bonds issued pursuant to s. 343.835(1)(a) or (b) whether currently issued or issued in the future or by a combination of such bonds.

Section 52. Subsections (2) and (3) of section 343.835, Florida Statutes, are amended to read:

343.835 Bonds of the authority.—

(2) Any such resolution or resolutions authorizing any bonds hereunder may contain provisions that are part of the contract with the holders of such bonds, as to:

(a) The pledging of all or any part of the revenues, rates, fees, rentals, or other charges or receipts of the authority~~, derived by the authority for the U.S. 98 corridor improvements~~.

(b) The completion, improvement, operation, extension, maintenance, repair, or lease of the system, and the duties of the authority and others with reference thereto.

(c) Limitations on the purposes to which the proceeds of the bonds, then or thereafter to be issued, or of any loan or grant by the United States or the state may be applied.

(d) The fixing, charging, establishing, and collecting of rates, fees, rentals, or other charges for use of the services and facilities *owned or provided* ~~constructed~~ by the authority.

(e) The setting aside of reserves or sinking funds or repair and replacement funds and the regulation and disposition thereof.

(f) Limitations on the issuance of additional bonds.

(g) The terms and provisions of any lease-purchase agreement, deed of trust, or indenture securing the bonds or under which the same may be issued.

(h) Any other or additional agreements with the holders of the bonds which the authority may deem desirable and proper.

(3) The authority may employ fiscal agents as provided by this part or the State Board of Administration may, upon request of the authority, act as fiscal agent for the authority in the issuance of any bonds that are issued pursuant to this part, and the State Board of Administration may, upon request of the authority, take over the management, control, administration, custody, and payment of any or all debt services or funds or assets now or hereafter available for any bonds issued pursuant to this part. The authority may enter into any deeds of trust, indentures, or other agreements with its fiscal agent, or with any bank or trust company within or without the state, as security for such bonds and may, under such agreements, sign and pledge all or any of the revenues, rates, fees, rentals, or other charges or receipts of the authority. Such deed of trust, indenture, or other agreement may contain such provisions as are customary in such instruments or, as the authority authorizes, including, but without limitation, provisions as to:

(a) The completion, improvement, operation, extension, maintenance, repair, and lease of *the system* ~~U.S. 98 corridor improvements~~ and the duties of the authority and others with reference thereto.

(b) The application of funds and the safeguarding of funds on hand or on deposit.

(c) The rights and remedies of the trustee and the holders of the bonds.

(d) The terms and provisions of the bonds or the resolutions authorizing the issuance of the bonds.

Section 53. Section 343.84, Florida Statutes, is amended to read:

343.84 Department *to construct, operate, and maintain facilities* ~~may be appointed agent of authority for construction~~.—

(1) The department *is the agent of* ~~may be appointed by~~ the authority ~~as its agent~~ for the purpose of constructing improvements and extensions to the system and for the completion thereof. ~~In such event,~~ The authority shall provide the department with complete copies of all documents, agreements, resolutions, contracts, and instruments relating thereto, shall request the department to do such construction work, including the planning, surveying, and actual construction of the completion, extensions, and improvements to the system, and shall transfer to the credit of an account of the department in the treasury of the state the necessary funds therefor. The department shall proceed with such construction and use the funds for such purpose in the same manner that it is now authorized to use the funds otherwise provided by law for its use in construction of roads and bridges. *The authority may alternatively, with the consent and approval of the department, elect to appoint a local agency certified by the department to administer federal aid projects in accordance with federal law as the authority's agent for the purpose of performing each phase of a project.*

(2) Notwithstanding the provisions of subsection (1), the department is the agent of the authority for the purpose of operating and maintaining the system. The department shall operate and maintain the system, and the costs incurred by the department for operation and maintenance shall be reimbursed from revenues of the system. The appointment of the department as agent for the authority does not create an independent obligation of the department to operate and maintain the system. The authority shall remain obligated as principal to operate and maintain its system, and, except as otherwise provided by the lease-purchase agreement between the department and the Mid-Bay Bridge Authority in connection with its issuance of bonds, the authority's bondholders do not have an independent right to compel the department to operate and maintain any part of the authority's system.

(3) The authority shall fix, alter, charge, establish, and collect tolls, rates, fees, rentals, and other charges for the authority's facilities, as otherwise provided in this part.

Section 54. Subsection (1) of section 343.85, Florida Statutes, is amended to read:

343.85 Acquisition of lands and property.—

(1) For the purposes of this part, the Northwest Florida *Regional* Transportation *Finance* ~~Corridor~~ Authority may acquire private or public property and property rights, including rights of access, air, view, and light, by gift, devise, purchase, or condemnation by eminent domain proceedings, as the authority may deem necessary for any purpose of this part, including, but not limited to, any lands reasonably necessary for securing applicable permits, areas necessary for management of access, borrow pits, drainage ditches, water retention areas, rest areas, replacement access for landowners whose access is impaired due to the construction of a facility, and replacement rights-of-way for relocated rail and utility facilities; for existing, proposed, or anticipated transportation facilities ~~within the U.S. 98 transportation corridor designated by the authority~~; or for the purposes of screening, relocation, removal, or disposal of junkyards and scrap metal processing facilities. The authority may condemn any material and property necessary for such purposes.

Section 55. *Section 343.875, Florida Statutes, is repealed.*

Section 56. Subsection (3) of section 343.89, Florida Statutes, is amended to read:

343.89 Complete and additional statutory authority.—

(3) This part does not preclude the department from acquiring, holding, constructing, improving, maintaining, operating, or owning tolled or nontolled facilities funded and constructed from nonauthority sources that are part of the State Highway System within the geographical boundaries of the Northwest Florida *Regional* Transportation *Finance* ~~Corridor~~ Authority.

Section 57. Subsection (4) of section 343.922, Florida Statutes, is amended to read:

343.922 Powers and duties.—

(4) The authority may undertake projects or other improvements in the master plan in phases as particular projects or segments become feasible, as determined by the authority. The authority shall coordinate project planning, development, and implementation with the applicable local governments. The authority's projects that are transportation oriented shall be consistent to the maximum extent feasible with the adopted local government comprehensive plans at the time they are funded for construction. Authority projects that are not transportation oriented and meet the definition of development pursuant to s. 380.04 shall be consistent with the local comprehensive plans. In carrying out its purposes and powers, the authority may request funding and technical assistance from the department and appropriate federal and local agencies, including, but not limited to, state infrastructure bank loans~~, advances from the Toll Facilities Revolving Trust Fund,~~ and funding and technical assistance from any other source.

Section 58. *Chapter 345, Florida Statutes, consisting of sections 345.0001, 345.0002, 345.0003, 345.0004, 345.0005, 345.0006, 345.0007, 345.0008, 345.0009, 345.0010, 345.0011, 345.0012, 345.0013, 345.0014, 345.0015, and 345.0016, is created to read:*

345.0001 Short title.—This act may be cited as the "Florida Regional Transportation Finance Authority Act."

345.0002 Definitions.—As used in this chapter, the term:

(1) "Agency of the state" means the state and any department of, or any corporation, agency, or instrumentality heretofore or hereafter created, designated, or established by, the state.

(2) "Area served" means the geographical area of the counties for which an authority is established.

(3) "Authority" means a regional transportation finance authority, a body politic and corporate, and an agency of the state, established pursuant to the Florida Regional Transportation Finance Authority Act.

(4) "Bonds" means the notes, bonds, refunding bonds, or other evidences of indebtedness or obligations, in temporary or definitive form, which an authority may issue pursuant to this act.

(5) "Department" means the Department of Transportation of Florida and any successor thereto.

(6) "Division" means the Division of Bond Finance of the State Board of Administration.

(7) "Federal agency" means the United States, the President of the United States, and any department of, or any bureau, corporation, agency, or instrumentality heretofore or hereafter created, designated, or established by, the United States.

(8) "Members" means the governing body of an authority, and the term "member" means one of the individuals constituting such governing body.

(9) "Regional system" or "system" means, generally, a modern tolled highway system of roads, bridges, causeways, and tunnels within any area of the authority, with access limited or unlimited as an authority may determine, and the buildings and structures and appurtenances and facilities related to the system, including all approaches, streets, roads, bridges, and avenues of access for the system.

(10) "Revenues" means the tolls, revenues, rates, fees, charges, receipts, rentals, contributions, and other income derived from or in connection with the operation or ownership of a regional system, including the proceeds of any use and occupancy insurance on any portion of the system but excluding state funds available to an authority and any other municipal or county funds available to an authority under an agreement with a municipality or county.

345.0003 Regional transportation finance authority; formation; membership.—

(1) A county, or two or more contiguous counties, may, after the approval of the Legislature, form a regional transportation finance authority for the purposes of financing, constructing, maintaining, and operating transportation projects in a region of this state. An authority shall be governed in accordance with the provisions of this chapter. An authority may not be created without the approval of the Legislature and the approval of the county commission of each county that will be a part of the authority. An authority may not be created to serve a particular area of this state as provided by this subsection if a regional transportation finance authority has been created and is operating within all or a portion of the same area served pursuant to an act of the Legislature. Each authority shall be the only authority created and operating pursuant to this chapter within the area served by the authority.

(2) The governing body of an authority shall consist of a board of voting members as follows:

(a) The county commission of each county in the area served by the authority shall each appoint a member who must be a resident of the county from which he or she is appointed. The county commission of each county with a total population of more than 250,000 shall appoint a second member who must be a resident of the county. If possible, the member must represent the business and civic interests of the community.

(b) The Governor shall appoint an equal number of members to the board as those appointed by the county commissions. The members appointed by the Governor must be residents of the area served by the authority.

(c) The secretary of the Department of Transportation shall appoint one of the district secretaries, or his or her designee, for the districts within which the area served by the authority is located.

(3) The term of office of each member shall be for 4 years or until his or her successor is appointed and qualified.

(4) A member may not hold an elected office.

(5) A vacancy occurring in the governing body before the expiration of the member's term shall be filled by the respective appointing authority in the same manner as the original appointment and only for the balance of the unexpired term.

(6) Each member, before entering upon his or her official duties, must take and subscribe to an oath before an official authorized by law to administer oaths that he or she will honestly, faithfully, and impartially perform the duties devolving upon him or her in office as a member of the governing body of the authority and that he or she will not neglect any duties imposed upon him or her by this chapter.

(7) A member of an authority may be removed from office by the Governor for misconduct, malfeasance, misfeasance, or nonfeasance in office.

(8) The members of the authority shall designate one of its members as chair.

(9) The members of the authority shall serve without compensation, but shall be entitled to reimbursement for per diem and other expenses in accordance with s. 112.061 while in performance of their duties.

(10) A majority of the members of the authority constitutes a quorum, and resolutions enacted or adopted by a vote of a majority of the members present and voting at any meeting become effective without publication, posting, or any further action of the authority.

345.0004 Powers and duties.—

(1)(a) An authority created and established, or governed, by the Florida Regional Transportation Finance Authority Act shall plan, develop, finance, construct, reconstruct, improve, own, operate, and maintain a regional system in the area served by the authority.

(b) An authority may not exercise the powers in paragraph (a) with respect to an existing system for transporting people and goods by any means that is owned by another entity without the consent of that entity. If an authority acquires, purchases, or inherits an existing entity, the authority shall also inherit and assume all rights, assets, appropriations, privileges, and obligations of the existing entity.

(2) Each authority may exercise all powers necessary, appurtenant, convenient, or incidental to the carrying out of the purposes of this section, including, but not limited to, the following rights and powers:

(a) To sue and be sued, implead and be impleaded, and complain and defend in all courts in its own name.

(b) To adopt and use a corporate seal.

(c) To have the power of eminent domain, including the procedural powers granted under chapters 73 and 74.

(d) To acquire, purchase, hold, lease as a lessee, and use any property, real, personal, or mixed, tangible or intangible, or any interest therein, necessary or desirable for carrying out the purposes of the authority.

(e) To sell, convey, exchange, lease, or otherwise dispose of any real or personal property acquired by the authority, which the authority and the department have determined is not needed for the construction, operation, and maintenance of the system, including air rights.

(f) To fix, alter, charge, establish, and collect rates, fees, rentals, and other charges for the use of any system owned or operated by the authority, which rates, fees, rentals, and other charges must always be sufficient to comply with any covenants made with the holders of any bonds issued pursuant to this act; however, such right and power may be assigned or delegated by the authority to the department.

(g) To borrow money, make and issue negotiable notes, bonds, refunding bonds, and other evidences of indebtedness or obligations, in temporary or definitive form, for the purpose of financing all or part of the improvement of the authority's system and appurtenant facilities, including the approaches, streets, roads, bridges, and avenues of access for the system and for any other purpose authorized by this chapter, the bonds to mature in not exceeding 30 years after the date of the issuance thereof, and to secure the payment of such bonds or any part thereof by a pledge of its revenues, rates, fees, rentals, or other charges, including municipal or county funds received by the authority pursuant to the terms of an agreement between the authority and a municipality or county; and, in general, to provide for the security of the bonds and the rights and remedies of the holders of the bonds; however, municipal or county funds may not be pledged for the construction of a project for which a toll is to be charged unless the anticipated tolls are reasonably estimated by the governing board of the municipality or county, at the date of its resolution pledging said funds, to be sufficient to cover the principal and interest of such obligations during the period when the pledge of funds is in effect. An authority shall reimburse a municipality or county for sums expended from municipal or county funds used for the payment of the bond obligations.

(h) To make contracts of every name and nature, including, but not limited to, partnerships providing for participation in ownership and revenues, and to execute each instrument necessary or convenient for the conduct of its business.

(i) Without limitation of the foregoing, to cooperate with, accept grants from, and to enter into contracts or other transactions with any federal agency, the state, or any agency or any other public body of the state.

(j) To employ an executive director, attorney, staff, and consultants. Upon the request of an authority, the department shall furnish the services of a department employee to act as the executive director of the authority.

(k) To accept funds or other property from private donations.

(l) To do all acts and things necessary or convenient for the conduct of its business and the general welfare of the authority, in order to carry out the powers granted to it by this act or any other law.

(3) An authority does not have the power at any time or in any manner to pledge the credit or taxing power of the state or any political subdivision or agency thereof. Obligations of the authority may not be deemed to be obligations of the state or of any other political subdivision or agency thereof. The state or any political subdivision or agency thereof, except the authority, is not liable for the payment of the principal of or interest on such obligations.

(4) An authority has no power, other than by consent of the affected county or an affected municipality, to enter into an agreement that would legally prohibit the construction of a road by the county or the municipality.

(5) An authority formed pursuant to this chapter shall comply with the statutory requirements of general application which relate to the filing of a report or documentation required by law, including the requirements of ss. 189.4085, 189.415, 189.417, and 189.418.

345.0005 Bonds.—

(1)(a) Bonds may be issued on behalf of an authority pursuant to the State Bond Act.

(b) An authority may also issue bonds in such principal amount as is necessary, in the opinion of the authority, to provide sufficient moneys for achieving its corporate purposes, including construction, reconstruction, improvement, extension, and repair of the system; the cost of acquisition of all real property; interest on bonds during construction and for a reasonable period thereafter, and establishment of reserves to secure bonds; and all other expenditures of the authority incident to and necessary or convenient to carry out its corporate purposes and powers.

(2)(a) Bonds issued by an authority pursuant to paragraph (1)(a) or paragraph (1)(b) must be authorized by resolution of the members of the authority and must bear such date or dates; mature at such time or times, not exceeding 30 years after their respective dates; bear interest at such rate or rates, not exceeding the maximum rate fixed by general law for authorities; be in such denominations; be in such form, either coupon or fully registered; carry such registration, exchangeability and interchangeability privileges; be payable in such medium of payment and at such place or places; be subject to such terms of redemption; and be entitled to such priorities of lien on the revenues and other available moneys as such resolution or any resolution subsequent to the bonds' issuance may provide. The bonds shall be executed either by manual or facsimile signature by such officers as the authority shall determine, provided that such bonds bear at least one signature that is manually executed thereon. The coupons attached to such bonds shall bear the facsimile signature or signatures of such officer or officers as designated by the authority. Such bonds shall have the seal of the authority affixed, imprinted, reproduced, or lithographed thereon.

(b) Bonds issued pursuant to paragraph (1)(a) or paragraph (1)(b) must be sold at public sale in the same manner provided in the State Bond Act. Pending the preparation of definitive bonds, temporary bonds or interim certificates may be issued to the purchaser or purchasers of such bonds and may contain terms and conditions as the authority may determine.

(3) A resolution that authorizes any bonds may contain provisions that must be part of the contract with the holders of the bonds, as to:

(a) The pledging of all or any part of the revenues, available municipal or county funds, or other charges or receipts of the authority derived from the regional system.

(b) The construction, reconstruction, improvement, extension, repair, maintenance, and operation of the system, or any part or parts of the system, and the duties and obligations of the authority with reference thereto.

(c) Limitations on the purposes to which the proceeds of the bonds, then or thereafter issued, or of any loan or grant by any federal agency or the state or any political subdivision of the state may be applied.

(d) The fixing, charging, establishing, revising, increasing, reducing, and collecting of tolls, rates, fees, rentals, or other charges for use of the services and facilities of the system or any part of the system.

(e) The setting aside of reserves or of sinking funds and the regulation and disposition of the reserves or sinking funds.

(f) Limitations on the issuance of additional bonds.

(g) The terms and provisions of any deed of trust or indenture securing the bonds, or under which the bonds may be issued.

(h) Any other or additional matters, of like or different character, which in any way affect the security or protection of the bonds.

(4) The authority may enter into any deeds of trust, indentures, or other agreements with any bank or trust company within or without the state, as security for such bonds, and may, under such agreements, assign and pledge any of the revenues and other available moneys, including any available municipal or county funds, pursuant to the terms of this chapter. The deed of trust, indenture, or other agreement may contain provisions that are customary in such instruments or that the authority may authorize, including, but without limitation, provisions that:

(a) Pledge any part of the revenues or other moneys lawfully available therefor.

(b) Apply funds and safeguard funds on hand or on deposit.

(c) Provide for the rights and remedies of the trustee and the holders of the bonds.

(d) Provide for the terms and provisions of the bonds or for resolutions authorizing the issuance of the bonds.

(e) Provide for any other or additional matters, of like or different character, which affect the security or protection of the bonds.

(5) Any bonds issued pursuant to this act are negotiable instruments and have all the qualities and incidents of negotiable instruments under the law merchant and the negotiable instruments law of the state.

(6) A resolution that authorizes the issuance of authority bonds and pledges the revenues of the system must require that revenues of the system be periodically deposited into appropriate accounts in such sums as are sufficient to pay the costs of operation and maintenance of the system for the current fiscal year as set forth in the annual budget of the authority and to reimburse the department for any unreimbursed costs of operation and maintenance of the system from prior fiscal years before revenues of the system are deposited into accounts for the payment of interest or principal owing or that may become owing on such bonds.

(7) State funds may not be used or pledged to pay the principal or interest of any authority bonds, and all such bonds must contain a statement on their face to this effect.

345.0006 Remedies of bondholders.—

(1) The rights and the remedies granted to authority bondholders under this chapter are in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or indenture providing for the issuance of bonds, or by any deed of trust, indenture, or other agreement under which the bonds may be issued or secured. If an authority defaults in the payment of the principal of or interest on any of the bonds issued pursuant to this chapter after such principal of or interest on the bonds becomes due, whether at maturity or upon call for redemption, as provided in the resolution or indenture, and such default continues for 30 days, or in the event that the authority fails or refuses to comply with the provisions of this chapter or any agreement made with, or for the benefit of, the holders of the bonds, the holders of 25 percent in aggregate principal amount of the bonds then outstanding shall be entitled as of right to the appointment of a trustee to represent such bondholders for the purposes of the default provided that the holders of 25 percent in aggregate principal amount of the bonds then outstanding first gave written notice of their intention to appoint a trustee, to the authority and to the department.

(2) The trustee, and any trustee under any deed of trust, indenture, or other agreement, may, and upon written request of the holders of 25 percent, or such other percentages specified in any deed of trust, indenture, or other agreement, in principal amount of the bonds then outstanding, shall, in any court of competent jurisdiction, in his, her, or its own name:

(a) By mandamus or other suit, action, or proceeding at law, or in equity, enforce all rights of the bondholders, including the right to require the authority to fix, establish, maintain, collect, and charge rates, fees, rentals, and other charges, adequate to carry out any agreement as to, or pledge of, the revenues, and to require the authority to carry out any other covenants and agreements with or for the benefit of the bondholders, and to perform its and their duties under this chapter.

(b) Bring suit upon the bonds.

(c) By action or suit in equity, require the authority to account as if it were the trustee of an express trust for the bondholders.

(d) By action or suit in equity, enjoin any acts or things that may be unlawful or in violation of the rights of the bondholders.

(3) A trustee, if appointed pursuant to this section or acting under a deed of trust, indenture, or other agreement, and whether or not all bonds have been declared due and payable, shall be entitled as of right to the appointment of a receiver. The receiver may enter upon and take possession of the system or the facilities or any part or parts of the system, the revenues and other pledged moneys, for and on behalf of and in the name of, the authority and the bondholders. The receiver may collect and receive all revenues and other pledged moneys in the same manner as the authority. The receiver shall deposit all such revenues and moneys in a separate account and apply all such revenues and moneys remaining after allowance for payment of all costs of operation and maintenance of the system in such manner as the court directs. In a suit, action, or proceeding by the trustee, the fees, counsel fees, and expenses of the trustee, and said receiver, if any, and all costs and disbursements allowed by the court must be a first charge on any revenues after payment of the costs of operation and maintenance of the system. The trustee also has all other powers necessary or appropriate for the exercise of any functions specifically set forth in this section or incident to the representation of the bondholders in the enforcement and protection of their rights.

(4) This section or any other section of this chapter does not authorize a receiver appointed pursuant to this section for the purpose of operating and maintaining the system or any facilities or parts thereof to sell, assign, mortgage, or otherwise dispose of any of the assets belonging to the authority. The powers of the receiver are limited to the operation and maintenance of the system, or any facility or parts thereof and to the collection and application of revenues and other moneys due the authority, in the name and for and on behalf of the authority and the bondholders. A holder of bonds or any trustee does not have the right in any suit, action, or proceeding, at law or in equity, to compel a receiver, or a receiver may not be authorized or a court may not direct a receiver to, sell, assign, mortgage, or otherwise dispose of any assets of whatever kind or character belonging to the authority.

345.0007 Department to construct, operate, and maintain facilities.—

(1) The department is the agent of each authority for the purpose of performing each phase of a project, including, but not limited to, constructing improvements and extensions to the system. The authority shall provide to the department complete copies of the documents, agreements, resolutions, contracts, and instruments that relate to the project and shall request that the department perform the construction work, including the planning, surveying, design, and actual construction of the completion, extensions, and improvements to the system. After the issuance of bonds to finance construction of an improvement or addition to the system, the authority shall transfer to the credit of an account of the department in the State Treasury the necessary funds for construction. The department shall proceed with construction and use the funds for the purpose authorized and as otherwise provided by law for construction of roads and bridges. An authority may alternatively, with the consent and approval of the department, elect to appoint a local agency certified by the department to administer federal aid projects in accordance with federal law as the authority's agent for the purpose of performing each phase of a project.

(2) Notwithstanding the provisions of subsection (1), the department is the agent of each authority for the purpose of operating and maintaining the system. The department shall operate and maintain the system, and the costs incurred by the department for operation and maintenance shall be reimbursed from revenues of the system. The appointment of the department as agent for each authority does not create an independent obligation of the department to operate and maintain a system. Each authority shall remain obligated as principal to operate and maintain its system, and an authority's bondholders do not have an in-

dependent right to compel the department to operate or maintain the authority's system.

(3) Each authority shall fix, alter, charge, establish, and collect tolls, rates, fees, rentals, and other charges for the authority's facilities, as otherwise provided in this chapter.

345.0008 Department contributions to authority projects.—

(1) The department may agree with an authority to provide for or contribute to the payment of costs of financial or engineering and traffic feasibility studies and the design, financing, acquisition, or construction of an authority project or system included in the 10-year Strategic Intermodal Plan, subject to appropriation by the Legislature.

(a) In the manner required by chapter 216, the department shall include any issue in its legislative budget request for funding the payment of costs of financial or engineering and traffic feasibility studies and the design, financing, acquisition, or construction of an authority project or system. The request for funding may be included as part of the 5-year Tentative Work Program; however, it will be decided upon separately as a distinct funding item for consideration by the Legislature. The department shall include a financial feasibility test to accompany such legislative budget request for consideration of funding any authority project.

(b) As determined by the Legislature in the General Appropriations Act, funding provided for authority projects must be appropriated in a specific fixed capital outlay appropriation category that clearly identifies the authority project.

(c) The department may not request legislative approval of acquisition or construction of a proposed authority project unless the estimated net revenues of the proposed project will be sufficient to pay at least 50 percent of the annual debt service on the bonds associated with the project by the end of the 12th year of operation and to pay at least 100 percent of the debt service on the bonds by the end of the 30th year of operation.

(2) The department may use its engineering and other personnel, including consulting engineers and traffic engineers, to conduct feasibility studies under subsection (1). The department may participate in authority-funded projects that, at a minimum:

(a) Serve national, statewide, or regional functions and function as part of an integrated regional transportation system.

(b) Are identified in the capital improvements element of a comprehensive plan that has been determined to be in compliance with part II of chapter 163. Further, the project must be in compliance with local government comprehensive plan policies relative to corridor management.

(c) Are consistent with the Strategic Intermodal System Plan developed under s. 339.64.

(d) Have a commitment for local, regional, or private financial matching funds as a percentage of the overall project cost.

(3) Before approval, the department must determine that the proposed project:

(a) Is in the public's best interest;

(b) Would not require state funds to be used unless the project is on the State Highway System;

(c) Would have adequate safeguards in place to ensure that additional costs or service disruptions would not be realized by the traveling public and residents of the state in the event of default or cancellation of the agreement by the department; and

(d) Would have adequate safeguards in place to ensure that the department and the regional transportation finance authority have the opportunity to add capacity to the proposed project and other transportation facilities serving similar origins and destinations.

(4) An obligation or expense incurred by the department under this section is a part of the cost of the authority project for which the obligation or expense was incurred. The department may require money contributed by the department under this section to be repaid from tolls of the project on which the money was spent, other revenue of the authority, or other sources of funds.

(5) The department shall receive from an authority a share of the authority's net revenues equal to the ratio of the department's total contributions to the authority under this section to the sum of: the department's total contributions under this section; contributions by any local government to the cost of revenue producing authority projects; and the sale proceeds of authority bonds after payment of costs of issuance. For the purpose of this subsection, net revenues are gross revenues of an authority after payment of debt service, administrative expenses, operations and maintenance expenses, and all reserves required to be established under any resolution under which authority bonds are issued.

345.0009 Acquisition of lands and property.—

(1) For the purposes of this chapter, an authority may acquire private or public property and property rights, including rights of access, air, view, and light, by gift, devise, purchase, condemnation by eminent domain proceedings, or transfer from another political subdivision of the state, as the authority may deem necessary for any of the purposes of this chapter, including, but not limited to, any lands reasonably necessary for securing applicable permits, areas necessary for management of access, borrow pits, drainage ditches, water retention areas, rest areas, replacement access for landowners whose access is impaired due to the construction of a facility, and replacement rights-of-way for relocated rail and utility facilities; for existing, proposed, or anticipated transportation facilities on the system or in a transportation corridor designated by the authority; or for the purposes of screening, relocation, removal, or disposal of junkyards and scrap metal processing facilities. Each authority shall also have the power to condemn any material and property necessary for such purposes.

(2) An authority shall exercise the right of eminent domain conferred under this section in the manner provided by law.

(3) If an authority acquires property for a transportation facility or in a transportation corridor, it is not subject to any liability imposed by chapter 376 or chapter 403 for preexisting soil or groundwater contamination due solely to its ownership. This section does not affect the rights or liabilities of any past or future owners of the acquired property or affect the liability of any governmental entity for the results of its actions which create or exacerbate a pollution source. An authority and the Department of Environmental Protection may enter into interagency agreements for the performance, funding, and reimbursement of the investigative and remedial acts necessary for property acquired by the authority.

345.0010 Cooperation with other units, boards, agencies, and individuals.—A county, municipality, drainage district, road and bridge district, school district, or any other political subdivision, board, commission, or individual in, or of, the state may make and enter into a contract, lease, conveyance, partnership, or other agreement with an authority within the provisions and purposes of this chapter. Each authority may make and enter into contracts, leases, conveyances, partnerships, and other agreements with any political subdivision, agency, or instrumentality of the state and any federal agency, corporation, and individual, to carry out the purposes of this chapter.

345.0011 Covenant of the state.—The state pledges to, and agrees with, any person, firm, or corporation, or federal or state agency subscribing to, or acquiring the bonds to be issued by an authority for the purposes of this chapter that the state will not limit or alter the rights vested by this chapter in the authority and the department until all bonds at any time issued, together with the interest thereon, are fully paid and discharged insofar as the rights vested in the authority and the department affect the rights of the holders of bonds issued pursuant to this chapter. The state further pledges to, and agrees with, the United States that if a federal agency constructs or contributes any funds for the completion, extension, or improvement of the system, or any parts of the system, the state will not alter or limit the rights and powers of the authority and the department in any manner that is inconsistent with the continued maintenance and operation of the system or the completion, extension, or improvement of the system, or which would be inconsistent with the due performance of any agreements between the authority and any such federal agency, and the authority and the department shall continue to have and may exercise all powers granted in this section, so long as the powers are necessary or desirable to carry out the purposes of this chapter and the

purposes of the United States in the completion, extension, or improvement of the system, or any part of the system.

345.0012 Exemption from taxation.—The authority created under this chapter is for the benefit of the people of the state, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions, and because the authority will be performing essential governmental functions pursuant to this chapter, the authority is not required to pay any taxes or assessments of any kind or nature whatsoever upon any property acquired or used by it for such purposes, or upon any rates, fees, rentals, receipts, income, or charges received by it, and the bonds issued by the authority, their transfer and the income from their issuance, including any profits made on the sale of the bonds, shall be free from taxation by the state or by any political subdivision, taxing agency, or instrumentality of the state. The exemption granted by this section does not apply to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations.

345.0013 Eligibility for investments and security.—Any bonds or other obligations issued pursuant to this chapter are legal investments for banks, savings banks, trustees, executors, administrators, and all other fiduciaries, and for all state, municipal, and other public funds and are also securities eligible for deposit as security for all state, municipal, or other public funds, notwithstanding the provisions of any other law to the contrary.

345.0014 Applicability.—

(1) The powers conferred by this chapter are in addition to the powers conferred by other law and do not repeal the provisions of any other general or special law or local ordinance, but supplement such other laws in the exercise of the powers provided in this chapter, and provide a complete method for the exercise of the powers granted in this chapter. The extension and improvement of a system, and the issuance of bonds pursuant to this chapter to finance all or part of the cost thereof, may be accomplished upon compliance with the provisions of this chapter without regard to or necessity for compliance with the provisions, limitations, or restrictions contained in any other general, special, or local law, including, but not limited to, s. 215.821, and approval of any bonds issued under this act by the qualified electors or qualified electors who are freeholders in the state or in any political subdivision of the state is not required for the issuance of such bonds pursuant to this chapter.

(2) This act does not repeal, rescind, or modify any other law or laws relating to the State Board of Administration, the Department of Transportation, or the Division of Bond Finance of the State Board of Administration, but supersedes any other law that is inconsistent with the provisions of this chapter, including, but not limited to, s. 215.821.

345.0015 Santa Rosa-Escambia Regional Transportation Finance Authority.—

(1) There is hereby created and established a body politic and corporate, an agency of the state, to be known as the Santa Rosa-Escambia Regional Transportation Finance Authority, hereinafter referred to as the "authority."

(2) The area served by the authority shall be Escambia and Santa Rosa Counties.

(3) The purposes and powers of the authority are as identified in the Florida Regional Transportation Finance Authority Act for the area served by the authority, and the authority operates in the manner provided by the Florida Regional Transportation Finance Authority Act.

345.0016 Suncoast Regional Transportation Finance Authority.—

(1) There is hereby created and established a body politic and corporate, an agency of the state, to be known as the Suncoast Regional Transportation Finance Authority, hereinafter referred to as the "authority."

(2) The area served by the authority shall be Citrus, Levy, Marion, and Alachua Counties.

(3) The purposes and powers of the authority are as identified in the Florida Regional Transportation Finance Authority Act for the area served by the authority, and the authority operates in the manner provided by the Florida Regional Transportation Finance Authority Act.

Section 59. *Transfer to the Northwest Florida Regional Transportation Finance Authority.—The governance and control of the Mid-Bay Bridge Authority System, created pursuant to chapter 2000-411, Laws of Florida, is transferred to the Northwest Florida Regional Transportation Finance Authority.*

(1) The assets, facilities, tangible and intangible property and any rights in such property, and any other legal rights of the Mid-Bay Bridge Authority, including the bridge system operated by the authority, are transferred to the Northwest Florida Regional Transportation Finance Authority. All powers of the Mid-Bay Bridge Authority shall succeed to the Northwest Florida Regional Transportation Finance Authority, and the operations and maintenance of the bridge system shall be under the control of the Northwest Florida Regional Transportation Finance Authority, pursuant to this section. Revenues collected on the bridge system may be considered Northwest Florida Regional Transportation Finance Authority revenues, and the Mid-Bay Bridge may be considered part of the authority system, if bonds of the Mid-Bay Bridge Authority are not outstanding. The Northwest Florida Regional Transportation Finance Authority also assumes all liability for bonds of the Mid-Bay Bridge Authority pursuant to the provisions of subsection (2). The Northwest Florida Regional Transportation Finance Authority may review other contracts, financial obligations, and contractual obligations and liabilities of the Mid-Bay Bridge Authority and may assume legal liability for the obligations that are determined to be necessary for the continued operation of the bridge system.

(2) The transfer pursuant to this section is subject to the terms and covenants provided for the protection of the holders of the Mid-Bay Bridge Authority bonds in the lease-purchase agreement and the resolutions adopted in connection with the issuance of the bonds. Further, the transfer does not impair the terms of the contract between the Mid-Bay Bridge Authority and the bondholders, does not act to the detriment of the bondholders, and does not diminish the security for the bonds. After the transfer, until the bonds of the Mid-Bay Bridge Authority are fully defeased or paid in full, the department shall operate and maintain the bridge system and any other facilities of the authority in accordance with the terms, conditions, and covenants contained in the bond resolutions and lease-purchase agreement securing the bonds of the bridge authority. The Department of Transportation, as the agent of the Northwest Florida Regional Transportation Finance Authority, shall collect toll revenues and apply them to the payment of debt service as provided in the bond resolution securing the bonds. The Northwest Florida Regional Transportation Finance Authority shall expressly assume all obligations relating to the bonds to ensure that the transfer will have no adverse impact on the security for the bonds of the Mid-Bay Bridge Authority. The transfer does not make the obligation to pay the principal and interest on the bonds a general liability of the Northwest Florida Regional Transportation Finance Authority or pledge the authority system revenues to payment of the Mid-Bay Bridge Authority bonds. Revenues that are generated by the bridge system and other facilities of the Mid-Bay Bridge Authority and that were pledged by the Mid-Bay Bridge Authority to the payment of the bonds remain subject to the pledge for the benefit of the bondholders. The transfer does not modify or eliminate any prior obligation of the Department of Transportation to pay certain costs of the bridge system from sources other than revenues of the bridge system. With regard to the bridge authority's current long-term debt of $9.5 million due to the department as of June 30, 2012, and to the extent permitted by the bond resolutions and lease-purchase agreement securing the bonds, the Northwest Florida Regional Transportation Finance Authority shall make payment annually to the State Transportation Trust Fund, for the purpose of repaying the Mid-Bay Bridge Authority's long-term debt due to the department, from any bridge system revenues obtained under this section which remain after the payment of the costs of operations, maintenance, renewal, and replacement of the bridge system; the payment of current debt service; and other payments required in relation to the bonds. The Northwest Florida Regional Transportation Finance Authority shall make the annual payments, not to exceed $1 million per year, to the State Transportation Trust Fund until all remaining authority long-term debt due to the department has been repaid.

(3) Any remaining toll revenue from the facilities of the Mid-Bay Bridge Authority collected by the Northwest Florida Regional Transportation Finance Authority after meeting the requirements of subsections (1) and (2) shall be used for the construction, maintenance, or improvement of any toll facility of the Northwest Florida Regional Transportation Finance Authority within the county or counties in which the revenue was collected.

Section 60. Section 348.751, Florida Statutes, is amended to read:

348.751 Short title.—This part ~~shall be known and~~ may be cited as the "*Central Florida* ~~Orlando-Orange County~~ Expressway Authority Law."

Section 61. Section 348.752, Florida Statutes, is amended to read:

348.752 Definitions.—*As used in this chapter* ~~The following terms, whenever used or referred to in this law, shall have the following meanings, except in those instances where the context clearly indicates otherwise~~:

(1) The term "agency of the state" means ~~and includes~~ the state and any department of, or corporation, agency, or instrumentality ~~heretofore or hereafter~~ created, designated, or established by, the state.

(2) The term "authority" means the body politic and corporate, and agency of the state created by this part.

(3) The term "bonds" means ~~and includes~~ the notes, bonds, refunding bonds, or other evidences of indebtedness or obligations, in either temporary or definitive form, which the authority is authorized to issue pursuant to this part.

(4) *The term "Central Florida Expressway Authority" means the body politic and corporate, and agency of the state created by this chapter* ~~The term "city" means the City of Orlando~~.

(5) *The term "Central Florida Expressway System" means any expressway and appurtenant facilities, including all approaches, roads, bridges, and avenues for the expressway and any rapid transit, trams, or fixed guideways located within the right-of-way of an expressway* ~~The term "county" means the County of Orange~~.

(6) The term "department" means the Department of Transportation ~~existing under chapters 334-339~~.

(7) The term "expressway" *has the same meaning* ~~is the same~~ as limited access expressway.

(8) The term "federal agency" means and includes the United States, the President of the United States, and any department of, or corporation, agency, or instrumentality ~~heretofore or hereafter~~ created, designated, or established by, the United States.

(9) The term "lease-purchase agreement" means the lease-purchase agreements *that* ~~which~~ the authority is authorized ~~pursuant to this part~~ to enter into with the Department of Transportation *pursuant to this part*.

(10) The term "limited access expressway" means a street or highway *specifically* ~~especially~~ designed for through traffic, and over, from, or to which, *a* ~~no~~ person *does not* ~~shall~~ have the right of easement, use, or access except in accordance with the rules *of* ~~and regulations promulgated and established by~~ the authority *governing its use* ~~for the use of such facility~~. Such highways or streets may be parkways *that do not allow traffic by*~~, from which~~ trucks, buses, and other commercial vehicles ~~shall be excluded~~, or ~~they may be~~ freeways open to use by all customary forms of street and highway traffic.

(11) The term ~~"members" means the governing body of the authority, and the term~~ "member" means *an individual who serves on the* ~~one of the individuals constituting such~~ governing body *of the authority*.

(12) The term "Orange County gasoline tax funds" means ~~all~~ the *revenue derived from the* 80-percent surplus gasoline tax funds accruing in each year to the Department of Transportation for use in Orange County under ~~the provisions of~~ s. 9, Art. XII of the State Constitution, after *deducting* ~~deduction only of~~ any amounts of said gasoline tax funds *previously* ~~heretofore~~ pledged by the department or the county for outstanding obligations.

~~(13) The term "Orlando-Orange County Expressway System" means any and all expressways and appurtenant facilities thereto, including, but not limited to, all approaches, roads, bridges, and avenues of access for said expressway or expressways.~~

(13)~~(14)~~ The term "State Board of Administration" means the body corporate existing under the provisions of s. 9, Art. XII of the State Constitution, or any successor ~~thereto~~.

(14) The term "transportation facilities" means and includes the mobile and fixed assets, and the associated real or personal property or rights, used in the transportation of persons or property by any means of conveyance, and all appurtenances, such as, but not limited to, highways; limited or controlled access lanes, avenues of access, and facilities; vehicles; fixed guideway facilities, including maintenance facilities; and administrative and other office space for the exercise by the authority of the powers and obligations granted in this part.

~~(15) Words importing singular number include the plural number in each case and vice versa, and words importing persons include firms and corporations.~~

Section 62. Section 348.753, Florida Statutes, is amended to read:

348.753 *Central Florida* ~~Orlando-Orange County~~ Expressway Authority.—

(1) There is ~~hereby~~ created and established a body politic and corporate, an agency of the state, to be known as the *Central Florida* ~~Orlando-Orange County~~ Expressway Authority.~~, hereinafter referred to as "authority."~~

(2)(a) Effective July 1, 2014, the Central Florida Expressway Authority shall assume the governance and control of the Orlando-Orange County Expressway Authority System, including its assets, personnel, contracts, obligations, liabilities, facilities, and tangible and intangible property. Any rights in such property, and other legal rights of the authority, are transferred to the Central Florida Expressway Authority. The powers, responsibilities, and obligations of the Orlando-Orange County Expressway Authority shall succeed to and be assumed by the Central Florida Expressway Authority on July 1, 2014.

(b) The transfer pursuant to this subsection is subject to the terms and covenants provided for the protection of the holders of the Orlando-Orange County Expressway Authority bonds in the lease-purchase agreement and the resolutions adopted in connection with the issuance of the bonds. Further, the transfer does not impair the terms of the contract between the Orlando-Orange County Expressway Authority and the bondholders, does not act to the detriment of the bondholders, and does not diminish the security for the bonds. After the transfer, the Central Florida Expressway Authority shall operate and maintain the expressway system and any other facilities of the Orlando-Orange County Expressway Authority in accordance with the terms, conditions, and covenants contained in the bond resolutions and lease-purchase agreement securing the bonds of the authority. The Central Florida Expressway Authority shall collect toll revenues and apply them to the payment of debt service as provided in the bond resolution securing the bonds, and expressly assumes all obligations relating to the bonds to ensure that the transfer will have no adverse impact on the security for the bonds. The transfer does not make the obligation to pay the principal and interest on the bonds a general liability of the Central Florida Expressway Authority or pledge additional expressway system revenues to payment of the bonds. Revenues that are generated by the expressway system and other facilities of the Central Florida Expressway Authority which were pledged by the Orlando-Orange County Expressway Authority for payment of the bonds remains subject to the pledge for the benefit of the bondholders. The transfer does not modify or eliminate any prior obligation of the department to pay certain costs of the expressway system from sources other than revenues of the expressway system.

(3)~~(2)~~ The governing body of the authority shall consist of *11* ~~five~~ members. *The chairs of the boards of the county commissions of Seminole, Lake, and Osceola Counties shall each appoint one member, who may be a commission member or chair. The Governor shall appoint six citizen members. Of the Governor's appointments, two* ~~Three~~ members *must* ~~shall~~ be citizens of Orange County, *one member each must be a citizen of Seminole, Lake, and Osceola Counties, and one member may be a citizen of any of the identified counties* ~~who shall be appointed by the Governor~~. The *10th* ~~fourth~~ member *must* ~~shall~~ be~~, ex officio,~~ the *Mayor of* ~~chair of the County Commissioners of~~ Orange County. *The 11th member must be the Mayor of the City of Orlando. The executive director of Florida Turnpike Enterprise shall serve as a nonvoting advisor to the governing body of the authority*~~, and the fifth member shall be, ex officio,~~

~~the district secretary of the Department of Transportation serving in the district that contains Orange County~~. ~~The term of~~ Each ~~appointed~~ member *appointed by the Governor* shall *serve* ~~be~~ for 4 years. *Each county-appointed member shall serve for 2 years. Standing board members shall complete their terms.* Each appointed member shall hold office until his or her successor has been appointed and has qualified. A vacancy occurring during a term *must* ~~shall~~ be filled only for the balance of the unexpired term. Each appointed member of the authority shall be a person of outstanding reputation for integrity, responsibility, and business ability, but*, except as provided in this subsection, a* ~~no~~ person who is an officer or employee of *a municipality or* ~~any city or of Orange~~ county *may not* ~~in any other capacity shall~~ be an appointed member of the authority. Any member of the authority *is* ~~shall be~~ eligible for reappointment.

(4)~~(3)~~(a) The authority shall elect one of its members as chair of the authority. The authority shall also elect *one of its members as vice chair, one of its members as* ~~a~~ secretary*,* and *one of its members as* ~~a~~ treasurer ~~who may or may not be members of the authority~~. The chair, *vice chair,* secretary, and treasurer shall hold such offices at the will of the authority. *Six* ~~Three~~ members of the authority ~~shall~~ constitute a quorum, and the vote of *six* ~~three~~ members *is* ~~shall be~~ necessary for any action taken by the authority. *A* ~~No~~ vacancy in the authority *does not* ~~shall~~ impair the right of a quorum of the authority to exercise all of the rights and perform all of the duties of the authority.

(b) Upon the effective date of his or her appointment, or as soon thereafter as practicable, each appointed member of the authority shall enter upon his or her duties.

(5)~~(4)~~(a) The authority may employ an executive secretary, an executive director, its own counsel and legal staff, technical experts, *and the* ~~such~~ engineers~~,~~ and ~~such~~ employees *that*~~, permanent or temporary,~~ ~~as~~ it *requires. The authority* ~~may require and~~ may determine the qualifications and fix the compensation of such persons, firms, or corporations*,* and may employ a fiscal agent or agents*;*~~, provided,~~ however, ~~that~~ the authority shall solicit sealed proposals from at least three persons, firms, or corporations for the performance of any services as fiscal agents. The authority may delegate to one or more of its agents or employees *the* ~~such of its~~ power ~~as~~ it *deems* ~~shall deem~~ necessary to carry out the purposes of this part~~, subject always to the supervision and control of the authority~~. Members of the authority may be removed from ~~their~~ office by the Governor for misconduct, malfeasance, misfeasance, or nonfeasance in office.

(b) Members of the authority *are* ~~shall be~~ entitled to receive from the authority their travel and other necessary expenses incurred in connection with the business of the authority as provided in s. 112.061, but *may not* ~~they shall~~ draw ~~no~~ salaries or other compensation.

Section 63. Section 348.754, Florida Statutes, is amended to read:

348.754 Purposes and powers.—

(1)(a) The authority created and established *under* ~~by the provisions of~~ this part is ~~hereby~~ granted and *has* ~~shall have~~ the right to acquire, hold, construct, improve, maintain, operate, own*,* and lease in the capacity of lessor~~,~~ the *Central Florida* ~~Orlando-Orange County~~ Expressway System*,* hereinafter referred to as "system." *Except as otherwise specifically provided by law, including paragraph (2)(n), the area served by the authority shall be within the geographical boundaries of Orange, Seminole, Lake, and Osceola Counties.*

(b) ~~It is the express intention of this part that said authority,~~ In the construction of *the Central Florida* ~~said Orlando-Orange County~~ Expressway System, *the authority may* ~~shall be authorized to~~ construct any extensions, additions*,* or improvements to *the* ~~said~~ system or appurtenant facilities, including all necessary approaches, roads, bridges*,* ~~and~~ avenues of access, *rapid transit, trams, fixed guideways, thoroughfares, and boulevards* with *any* ~~such~~ changes, modifications*,* or revisions of *the* ~~said~~ project *which are* ~~as shall be~~ deemed desirable and proper.

(c) Notwithstanding any provision of this part to the contrary, to ensure the continued financial feasibility of the portion of the Wekiva Parkway to be constructed by the department, the authority may not, without the prior consent of the secretary of the department, construct an extension, addition, or improvement to the expressway system in Lake County.

(2) The authority ~~is hereby granted, and shall have and~~ may exercise all powers necessary, appurtenant, convenient*,* or incidental to the *implementation* ~~carrying out~~ of the *stated* ~~aforesaid~~ purposes, including, but *not* ~~without being~~ limited to, the following rights and powers:

(a) To sue and be sued, implead and be impleaded, complain and defend in all courts.

(b) To adopt, use*,* and alter at will a corporate seal.

(c) To acquire by donation or otherwise, purchase, hold, lease as lessee*,* and use any franchise *or any*~~,~~ property, real, personal*,* ~~or~~ mixed, *or* tangible or intangible, or any options ~~thereof~~ in its own name or in conjunction with others, or interest *in those options* ~~therein~~, necessary or desirable *to carry* ~~for carrying~~ out the purposes of the authority, and to sell, lease as lessor, transfer*,* and dispose of any property or interest *in the property* ~~therein~~ at any time acquired by it.

(d) To enter into and make leases for terms not exceeding *99* ~~40~~ years, as ~~either~~ lessee or lessor, in order to carry out the right to lease as *specified* ~~set forth~~ in this part.

(e) To enter into and make lease-purchase agreements with the department for terms not exceeding 40 years, or until any bonds secured by a pledge of rentals *pursuant to the agreement* ~~thereunder~~, and any refundings *pursuant to the agreement* ~~thereof~~, are fully paid as to both principal and interest, whichever is longer. *The authority is a party to a lease-purchase agreement between the department and the authority dated December 23, 1985, as supplemented by a first supplement to the lease-purchase agreement dated November 25, 1986, and a second supplement to the lease-purchase agreement dated October 27, 1988. The authority may not enter into other lease-purchase agreements with the department and may not amend the existing agreement in a manner that expands or increases the department's obligations unless the department determines that the agreement or amendment is necessary to permit the refunding of bonds issued before July 1, 2012.*

(f) To fix, alter, charge, establish*,* and collect rates, fees, rentals, and other charges for the services and facilities of the *Central Florida* ~~Orlando-Orange County~~ Expressway System~~,~~ which *must* ~~rates, fees, rentals and other charges shall~~ always be sufficient to comply with any covenants made with the holders of any bonds issued pursuant to this part; ~~provided,~~ however, ~~that~~ such right and power may be assigned or delegated~~,~~ by the authority~~,~~ to the department. *Toll revenues attributable to an increase in the toll rates charged on or after July 1, 2014, for the use of a facility or portion of a facility may not be used to construct or expand a different facility unless a two-thirds majority of the members of the authority votes to approve such use. This requirement does not apply if, and to the extent that:*

1. Application of the requirement would violate any covenant established in a resolution or trust indenture under which bonds were issued by the Orlando-Orange County Expressway Authority on or before July 1, 2014; or

2. Application of the requirement would cause the authority to be unable to meet its obligations under the terms of the memorandum of understanding between the authority and the department as ratified by the Orlando-Orange County Expressway Authority board on February 22, 2012.

Notwithstanding s. 338.165, and except as otherwise prohibited by this part, to the extent revenues of the expressway system exceed amounts required to comply with any covenants made with the holders of bonds issued pursuant to this part, revenues may be used for purposes enumerated in subsection (6), if the expenditures are consistent with the metropolitan planning organization's adopted long-range plan.

(g) To borrow money, make and issue negotiable notes, bonds, refunding bonds, and other evidences of indebtedness or obligations, either in temporary or definitive form, ~~hereinafter in this chapter sometimes called "bonds" of the authority,~~ for the purpose of financing all or part of the improvement or extension of the *Central Florida* ~~Orlando-Orange County~~ Expressway System, and appurtenant facilities, including all approaches, streets, roads, bridges*,* and avenues of access for *the Central Florida* ~~said Orlando-Orange County~~ Expressway System and for any other purpose authorized by this part, ~~said bonds to mature in not exceeding 40 years from the date of the issuance thereof,~~ and to secure the

payment of such bonds or any part thereof by a pledge of any or all of its revenues, rates, fees, rentals, or other charges, including all or any portion of the Orange County gasoline tax funds received by the authority pursuant to ~~the terms of~~ any lease-purchase agreement between the authority and the department; and in general to provide for the security of *the* ~~said~~ bonds and the rights and remedies of the holders thereof. ~~Provided,~~ However, ~~that~~ no portion of the Orange County gasoline tax funds *may* ~~shall~~ be pledged for the construction of any project for which a toll is to be charged unless the anticipated *toll is* ~~tolls are~~ reasonably estimated by the board of county commissioners, at the date of its resolution pledging *the* ~~said~~ funds, to be sufficient to cover the principal and interest of such obligations during the period when *the* ~~said~~ pledge of funds *is* ~~shall be~~ in effect. *The bonds issued under this paragraph must mature not more than 40 years after their issue date.*

1. The authority shall reimburse Orange County for any sums expended from *the* ~~said~~ gasoline tax funds used for the payment of such obligations. Any gasoline tax funds so disbursed *must* ~~shall~~ be repaid when the authority deems it practicable, together with interest at the highest rate applicable to any obligations of the authority.

2. *If, pursuant to this section,* ~~In the event~~ the authority *funds* ~~shall determine to fund~~ or *refunds* ~~refund~~ any bonds *previously* ~~theretofore~~ issued by *the* ~~said~~ authority~~,~~ or *the* ~~by~~ ~~said~~ commission *before the bonds mature* ~~as aforesaid prior to the maturity thereof~~, the proceeds of such funding or refunding *must* ~~bonds shall~~, pending the prior redemption of *these* ~~the~~ bonds ~~to be funded or refunded~~, be invested in direct obligations of the United States~~, and it is the express intention of this part that such outstanding bonds may be funded or refunded by the issuance of bonds pursuant to this part~~.

(h) To make contracts ~~of every name and nature~~, including, but not limited to, partnerships providing for participation in ownership and revenues, and to execute all instruments necessary or convenient for *conducting* ~~the carrying on of~~ its business.

(i) *Notwithstanding paragraphs (a)-(h),* ~~Without limitation of the foregoing,~~ to borrow money and accept grants from, and to enter into contracts, leases, or other transactions with any federal agency, the state, any agency of the state, the County of Orange, the City of Orlando, or with any other public body of the state.

(j) To have the power of eminent domain, including the procedural powers granted under both chapters 73 and 74.

(k) To pledge, hypothecate, or otherwise encumber ~~all or~~ any part of the revenues, rates, fees, rentals, or other charges or receipts of the authority, including all or any portion of the Orange County gasoline tax funds received by the authority pursuant to the terms of any lease-purchase agreement between the authority and the department, as security for ~~all or~~ any of the obligations of the authority.

(l) To enter into partnership and other agreements respecting ownership and revenue participation in order to facilitate financing and constructing the Western Beltway, or portions thereof.

(m) To do *everything* ~~all acts and things~~ necessary or convenient for the conduct of its business and the general welfare of the authority, in order to *comply with* ~~carry out the powers granted to it by~~ this part or any other law.

(n) With the consent of the county within whose jurisdiction the following activities occur, the authority shall have the right to construct, operate, and maintain roads, bridges, avenues of access, *transportation facilities,* thoroughfares, and boulevards outside the jurisdictional boundaries of Orange*, Seminole, Lake, and Osceola Counties* ~~County~~, together with the right to construct, repair, replace, operate, install, and maintain electronic toll payment systems thereon~~, with all necessary and incidental powers to accomplish the foregoing~~.

(3) The authority *does not* ~~shall~~ have *the* ~~no~~ power ~~at any time or in any manner~~ to pledge the credit or taxing power of the state or any political subdivision or agency thereof, including *any city and any county* ~~the City of Orlando and the County of Orange~~, *nor may* ~~nor shall~~ any of the authority's obligations be deemed to be obligations of the state or of any political subdivision or agency thereof, *nor may* ~~nor shall~~ the state or any political subdivision or agency thereof, except the authority, be liable for the payment of the principal of or interest on such obligations.

~~(4) Anything in this part to the contrary notwithstanding, acquisition of right-of-way for a project of the authority which is within the boundaries of any municipality in Orange County shall not be begun unless and until the route of said project within said municipality has been given prior approval by the governing body of said municipality.~~

(4)~~(5)~~ The authority *has* ~~shall have~~ no power other than by consent of *an affected* ~~Orange~~ county or any affected city, to enter into any agreement which would legally prohibit the construction of *a* ~~any~~ road by *the respective county or city* ~~Orange County or by any city within Orange County~~.

(5) The authority shall encourage the inclusion of local-, small-, minority-, and women-owned businesses in its procurement and contracting opportunities.

(6)~~(a)~~ *The authority may, within the right-of-way of the expressway system, finance or refinance the planning, design, acquisition, construction, extension, rehabilitation, equipping, preservation, maintenance, or improvement of an intermodal facility or facilities, a multimodal corridor or corridors, or any programs or projects that will improve the levels of service on the expressway system* ~~Notwithstanding s. 255.05, the Orlando Orange County Expressway Authority may waive payment and performance bonds on construction contracts for the construction of a public building, for the prosecution and completion of a public work, or for repairs on a public building or public work that has a cost of $500,000 or less and when the project is awarded pursuant to an economic development program for the encouragement of local small businesses that has been adopted by the governing body of the Orlando Orange County Expressway Authority pursuant to a resolution or policy~~.

~~(b) The authority's adopted criteria for participation in the economic development program for local small businesses requires that a participant:~~

~~1. Be an independent business.~~

~~2. Be principally domiciled in the Orange County Standard Metropolitan Statistical Area.~~

~~3. Employ 25 or fewer full-time employees.~~

~~4. Have gross annual sales averaging $3 million or less over the immediately preceding 3 calendar years with regard to any construction element of the program.~~

~~5. Be accepted as a participant in the Orlando-Orange County Expressway Authority's microcontracts program or such other small business program as may be hereinafter enacted by the Orlando-Orange County Expressway Authority.~~

~~6. Participate in an educational curriculum or technical assistance program for business development that will assist the small business in becoming eligible for bonding.~~

~~(c) The authority's adopted procedures for waiving payment and performance bonds on projects with values not less than $200,000 and not exceeding $500,000 shall provide that payment and performance bonds may only be waived on projects that have been set aside to be competitively bid on by participants in an economic development program for local small businesses. The authority's executive director or his or her designee shall determine whether specific construction projects are suitable for:~~

~~1. Bidding under the authority's microcontracts program by registered local small businesses; and~~

~~2. Waiver of the payment and performance bond.~~

~~The decision of the authority's executive director or deputy executive director to waive the payment and performance bond shall be based upon his or her investigation and conclusion that there exists sufficient competition so that the authority receives a fair price and does not undertake any unusual risk with respect to such project.~~

~~(d) For any contract for which a payment and performance bond has been waived pursuant to the authority set forth in this section, the Orlando Orange County Expressway Authority shall pay all persons defined in s. 713.01 who furnish labor, services, or materials for the pro-~~

~~secution of the work provided for in the contract to the same extent and upon the same conditions that a surety on the payment bond under s. 255.05 would have been obligated to pay such persons if the payment and performance bond had not been waived. The authority shall record notice of this obligation in the manner and location that surety bonds are recorded. The notice shall include the information describing the contract that s. 255.05(1) requires be stated on the front page of the bond. Notwithstanding that s. 255.05(9) generally applies when a performance and payment bond is required, s. 255.05(9) shall apply under this subsection to any contract on which performance or payment bonds are waived and any claim to payment under this subsection shall be treated as a contract claim pursuant to s. 255.05(9).~~

~~(e) A small business that has been the successful bidder on six projects for which the payment and performance bond was waived by the authority pursuant to paragraph (a) shall be ineligible to bid on additional projects for which the payment and performance bond is to be waived. The local small business may continue to participate in other elements of the economic development program for local small businesses as long as it is eligible.~~

~~(f) The authority shall conduct bond eligibility training for businesses qualifying for bond waiver under this subsection to encourage and promote bond eligibility for such businesses.~~

~~(g) The authority shall prepare a biennial report on the activities undertaken pursuant to this subsection to be submitted to the Orange County legislative delegation. The initial report shall be due December 31, 2010.~~

Section 64. Section 348.7543, Florida Statutes, is amended to read:

348.7543 Improvements, bond financing authority for.—Pursuant to s. 11(f), Art. VII of the State Constitution, the Legislature ~~hereby~~ approves for bond financing by the *Central Florida* ~~Orlando-Orange County~~ Expressway Authority improvements to toll collection facilities, interchanges to the legislatively approved expressway system, and any other facility appurtenant, necessary, or incidental to the approved system. Subject to terms and conditions of applicable revenue bond resolutions and covenants, such costs may be financed in whole or in part by revenue bonds issued pursuant to s. 348.755(1)(a) or (b) whether currently issued or issued in the future, or by a combination of such bonds.

Section 65. Section 348.7544, Florida Statutes, is amended to read:

348.7544 Northwest Beltway Part A, construction authorized; financing.—Notwithstanding s. 338.2275, the *Central Florida* ~~Orlando-Orange County~~ Expressway Authority *may* ~~is hereby authorized to~~ construct, finance, operate, own, and maintain that portion of the Western Beltway known as the Northwest Beltway Part A, extending from Florida's Turnpike near Ocoee north to U.S. 441 near Apopka, as part of the authority's 20-year capital projects plan. This project may be financed with any funds available to the authority for such purpose or revenue bonds issued by the Division of Bond Finance of the State Board of Administration on behalf of the authority pursuant to s. 11, Art. VII of the State Constitution and the State Bond Act, ss. 215.57-215.83.

Section 66. Section 348.7545, Florida Statutes, is amended to read:

348.7545 Western Beltway Part C, construction authorized; financing.—Notwithstanding s. 338.2275, the *Central Florida* ~~Orlando-Orange County~~ Expressway Authority *may* ~~is authorized to~~ exercise its condemnation powers, construct, finance, operate, own, and maintain that portion of the Western Beltway known as the Western Beltway Part C, extending from Florida's Turnpike near Ocoee in Orange County southerly through Orange and Osceola Counties to an interchange with I-4 near the Osceola-Polk County line, as part of the authority's 20-year capital projects plan. This project may be financed with any funds available to the authority for such purpose or revenue bonds issued by the Division of Bond Finance of the State Board of Administration on behalf of the authority pursuant to s. 11, Art. VII of the State Constitution and the State Bond Act, ss. 215.57-215.83. This project may be refinanced with bonds issued by the authority pursuant to s. 348.755(1)(d).

Section 67. Section 348.7546, Florida Statutes, is amended to read:

348.7546 Wekiva Parkway, construction authorized; financing.—

(1) The *Central Florida* ~~Orlando-Orange County~~ Expressway Authority *may* ~~is authorized to~~ exercise its condemnation powers and ~~to~~ construct, finance, operate, own, and maintain those portions of the Wekiva Parkway which are identified by agreement between the authority and the department and which are included as part of the authority's long-range capital improvement plan. The "Wekiva Parkway" means any limited access highway or expressway constructed between State Road 429 and Interstate 4 specifically incorporating the corridor alignment recommended by Recommendation 2 of the Wekiva River Basin Area Task Force final report dated January 15, 2003, and the recommendations of the SR 429 Working Group, which were adopted January 16, 2004. This project may be financed with any funds available to the authority for such purpose or revenue bonds issued by the authority under s. 11, Art. VII of the State Constitution and s. 348.755(1)(b). This section does not invalidate the exercise by the authority of its condemnation powers or the acquisition of any property for the Wekiva Parkway before July 1, 2012.

(2) Notwithstanding any other provision of law ~~to the contrary~~, in order to ensure that funds are available to the department for its portion of the Wekiva Parkway, beginning July 1, 2012, the authority shall repay the expenditures by the department for costs of operation and maintenance of the *Central Florida* ~~Orlando-Orange County~~ Expressway System in accordance with the terms of the memorandum of understanding between the authority and the department as ratified by the authority board on February 22, 2012, which requires the authority to pay the department $10 million on July 1, 2012, and $20 million on each successive July 1 until the department has been fully reimbursed for all costs of the *Central Florida* ~~Orlando-Orange County~~ Expressway System which were paid, advanced, or reimbursed to the authority by the department, with a final payment in the amount of the balance remaining. Notwithstanding any other law ~~to the contrary~~, the funds paid to the department pursuant to this subsection *must* ~~shall~~ be allocated by the department for construction of the Wekiva Parkway.

(3) The department's obligation to construct its portions of the Wekiva Parkway is contingent upon the timely payment by the authority of the annual payments required of the authority and receipt of all required environmental permits and approvals by the Federal Government.

Section 68. Section 348.7547, Florida Statutes, is amended to read:

348.7547 Maitland Boulevard Extension and Northwest Beltway Part A Realignment construction authorized; financing.—Notwithstanding s. 338.2275, the *Central Florida* ~~Orlando-Orange County~~ Expressway Authority *may* ~~is hereby authorized to~~ exercise its condemnation powers, construct, finance, operate, own, and maintain the portion of State Road 414 known as the Maitland Boulevard Extension and the realigned portion of the Northwest Beltway Part A as part of the authority's long-range capital improvement plan. The Maitland Boulevard Extension *extends* ~~will extend~~ from the current terminus of State Road 414 at U.S. 441 west to State Road 429 in west Orange County. The realigned portion of the Northwest Beltway Part A *runs* ~~will run~~ from the point at or near where the Maitland Boulevard Extension *connects* ~~will connect~~ with State Road 429 and *proceeds* ~~will proceed~~ to the west and then north resulting in the northern terminus of State Road 429 moving farther west before reconnecting with U.S. 441. However, under no circumstances *may* ~~shall~~ the realignment of the Northwest Beltway Part A conflict *with* or contradict ~~with~~ the alignment of the Wekiva Parkway as defined in s. 348.7546. This project may be financed with any funds available to the authority for such purpose or revenue bonds issued by the authority under s. 11, Art. VII of the State Constitution and s. 348.755(1)(b).

Section 69. Subsections (2) and (3) of section 348.755, Florida Statutes, are amended to read:

348.755 Bonds of the authority.—

(2) Any ~~such~~ resolution *that authorizes* ~~or resolutions authorizing~~ any bonds *issued under this section* ~~hereunder~~ may contain provisions *that must* ~~which shall~~ be part of the contract with the holders of such bonds, *relating* ~~as~~ to:

(a) The pledging of ~~all or~~ any part of the revenues, rates, fees, rentals, ~~(~~including ~~all or~~ any portion of the Orange County gasoline tax funds received by the authority pursuant to the terms of any lease-purchase agreement between the authority and the department, or any

part thereof~~)~~, or other charges or receipts of the authority, derived by the authority, from the *Central Florida* ~~Orlando-Orange County~~ Expressway System.

(b) The completion, improvement, operation, extension, maintenance, repair, lease or lease-purchase agreement of *the* ~~said~~ system, and the duties of the authority and others, including the department~~, with reference thereto~~.

(c) Limitations on the purposes to which the proceeds of the bonds, then or thereafter to be issued, or of any loan or grant by the United States or the state may be applied.

(d) The fixing, charging, establishing, and collecting of rates, fees, rentals, or other charges for use of the services and facilities of the *Central Florida* ~~Orlando-Orange County~~ Expressway System or any part thereof.

(e) The setting aside of reserves or sinking funds or repair and replacement funds and the regulation and disposition thereof.

(f) Limitations on the issuance of additional bonds.

(g) The terms and provisions of any lease-purchase agreement, deed of trust or indenture securing the bonds, or under which the same may be issued.

(h) Any other or additional agreements with the holders of the bonds which the authority may deem desirable and proper.

(3) The authority may employ fiscal agents as provided by this part or the State Board of Administration of Florida may upon request of the authority act as fiscal agent for the authority in the issuance of any bonds *that* ~~which~~ may be issued pursuant to this part, and the State Board of Administration may upon request of the authority take over the management, control, administration, custody, and payment of any ~~or all~~ debt services or funds or assets now or hereafter available for any bonds issued pursuant to this part. The authority may enter into any deeds of trust, indentures or other agreements with its fiscal agent, or with any bank or trust company within or without the state, as security for such bonds, and may, under such agreements, sign and pledge ~~all or~~ any of the revenues, rates, fees, rentals or other charges or receipts of the authority, including ~~all or~~ any portion of the Orange County gasoline tax funds received by the authority pursuant to the terms of any lease-purchase agreement between the authority and the department~~, thereunder~~. Such deed of trust, indenture, or other agreement may contain such provisions as are customary in such instruments, or, as the authority may authorize, including but without limitation, provisions as to:

(a) The completion, improvement, operation, extension, maintenance, repair, and lease of, or lease-purchase agreement relating to the *Central Florida* ~~Orlando-Orange County~~ Expressway System, and the duties of the authority and others including the department, with reference thereto.

(b) The application of funds and the safeguarding of funds on hand or on deposit.

(c) The rights and remedies of the trustee and the holders of the bonds.

(d) The terms and provisions of the bonds or the resolutions authorizing the issuance of same.

Section 70. Subsections (3) and (4) of section 348.756, Florida Statutes, are amended to read:

348.756 Remedies of the bondholders.—

(3) *When a* ~~Any~~ trustee *is* ~~when~~ appointed *pursuant to subsection (1)* ~~as aforesaid~~, or *is* acting under a deed of trust, indenture, or other agreement, and whether or not all bonds have been declared due and payable, *the trustee is* ~~shall be~~ entitled ~~as of right~~ to the appointment of a receiver, who may enter upon and take possession of the *Central Florida* ~~Orlando-Orange County~~ Expressway System or the facilities or any part *of the system or facilities* ~~or parts thereof~~, the rates, fees, rentals, or other revenues, charges, or receipts *that* ~~from which~~ are, or may be, applicable to the payment of the bonds so in default, and subject to and in compliance with the provisions of any lease-purchase agreement between the authority and the department operate and maintain the same, for and on behalf of and in the name of, the authority, the department, and the bondholders, and collect and receive all rates, fees, rentals, and other charges or receipts or revenues arising therefrom in the same manner as the authority or the department might do, and shall deposit all such moneys in a separate account and apply the same in such manner as the court *directs* ~~shall direct~~. In any suit, action, or proceeding by the trustee, the fees, counsel fees, and expenses of the trustee, and *the* ~~said~~ receiver, if any, and all costs and disbursements allowed by the court *must* ~~shall~~ be a first charge on any rates, fees, rentals, or other charges, revenues, or receipts, derived from the *Central Florida* ~~Orlando-Orange County~~ Expressway System, or the facilities or services or any part *of the system or facilities* ~~or parts thereof~~, including payments under any such lease-purchase agreement ~~as aforesaid~~ which ~~said~~ rates, fees, rentals, or other charges, revenues, or receipts ~~shall or~~ may be applicable to the payment of the bonds *that are* ~~so~~ in default. *The* ~~Such~~ trustee *has* ~~shall, in addition to the foregoing, have and possess~~ all of the powers necessary or appropriate for the exercise of any functions specifically set forth *in this section* ~~herein~~ or incident to the representation of the bondholders in the enforcement and protection of their rights.

(4) ~~Nothing in~~ This section or any other section of this part *does not* ~~shall~~ authorize any receiver appointed ~~pursuant hereto~~ for the purpose, subject to and in compliance with the provisions of any lease-purchase agreement between the authority and the department, of operating and maintaining the *Central Florida* ~~Orlando-Orange County~~ Expressway System or any facilities or part *of the system or facilities* ~~or parts thereof~~, to sell, assign, mortgage, or otherwise dispose of any of the assets of whatever kind and character belonging to the authority. ~~It is the intention of this part to limit~~ The powers of *the* ~~such~~ receiver, subject to and in compliance with the provisions of any lease-purchase agreement between the authority and the department, *are limited* to the operation and maintenance of the *Central Florida* ~~Orlando-Orange County~~ Expressway System, or any facility, or part ~~or parts~~ thereof, as the court may direct, in the name and for and on behalf of the authority, the department, and the bondholders, and no holder of bonds on the authority nor any trustee, *has* ~~shall ever have~~ the right in any suit, action, or proceeding at law or in equity, to compel a receiver, nor *may* ~~shall~~ any receiver be authorized or any court be empowered to direct the receiver to sell, assign, mortgage, or otherwise dispose of any assets ~~of whatever kind or character~~ belonging to the authority.

Section 71. Subsections (1) through (7) of section 348.757, Florida Statutes, are amended to read:

348.757 Lease-purchase agreement.—

(1) ~~In order to effectuate the purposes of this part and as authorized by this part,~~ The authority may enter into a lease-purchase agreement with the department relating to and covering the *former* Orlando-Orange County Expressway System.

(2) *The* ~~Such~~ lease-purchase agreement *must* ~~shall~~ provide for the leasing of the *former* Orlando-Orange County Expressway System, by the authority, as lessor, to the department, as lessee, *must* ~~shall~~ prescribe the term of such lease and the rentals to be paid ~~thereunder~~, and *must* ~~shall~~ provide that upon the completion of the faithful performance ~~thereunder~~ and the termination of *the* ~~such~~ lease-purchase agreement, title in fee simple absolute to the *former* Orlando-Orange County Expressway System as then constituted shall be transferred in accordance with law by the authority, to the state and the authority shall deliver to the department such deeds and conveyances as shall be necessary or convenient to vest title in fee simple absolute in the state.

(3) *The* ~~Such~~ lease-purchase agreement may include ~~such~~ other provisions, agreements, and covenants *that* ~~as~~ the authority and the department deem advisable or required, including, but not limited to, provisions as to the bonds to be issued under, and for the purposes of, this part, the completion, extension, improvement, operation, and maintenance of the *former* Orlando-Orange County Expressway System and the expenses and the cost of operation of *the* ~~said~~ authority, the charging and collection of tolls, rates, fees, and other charges for the use of the services and facilities *of the system* ~~thereof~~, the application of federal or state grants or aid *that* ~~which~~ may be made or given to assist the authority in the completion, extension, improvement, operation, and maintenance of the *former Orlando-Orange County* ~~Orlando~~ Expressway System, which the authority is ~~hereby~~ authorized to accept and apply to such purposes, the enforcement of payment and collection of rentals and

any other terms, provisions, or covenants necessary, incidental, or appurtenant to the making of and full performance under *the* ~~such~~ lease-purchase agreement.

(4) The department as lessee under *the* ~~such~~ lease-purchase agreement, *may* ~~is hereby authorized to~~ pay as rentals *under the agreement* ~~thereunder~~ any rates, fees, charges, funds, moneys, receipts, or income accruing to the department from the operation of the *former* Orlando-Orange County Expressway System and the Orange County gasoline tax funds and may also pay as rentals any appropriations received by the department pursuant to any act of the Legislature of the state heretofore or hereafter enacted; ~~provided,~~ however, *this part or the* ~~that nothing herein nor in such~~ lease-purchase agreement is *not* intended to *and does not* ~~nor shall this part or such lease-purchase agreement~~ require the making or continuance of such appropriations, *and* ~~nor shall~~ any holder of bonds issued pursuant to this part *does not* ~~ever~~ have any right to compel the making or continuance of such appropriations.

(5) *A* ~~No~~ pledge of *the* ~~said~~ Orange County gasoline tax funds as rentals under *a* ~~such~~ lease-purchase agreement *may not* ~~shall~~ be made without the consent of the County of Orange evidenced by a resolution duly adopted by the board of county commissioners of said county at a public hearing held pursuant to due notice thereof published at least once a week for 3 consecutive weeks before the hearing in a newspaper of general circulation in Orange County. *The* ~~Said~~ resolution, among other things, *must* ~~shall~~ provide that any excess of *the* ~~said~~ pledged gasoline tax funds which is not required for debt service or reserves for *the* ~~such~~ debt service for any bonds issued by *the* ~~said~~ authority shall be returned annually to the department for distribution to Orange County as provided by law. Before making any application for *a* ~~such~~ pledge of gasoline tax funds, the authority shall present the plan of its proposed project to the Orange County planning and zoning commission for its comments and recommendations.

(6) *The* ~~Said~~ department *may* ~~shall have power to~~ covenant in any lease-purchase agreement that it will pay all or any part of the cost of the operation, maintenance, repair, renewal, and replacement of *the* ~~said~~ system, and any part of the cost of completing *the* ~~said~~ system to the extent that the proceeds of bonds issued ~~therefor~~ are insufficient, from sources other than the revenues derived from the operation of *the* ~~said~~ system and *the* ~~said~~ Orange County gasoline tax funds. *The* ~~said~~ department may also agree to make such other payments from any moneys available to *the* ~~said~~ commission, *the* ~~said~~ county, or *the* ~~said~~ city in connection with the construction or completion of *the* ~~said~~ system as shall be deemed by *the* ~~said~~ department to be fair and proper under any ~~such~~ covenants ~~heretofore or hereafter~~ entered into.

(7) *The* ~~said~~ system *must* ~~shall~~ be a part of the state road system and *the* ~~said~~ department *may* ~~is hereby authorized~~, upon the request of the authority, ~~to~~ expend out of any funds available for the purpose *the* ~~such~~ moneys, and ~~to~~ use ~~such of~~ its engineering and other forces, as may be necessary ~~and desirable in the judgment of said department~~, for the operation of *the* ~~said~~ authority and for traffic surveys, borings, surveys, preparation of plans and specifications, estimates of cost, and other preliminary engineering and other studies; provided, however, that the aggregate amount of moneys expended for *the* ~~said~~ purposes by *the* ~~said~~ department *do* ~~shall~~ not exceed the sum of $375,000.

Section 72. Section 348.758, Florida Statutes, is amended to read:

348.758 *Appointment of* department *as* ~~may be appointed~~ agent of authority for construction.—The department may be appointed by *the* ~~said~~ authority as its agent for the purpose of constructing improvements and extensions to the *Central Florida* ~~Orlando-Orange County~~ Expressway System and for *its* ~~the~~ completion ~~thereof~~. In such event, the authority shall provide the department with complete copies of all documents, agreements, resolutions, contracts, and instruments relating thereto and shall request the department to do such construction work, including the planning, surveying, and actual construction of the completion, extensions, and improvements to the *Central Florida* ~~Orlando-Orange County~~ Expressway System and shall transfer to the credit of an account of the department in the *State* Treasury ~~of the state~~ the necessary funds, ~~therefor~~ and the department *may* ~~shall thereupon be authorized, empowered and directed to~~ proceed with such construction and ~~to~~ use the ~~said~~ funds for such purpose in the same manner that it is ~~now~~ authorized to use the funds ~~otherwise provided by law~~ for *the* ~~its use in~~ construction of roads and bridges.

Section 73. Section 348.759, Florida Statutes, is amended to read:

348.759 Acquisition of lands and property.—

(1) For the purposes of this part, the *Central Florida* ~~Orlando-Orange County~~ Expressway Authority may acquire private or public property and property rights, including rights of access, air, view, and light, by gift, devise, purchase, or condemnation by eminent domain proceedings, as the authority *deems* ~~may deem~~ necessary for any of the purposes of this part, including, but not limited to, any lands reasonably necessary for securing applicable permits, areas necessary for management of access, borrow pits, drainage ditches, water retention areas, rest areas, replacement access for landowners whose access is impaired due to the construction of a facility, and replacement rights-of-way for relocated rail and utility facilities; for existing, proposed, or anticipated transportation facilities on the *Central Florida* ~~Orlando-Orange County~~ Expressway System or in a transportation corridor designated by the authority; or for the purposes of screening, relocation, removal, or disposal of junkyards and scrap metal processing facilities. The authority *may* ~~shall also have the power to~~ condemn any material and property necessary for such purposes.

(2) The ~~right of eminent domain herein conferred shall be exercised by the~~ authority *shall exercise the right of eminent domain* in the manner provided by law.

(3) When the authority acquires property for a transportation facility or in a transportation corridor, it is not subject to any liability imposed by chapter 376 or chapter 403 for preexisting soil or groundwater contamination due solely to its ownership. This section does not affect the rights or liabilities of any past or future owners of the acquired property *and* ~~nor~~ does *not* ~~it~~ affect the liability of any governmental entity for the results of its actions which create or exacerbate a pollution source. The authority and the Department of Environmental Protection may enter into interagency agreements for the performance, funding, and reimbursement of the investigative and remedial acts necessary for property acquired by the authority.

Section 74. Section 348.760, Florida Statutes, is amended to read:

348.760 Cooperation with other units, boards, agencies, and individuals.—*A* ~~Express authority and power is hereby given and granted any~~ county, municipality, drainage district, road and bridge district, school district or any other political subdivision, board, commission, or individual in, or of, the state *may* ~~to~~ make and enter into with the authority, contracts, leases, conveyances, partnerships, or other agreements *pursuant to* ~~within the provisions and purposes of~~ this part. The authority *may* ~~is hereby expressly authorized to~~ make and enter into contracts, leases, conveyances, partnerships, and other agreements with any political subdivision, agency, or instrumentality of the state and any ~~and all~~ federal agencies, corporations, and individuals, for the purpose of carrying out the provisions of this part ~~or with the consent of the Seminole County Expressway Authority, for the purpose of carrying out and implementing part VIII of this chapter~~.

Section 75. Section 348.761, Florida Statutes, is amended to read:

348.761 Covenant of the state.—The state *pledges* ~~does hereby pledge~~ to, and agrees, with any person, firm or corporation, or federal or state agency subscribing to, or acquiring the bonds to be issued by the authority for the purposes of this part that the state will not limit or alter the rights *that are* ~~hereby~~ vested in the authority and the department until all *issued* bonds *and interest* ~~at any time issued, together with the interest thereon,~~ are fully paid and discharged insofar as the *pledge* ~~same~~ affects the rights of the holders of bonds issued *pursuant to this part* ~~hereunder~~. The state does further pledge to, and agree, with the United States that in the event any federal agency *constructs or contributes* ~~shall construct or contribute~~ any funds for the completion, extension, or improvement of the *Central Florida* ~~Orlando-Orange County~~ Expressway System, or any part or portion *of the system* ~~thereof~~, the state will not alter or limit the rights and powers of the authority and the department in any manner *that* ~~which~~ would be inconsistent with the continued maintenance and operation of the *Central Florida* ~~Orlando-Orange County~~ Expressway System or the completion, extension, or improvement *of the system* ~~thereof~~, or *that* ~~which~~ would be inconsistent with the due performance of any agreements between the authority and any such federal agency, and the authority and the department shall continue to have and may exercise all powers ~~herein~~ granted *in this part*,

so long as the *powers are* ~~same shall be~~ necessary or desirable for the carrying out of the purposes of this part and the purposes of the United States in the completion, extension, or improvement of the *Central Florida* ~~Orlando-Orange County~~ Expressway System, or any part *of the system* ~~or portion thereof~~.

Section 76. Section 348.765, Florida Statutes, is amended to read:

348.765 This part complete and additional authority.—

(1) The powers conferred by this part *are* ~~shall be~~ in addition and supplemental to the existing powers of *the* ~~said~~ board and the department, and this part *may* ~~shall~~ not be construed as repealing any of the provisions, of any other law, general, special, or local, but to supersede such other laws in the exercise of the powers provided in this part, and to provide a complete method for the exercise of the powers granted in this part. The extension and improvement of *the Central Florida* ~~said Orlando-Orange County~~ Expressway System, and the issuance of bonds *pursuant to this part* ~~hereunder~~ to finance all or part of the cost *of the system* ~~thereof~~, may be accomplished upon compliance with the provisions of this part without regard to or necessity for compliance with the provisions, limitations, or restrictions contained in any other general, special, or local law, including, but not limited to, s. 215.821, and no approval of any bonds issued under this part by the qualified electors or qualified electors who are freeholders in the state or in *the* ~~said~~ County of Orange, or in *the* ~~said~~ City of Orlando, or in any other political subdivision of the state, *is* ~~shall be~~ required for the issuance of such bonds pursuant to this part.

(2) This part *does* ~~shall~~ not ~~be deemed to~~ repeal, rescind, or modify any other law ~~or laws~~ relating to *the* ~~said~~ State Board of Administration, *the* ~~said~~ Department of Transportation, or the Division of Bond Finance of the State Board of Administration, but *supersedes any* ~~shall be deemed to and shall supersede such other~~ law *that is* ~~or laws as are~~ inconsistent with the provisions of this part, including, but not limited to, s. 215.821.

Section 77. Subsections (6) and (7) of section 369.317, Florida Statutes, are amended to read:

369.317 Wekiva Parkway.—

(6) The *Central Florida* ~~Orlando-Orange County~~ Expressway Authority is hereby granted the authority to act as a third-party acquisition agent, pursuant to s. 259.041 on behalf of the Board of Trustees or chapter 373 on behalf of the governing board of the St. Johns River Water Management District, for the acquisition of all necessary lands, property and all interests in property identified herein, including fee simple or less-than-fee simple interests. The lands subject to this authority are identified in paragraph 10.a., State of Florida, Office of the Governor, Executive Order 03-112 of July 1, 2003, and in Recommendation 16 of the Wekiva Basin Area Task Force created by Executive Order 2002-259, such lands otherwise known as Neighborhood Lakes, a 1,587+/-acre parcel located in Orange and Lake Counties within Sections 27, 28, 33, and 34 of Township 19 South, Range 28 East, and Sections 3, 4, 5, and 9 of Township 20 South, Range 28 East; Seminole Woods/Swamp, a 5,353+/-acre parcel located in Lake County within Section 37, Township 19 South, Range 28 East; New Garden Coal; a 1,605+/-acre parcel in Lake County within Sections 23, 25, 26, 35, and 36, Township 19 South, Range 28 East; Pine Plantation, a 617+/-acre tract consisting of eight individual parcels within the Apopka City limits. The Department of Transportation, the Department of Environmental Protection, the St. Johns River Water Management District, and other land acquisition entities shall participate and cooperate in providing information and support to the third-party acquisition agent. The land acquisition process authorized by this paragraph shall begin no later than December 31, 2004. Acquisition of the properties identified as Neighborhood Lakes, Pine Plantation, and New Garden Coal, or approval as a mitigation bank shall be concluded no later than December 31, 2010. Department of Transportation and *Central Florida* ~~Orlando-Orange County~~ Expressway Authority funds expended to purchase an interest in those lands identified in this subsection shall be eligible as environmental mitigation for road construction related impacts in the Wekiva Study Area. If any of the lands identified in this subsection are used as environmental mitigation for road-construction-related impacts incurred by the Department of Transportation or *Central Florida* ~~Orlando-Orange County~~ Expressway Authority, or for other impacts incurred by other entities, within the Wekiva Study Area or within the Wekiva parkway alignment corridor, and if the mitigation offsets these impacts, the St. Johns River Water Management District and the Department of Environmental Protection shall consider the activity regulated under part IV of chapter 373 to meet the cumulative impact requirements of s. 373.414(8)(a).

(a) Acquisition of the land described in this section is required to provide right-of-way for the Wekiva Parkway, a limited access roadway linking State Road 429 to Interstate 4, an essential component in meeting regional transportation needs to provide regional connectivity, improve safety, accommodate projected population and economic growth, and satisfy critical transportation requirements caused by increased traffic volume growth and travel demands.

(b) Acquisition of the lands described in this section is also required to protect the surface water and groundwater resources of Lake, Orange, and Seminole counties, otherwise known as the Wekiva Study Area, including recharge within the springshed that provides for the Wekiva River system. Protection of this area is crucial to the long term viability of the Wekiva River and springs and the central Florida region's water supply. Acquisition of the lands described in this section is also necessary to alleviate pressure from growth and development affecting the surface and groundwater resources within the recharge area.

(c) Lands acquired pursuant to this section that are needed for transportation facilities for the Wekiva Parkway shall be determined not necessary for conservation purposes pursuant to ss. 253.034(6) and 373.089(5) and shall be transferred to or retained by the *Central Florida* ~~Orlando-Orange County~~ Expressway Authority or the Department of Transportation upon reimbursement of the full purchase price and acquisition costs.

(7) The Department of Transportation, the Department of Environmental Protection, the St. Johns River Water Management District, *Central Florida* ~~Orlando-Orange County~~ Expressway Authority, and other land acquisition entities shall cooperate and establish funding responsibilities and partnerships by agreement to the extent funds are available to the various entities. Properties acquired with Florida Forever funds shall be in accordance with s. 259.041 or chapter 373. The *Central Florida* ~~Orlando-Orange County~~ Expressway Authority shall acquire land in accordance with this section of law to the extent funds are available from the various funding partners, but shall not be required nor assumed to fund the land acquisition beyond the agreement and funding provided by the various land acquisition entities.

Section 78. Subsection (1) of section 369.324, Florida Statutes, is amended to read:

369.324 Wekiva River Basin Commission.—

(1) The Wekiva River Basin Commission is created to monitor and ensure the implementation of the recommendations of the Wekiva River Basin Coordinating Committee for the Wekiva Study Area. The East Central Florida Regional Planning Council shall provide staff support to the commission with funding assistance from the Department of Economic Opportunity. The commission shall be comprised of a total of *18* ~~19~~ members appointed by the Governor, 9 of whom shall be voting members and *9* ~~10~~ shall be ad hoc nonvoting members. The voting members shall include:

(a) One member of each of the Boards of County Commissioners for Lake, Orange, and Seminole Counties.

(b) One municipal elected official to serve as a representative of the municipalities located within the Wekiva Study Area of Lake County.

(c) One municipal elected official to serve as a representative of the municipalities located within the Wekiva Study Area of Orange County.

(d) One municipal elected official to serve as a representative of the municipalities located within the Wekiva Study Area of Seminole County.

(e) One citizen representing an environmental or conservation organization, one citizen representing a local property owner, a land developer, or an agricultural entity, and one at-large citizen who shall serve as chair of the council.

(f) The ad hoc nonvoting members shall include one representative from each of the following entities:

1. St. Johns River Management District.

2. Department of Economic Opportunity.

3. Department of Environmental Protection.

4. Department of Health.

5. Department of Agriculture and Consumer Services.

6. Fish and Wildlife Conservation Commission.

7. Department of Transportation.

8. MetroPlan Orlando.

9. *Central Florida* ~~Orlando-Orange County~~ Expressway Authority.

~~10. Seminole County Expressway Authority.~~

Section 79. *(1) Effective upon the completion of construction of the Poinciana Parkway, a limited access facility of approximately 9 miles in length in Osceola County with its northwestern terminus at the intersection of County Road 54 and US 17/US 92 and its southeastern terminus at the current intersection of Rhododendron and Cypress Parkway, described in the Osceola County Expressway Authority May 8, 2012, Master Plan, all powers, governance, and control of the Osceola County Expressway System, created pursuant to part V, chapter 348, Florida Statutes, is transferred to the Central Florida Expressway Authority, and the assets, liabilities, facilities, tangible and intangible property and any rights in the property, and any other legal rights of the Osceola County Expressway Authority are transferred to the Central Florida Expressway Authority. The effective date of such transfer shall be extended until completion of construction of such portions of the Southport Connector Expressway, the Northeast Connector Expressway, such portions of the Poinciana Parkway to connect to State Road 429, and the Osceola Parkway Extension, as each is described in the Osceola County Expressway Authority May 8, 2012, Master Plan, which are included in any design contract executed by the Osceola County Expressway Authority before July 1, 2019. Part V of chapter 348, Florida Statutes, consisting of ss. 348.9950–348.9961, is repealed on the same date that the Osceola County Expressway System is transferred to the Central Florida Expressway Authority.*

(2) The Central Florida Expressway Authority shall also reimburse any and all obligations of any other governmental entities with respect to the Osceola County Expressway System, including any obligations of Osceola County with respect to operations and maintenance of the Osceola County Expressway System and any loan repayment obligations, including repayment obligations with respect to State Infrastructure Bank loans. Such reimbursement shall be made from revenues available for such purpose after payment of all amounts required:

(a) Otherwise by law;

(b) By the terms of any resolution authorizing the issuance of bonds by the authority, the Orlando-Orange County Expressway Authority, or the Osceola County Expressway Authority;

(c) By the terms of any resolution under which bonds are issued by Osceola County for the purpose of constructing improvements to the Osceola County Expressway System; and

(d) By the terms of the memorandum of understanding between the Orlando-Orange County Expressway Authority and the department as ratified by the board of the Orlando-Orange County Expressway Authority on February 22, 2012.

Section 80. Section 373.4137, Florida Statutes, is amended to read:

373.4137 Mitigation requirements for specified transportation projects.—

(1) The Legislature finds that environmental mitigation for the impact of transportation projects proposed by the Department of Transportation or a transportation authority established pursuant to chapter 348 or chapter 349 can be more effectively achieved by regional, long-range mitigation planning rather than on a project-by-project basis. It is the intent of the Legislature that mitigation to offset the adverse effects of these transportation projects be funded by the Department of Transportation and be carried out by the use of mitigation banks and any other mitigation options that satisfy state and federal requirements *in a manner that promotes efficiency, timeliness in project delivery, and cost-effectiveness*.

(2) Environmental impact inventories for transportation projects proposed by the Department of Transportation or a transportation authority established pursuant to chapter 348 or chapter 349 shall be developed as follows:

(a) By July 1 of each year, the Department of Transportation, or a transportation authority established pursuant to chapter 348 or chapter 349 which chooses to participate in the program, shall submit to the water management districts a list of its projects in the adopted work program and an environmental impact inventory of *habitat impacts and the anticipated amount of mitigation needed to offset impacts as described in paragraph (b). The environmental impact inventory must be based on* ~~habitats addressed in~~ the rules adopted pursuant to this part, ~~and~~ s. 404 of the Clean Water Act, 33 U.S.C. s. 1344, *and* ~~which may be impacted by~~ *the Department of Transportation's* ~~its~~ plan of construction for transportation projects in the next 3 years of the tentative work program. The Department of Transportation or a transportation authority established pursuant to chapter 348 or chapter 349 may also include in its environmental impact inventory the habitat impacts *and the anticipated amount of mitigation needed for* ~~of~~ any future transportation project. The Department of Transportation and each transportation authority established pursuant to chapter 348 or chapter 349 may fund any mitigation activities for future projects using current year funds.

(b) The environmental impact inventory *must* ~~shall~~ include a description of ~~these~~ habitat impacts, including ~~their~~ location, acreage, and type; *the anticipated amount of mitigation needed based on the functional loss as determined through the Uniform Mitigation Assessment Method (UMAM) adopted in Chapter 62-345, F.A.C.; identification of the proposed mitigation option;* state water quality classification of impacted wetlands and other surface waters; any other state or regional designations for these habitats; and a list of threatened species, endangered species, and species of special concern affected by the proposed project.

(c) Before projects are identified for inclusion in a water management district mitigation plan as described in subsection (4), the Department of Transportation must consider using credits from a permitted mitigation bank. The Department of Transportation must consider availability of suitable and sufficient mitigation bank credits within the transportation project's area, ability to satisfy commitments to regulatory and resource agencies, availability of suitable and sufficient mitigation purchased or developed through this section, ability to complete existing water management district or Department of Environmental Protection suitable mitigation sites initiated with Department of Transportation mitigation funds, and ability to satisfy state and federal requirements including long-term maintenance and liability.

(3)(a) To *implement the mitigation option* ~~fund development and implementation of the mitigation plan for the projected impacts~~ identified in the environmental impact inventory described in subsection (2), the Department of Transportation *may purchase credits for current and future use directly from a mitigation bank; purchase mitigation services through the water management districts or the Department of Environmental Protection; conduct its own mitigation; or use other mitigation options that meet state and federal requirements.* ~~shall identify funds quarterly in an escrow account within the State Transportation Trust Fund for the environmental mitigation phase of projects budgeted by~~ *Funding for the identified mitigation option as described in the environmental impact inventory must be included in* the Department of Transportation's *work program developed pursuant to s. 339.135* ~~for the current fiscal year~~. ~~The escrow account shall be maintained by the Department of Transportation for the benefit of the water management districts. Any interest earnings from the escrow account shall remain with the Department of Transportation~~. *The amount programmed each year by the Department of Transportation and participating transportation authorities established pursuant to chapter 348 or chapter 349 must correspond to an estimated cost per credit of $150,000 multiplied by the projected number of credits identified in the environmental impact inventory described in subsection (2). This estimated cost per credit will be adjusted every 2 years by the Department of Transportation based on the average cost per UMAM credit paid through this section.*

(b) Each transportation authority established pursuant to chapter 348 or chapter 349 that chooses to participate in this program shall create an escrow account within its financial structure and deposit funds in the account to pay for the environmental mitigation phase of projects budgeted for the current fiscal year. The escrow account shall be maintained by the authority for the benefit of the water management districts. Any interest earnings from the escrow account shall remain with the authority.

(c) *For mitigation implemented by the water management district or the Department of Environmental Protection, as appropriate, the amount paid each year must be based on mitigation services provided by the water management districts or Department of Environmental Protection pursuant to an approved water management district plan, as described in subsection (4).* ~~Except for current mitigation projects in the monitoring and maintenance phase and except as allowed by paragraph (d),~~ The water management districts *or the Department of Environmental Protection, as appropriate,* may request *payment* ~~a transfer of funds from an escrow account~~ no sooner than 30 days before the date the funds are needed to pay for activities associated with development or implementation of ~~the~~ *permitted mitigation meeting the requirements pursuant to this part, 33 U.S.C. s. 1344, and 33 C.F.R. s. 332, in the* approved mitigation plan described in subsection (4) for the current fiscal year~~, including, but not limited to, design, engineering, production, and staff support~~. ~~Actual conceptual plan preparation costs incurred before plan approval may be submitted to the Department of Transportation or the appropriate transportation authority each year with the plan. The conceptual plan preparation costs of each water management district will be paid from mitigation funds associated with the environmental impact inventory for the current year. The amount transferred to the escrow accounts each year by the Department of Transportation and participating transportation authorities established pursuant to chapter 348 or chapter 349 shall correspond to a cost per acre of $75,000 multiplied by the projected acres of impact identified in the environmental impact inventory described in subsection (2). However, the $75,000 cost per acre does not constitute an admission against interest by the state or its subdivisions and is not admissible as evidence of full compensation for any property acquired by eminent domain or through inverse condemnation. Each July 1, the cost per acre shall be adjusted by the percentage change in the average of the Consumer Price Index issued by the United States Department of Labor for the most recent 12-month period ending September 30, compared to the base year average, which is the average for the 12-month period ending September 30, 1996.~~ Each quarter, the projected *amount of mitigation must* ~~acreage of impact shall~~ be reconciled with the *actual amount of mitigation needed for* ~~acreage of impact of~~ projects as permitted, including permit modifications, pursuant to this part and s. 404 of the Clean Water Act, 33 U.S.C. s. 1344. The subject year's *programming* ~~transfer~~ of funds shall be adjusted ~~accordingly~~ to reflect the *mitigation* ~~acreage of impacts~~ as permitted. ~~The Department of Transportation and participating transportation authorities established pursuant to chapter 348 or chapter 349 are authorized to transfer such funds from the escrow accounts to the water management districts to carry out the mitigation programs. Environmental mitigation funds that are identified for or maintained in an escrow account for the benefit of a water management district may be released if the associated transportation project is excluded in whole or part from the mitigation plan. For a mitigation project that is in the maintenance and monitoring phase, the water management district may request and receive a one-time payment based on the project's expected future maintenance and monitoring costs.~~ *If the water management district excludes a project from an approved water management district mitigation plan, cannot timely permit a mitigation site to offset the impacts of a Department of Transportation project identified in the environmental impact inventory, or if the proposed mitigation does not meet state and federal requirements, the Department of Transportation may use the associated funds for the purchase of mitigation bank credits or any other mitigation option that satisfies state and federal requirements.* Upon *final* ~~disbursement of the final maintenance and monitoring~~ payment *for mitigation of a transportation project as permitted, the obligation of the Department of Transportation or the participating transportation authority is satisfied and the water management district or the Department of Environmental Protection, as appropriate, will have continuing responsibility for the mitigation project*~~, the escrow account for the project established by the Department of Transportation or the participating transportation authority may be closed~~. ~~Any interest earned on these disbursed funds shall remain with the water management district and must be used as authorized under this section.~~

(d) Beginning *with the March 2014 water management district mitigation plans,* ~~in the 2005-2006 fiscal year,~~ each water management district *or the Department of Environmental Protection, as appropriate,* shall *invoice the Department of Transportation for mitigation services to offset only the impacts of a Department of Transportation project identified in the environmental impact inventory, including planning, design, construction, maintenance and monitoring, and other costs necessary to meet requirements pursuant to this section, 33 U.S.C. s. 1344, and 33 C.F.R. s. 332* ~~be paid a lump sum amount of $75,000 per acre, adjusted as provided under paragraph (c), for federally funded transportation projects that are included on the environmental impact inventory and that have an approved mitigation plan~~. ~~Beginning in the 2009-2010 fiscal year, each water management district shall be paid a lump-sum amount of $75,000 per acre, adjusted as provided under paragraph (c), for federally funded and nonfederally funded transportation projects that have an approved mitigation plan. All mitigation costs, including, but not limited to, the costs of preparing conceptual plans and the costs of design, construction, staff support, future maintenance, and monitoring the mitigated acres shall be funded through these lump-sum amounts.~~ *If the water management district identifies the use of mitigation bank credits to offset a Department of Transportation impact, the water management district shall exclude that purchase from the mitigation plan, and the Department of Transportation must purchase the bank credits.*

(e) For mitigation activities occurring on existing water management district or Department of Environmental Protection mitigation sites initiated with Department of Transportation mitigation funds before July 1, 2013, the water management district or Department of Environmental Protection shall invoice the Department of Transportation or a participating transportation authority at a cost per acre of $75,000 multiplied by the projected acres of impact as identified in the environmental impact inventory. The cost per acre must be adjusted by the percentage change in the average of the Consumer Price Index issued by the United States Department of Labor for the most recent 12-month period ending September 30, compared to the base year average, which is the average for the 12-month period ending September 30, 1996. When implementing the mitigation activities necessary to offset the permitted impacts as provided in the approved mitigation plan, the water management district shall maintain records of the costs incurred in implementing the mitigation. The records must include, but are not limited to, costs for planning, land acquisition, design, construction, staff support, long-term maintenance and monitoring of the mitigation site, and other costs necessary to meet the requirements of 33 U.S.C. s. 1344 and 33 C.F.R. s. 332.

(f) For purposes of preparing and implementing the mitigation plans to be adopted by the water management districts on or before March 1, 2013, for impacts based on the July 1, 2012, environmental impact inventory, the funds identified in the Department of Transportation's work program or participating transportation authorities' escrow accounts must correspond to a cost per acre of $75,000 multiplied by the project acres of impact as identified in the environmental impact inventory. The cost per acre shall be adjusted by the percentage change in the average of the Consumer Price Index issued by the United States Department of Labor for the most recent 12-month period ending September 30, compared to the base year average, which is the average for the 12-month period ending September 30, 1996. Payment as provided under this paragraph is limited to those mitigation activities that are identified in the first year of the 2013 mitigation plan and for which the transportation project is permitted and is in the Department of Transportation's adopted work program, or equivalent for a transportation authority. When implementing the mitigation activities necessary to offset the permitted impacts as provided in the approved mitigation plan, the water management district shall maintain records of the costs incurred in implementing the mitigation. The records must include, but are not limited to, costs for planning, land acquisition, design, construction, staff support, long-term maintenance and monitoring of the mitigation site, and other costs necessary to meet the requirements of 33 U.S.C. s. 1344 and 33 C.F.R. s. 332. To the extent moneys paid to a water management district by the Department of Transportation or a participating transportation authority exceed the amount expended by the water management districts in implementing the mitigation to offset the permitted impacts, these funds must be refunded to the Department of Transportation or participating transportation authority. This paragraph expires June 30, 2014.

(4) Before March 1 of each year, each water management district *shall develop a mitigation plan to offset only the impacts of transportation projects in the environmental impact inventory for which a water man-*

agement district is implementing mitigation that meets the requirements of this section, 33 U.S.C. s. 1344, and 33 C.F.R. s. 332. The water management- district mitigation plan must be developed~~,~~ in consultation with the Department of Environmental Protection, the United States Army Corps of Engineers, the Department of Transportation, participating transportation authorities established pursuant to chapter 348 or chapter 349, and other appropriate federal, state, and local governments, and other interested parties, including entities operating mitigation banks~~, shall develop a plan for the primary purpose of complying with the mitigation requirements adopted pursuant to this part and 33 U.S.C. s. 1344~~. In developing such plans, the *water management* districts shall use sound ecosystem management practices to address significant water resource needs and *consider* ~~shall focus on~~ activities of the Department of Environmental Protection and the water management districts, such as surface water improvement and management (SWIM) projects and lands identified for potential acquisition for preservation, restoration, or enhancement, and the control of invasive and exotic plants in wetlands and other surface waters, to the extent that the activities comply with the mitigation requirements adopted under this part*,* ~~and~~ 33 U.S.C. s. 1344*, and 33 C.F.R. s. 332*. *The water management district mitigation plan must identify each site where the water management district will mitigate for a transportation project. For each mitigation site, the water management district shall provide the scope of the mitigation services, provide the functional gain as determined through the UMAM per Chapter 62-345, F.A.C., describe how the mitigation offsets the impacts of each transportation project as permitted, and provide a schedule for the mitigation services. The water management districts shall maintain records of costs incurred and payments received for providing these services. Records must include, but are not limited to, planning, land acquisition, design, construction, staff support, long-term maintenance and monitoring of the mitigation site, and other costs necessary to meet the requirements of 33 U.S.C. s. 1344 and 33 C.F.R. s. 332. To the extent monies paid to a water management district by the Department of Transportation or a participating transportation authority exceed the amount expended by the water management districts in providing the mitigation services to offset the permitted transportation project impacts, these monies must be refunded to the Department of Transportation or participating transportation authority* ~~In determining the activities to be included in the plans, the districts shall consider the purchase of credits from public or private mitigation banks permitted under s. 373.4136 and associated federal authorization and shall include the purchase as a part of the mitigation plan when the purchase would offset the impact of the transportation project, provide equal benefits to the water resources than other mitigation options being considered, and provide the most cost effective mitigation option~~. The mitigation plan shall be submitted to the water management district governing board, or its designee, for review and approval. At least 14 days before approval *by the governing board*, the water management district shall provide a copy of the draft mitigation plan to *the Department of Environmental Protection and* any person who has requested a copy. *Subsequent to governing board approval, the mitigation plan must be submitted to the Department of Environmental Protection for approval.* The plan may not be implemented until it is submitted to and approved, in part or in its entirety, by the Department of Environmental Protection.

~~(a) For each transportation project with a funding request for the next fiscal year, the mitigation plan must include a brief explanation of why a mitigation bank was or was not chosen as a mitigation option, including an estimation of identifiable costs of the mitigation bank and nonbank options and other factors such as time saved, liability for success of the mitigation, and long-term maintenance.~~

(a)~~(b)~~ Specific projects may be excluded from the mitigation plan, in whole or in part, and are not subject to this section upon the election of the Department of Transportation, a transportation authority if applicable, or the appropriate water management district. *The Department of Transportation or a participating transportation authority may not exclude a transportation project from the mitigation plan when mitigation is scheduled for implementation by the water management district in the current fiscal year, except when the transportation project is removed from the Department of Transportation's work program or transportation authority funding plan, the mitigation cannot be timely permitted to offset the impacts of a Department of Transportation project identified in the environmental impact inventory, or the proposed mitigation does not meet state and federal requirements. If a project is removed from the work program or the mitigation plan, costs expended by the water management district prior to removal are eligible for reimbursement by the Department of Transportation or participating transportation authority.*

(b)~~(c)~~ When determining which projects to include in or exclude from the mitigation plan, the Department of Transportation shall investigate using credits from a permitted mitigation bank before those projects are submitted for inclusion in *a water management district mitigation* ~~the~~ plan. ~~The investigation shall consider the cost-effectiveness of mitigation bank credits, including, but not limited to, factors such as time saved, transfer of liability for success of the mitigation, and long-term maintenance.~~ *The Department of Transportation shall exclude a project from the mitigation plan if the investigation undertaken pursuant to this paragraph results in the conclusion that the use of credits from a permitted mitigation bank promotes efficiency, timeliness in project delivery, cost-effectiveness, and transfer of liability for success and long-term maintenance.*

(5) The water management district shall ensure that mitigation requirements pursuant to 33 U.S.C. s. 1344 *and 33 C.F.R. s. 332* are met for the impacts identified in the environmental impact inventory *for which the water management district will implement mitigation* described in subsection (2), by implementation of the approved *mitigation* plan described in subsection (4) to the extent funding is provided by the Department of Transportation, or a transportation authority established pursuant to chapter 348 or chapter 349, if applicable. *In developing and implementing the mitigation plan, the water management district shall comply with federal permitting requirements pursuant to 33 U.S.C. s. 1344 and 33 C.F.R. s. 332.* During the federal permitting process, the water management district may deviate from the approved mitigation plan in order to comply with federal permitting requirements *upon notice and coordination with the Department of Transportation or participating transportation authority*.

(6) The *water management district* mitigation plans shall be updated annually to reflect the most current Department of Transportation work program and project list of a transportation authority established pursuant to chapter 348 or chapter 349, if applicable, and may be amended throughout the year to anticipate schedule changes or additional projects which may arise. *Before amending the mitigation plan to include new projects, the Department of Transportation shall consider mitigation banks and other available mitigation options that meet state and federal requirements.* Each update and amendment of the mitigation plan shall be submitted to the governing board of the water management district or its designee for approval. However, such approval shall not be applicable to a deviation as described in subsection (5).

(7) Upon approval by the governing board of the water management district *and the Department of Environmental Protection* ~~or its designee~~, the mitigation plan shall be deemed to satisfy the mitigation requirements under this part for impacts specifically identified in the environmental impact inventory described in subsection (2) and any other mitigation requirements imposed by local, regional, and state agencies for these same impacts. The approval of the governing board of the water management district ~~or its designee~~ *and the Department of Environmental Protection* shall authorize the activities proposed in the mitigation plan, and no other state, regional, or local permit or approval shall be necessary.

(8) This section shall not be construed to eliminate the need for the Department of Transportation or a transportation authority established pursuant to chapter 348 or chapter 349 to comply with the requirement to implement practicable design modifications, including realignment of transportation projects, to reduce or eliminate the impacts of its transportation projects on wetlands and other surface waters as required by rules adopted pursuant to this part, or to diminish the authority under this part to regulate other impacts, including water quantity or water quality impacts, or impacts regulated under this part that are not identified in the environmental impact inventory described in subsection (2).

~~(9) The process for environmental mitigation for the impact of transportation projects under this section shall be available to an expressway, bridge, or transportation authority established under chapter 348 or chapter 349. Use of this process may be initiated by an authority depositing the requisite funds into an escrow account set up by the authority and filing an environmental impact inventory with the appropriate water management district. An authority that initiates the environmental mitigation process established by this section shall comply~~

~~with subsection (6) by timely providing the appropriate water management district with the requisite work program information. A water management district may draw down funds from the escrow account as provided in this section.~~

Section 81. Section 373.618, Florida Statutes, is amended to read:

373.618 Public service warnings, alerts, and announcements.—The Legislature believes it is in the public interest that *each* ~~all~~ water management *district* ~~districts~~ created pursuant to s. 373.069 own, acquire, develop, construct, operate, and manage public information systems. Public information systems may be located on property owned by the water management district, upon terms and conditions approved by the water management district, and must display messages to the general public concerning water management services, activities, events, and sponsors, as well as other public service announcements, including watering restrictions, severe weather reports, amber alerts, and other essential information needed by the public. Local government review or approval is not required for a public information system owned or hereafter acquired, developed, or constructed by the water management district on its own property. A public information system is exempt from the requirements of chapter 479*; however, a public information system that is subject to the Highway Beautification Act of 1965 must be approved by the Department of Transportation and the Federal Highway Administration if required by federal law and federal regulation under the agreement between the state and the United States Department of Transportation, and federal regulations enforced by the Department of Transportation under s. 479.02(1)*. Water management district funds may not be used to pay the cost to acquire, develop, construct, operate, or manage a public information system. Any necessary funds for a public information system shall be paid for and collected from private sponsors who may display commercial messages.

Section 82. Subsection (3) of section 341.052, Florida Statutes, is amended to read:

341.052 Public transit block grant program; administration; eligible projects; limitation.—

(3) The following limitations shall apply to the use of public transit block grant program funds:

(a) State participation in eligible capital projects shall be limited to 50 percent of the nonfederal share of such project costs.

(b) State participation in eligible public transit operating costs may not exceed 50 percent of such costs or an amount equal to the total revenue, excluding farebox, charter, and advertising revenue and federal funds, received by the provider for operating costs, whichever amount is less.

(c) No eligible public transit provider shall use public transit block grant funds to supplant local tax revenues made available to such provider for operations in the previous year; however, the Secretary of Transportation may waive this provision for public transit providers located in a county recovering from a state of emergency declared pursuant to part I of chapter 252.

(d) *Notwithstanding any law to the contrary, no eligible public transit provider shall use public transit block grant funds in pursuit of strategies or actions leading to or promoting the levying of new or additional taxes through public referenda. To the extent that a public transit provider uses other public funds in pursuit of strategies or actions leading to or promoting the levying of new or additional taxes through public referenda, the amount of the provider's grant must be reduced by the same amount. As used in this paragraph, the term "public funds" means all moneys under the jurisdiction or control of a federal agency, the state, a county, or a municipality, including any district, authority, commission, board, or agency thereof for any public purpose.*

(e) The state may not give any county more than 39 percent of the funds available for distribution under this section or more than the amount that local revenue sources provide to that transit system.

Section 83. *The Florida Transportation Commission shall conduct a study of the potential for the state to obtain revenue from any parking meters or other parking time-limit devices that regulate designated parking spaces located within or along the right-of-way limits of a state road. The commission may retain such experts as are reasonably necessary to complete the study, and the department shall pay the expenses of such experts. On or before August 31, 2013, each municipality and county that receives revenue from any parking meters or other parking time-limit devices that regulate designated parking spaces located within or along the right-of-way limits of a state road shall provide the commission a written inventory of the location of each such meter or device and the total revenue collected from such locations during the last 3 fiscal years. Each municipality and county shall at the same time inform the commission of any pledge or commitment by the municipality or county of such revenues to the payment of debt service on any bonds or other debt issued by the municipality or county. The commission shall consider the information provided by the municipalities and counties, together with such other matters as it deems appropriate, including, but not limited to, the use of variable rate parking, and shall develop policy recommendations regarding the manner and extent that revenues generated by regulating parking within the right-of-way limits of a state road may be allocated between the department and municipalities and counties. The commission shall develop specific recommendations concerning the allocation of revenues generated by meters or devices regulating such parking that were installed before July 1, 2013, and the allocation of revenues that may be generated by meters or devices installed after that date. The commission shall complete the study and provide a written report of its findings and conclusions to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of each of the appropriations committees of the Legislature by October 31, 2013.*

(2) The Legislature finds that preservation of the status quo pending the commission's study and the Legislature's review of the commission's report is appropriate and desirable. From July 1, 2013, through July 1, 2014, a county or municipality may not install any parking meters or other parking time-limit devices that regulate designated parking spaces located within or along the right-of-way limits of a state road. This subsection does not prohibit the replacement of meters or similar devices installed before July 1, 2013, with new devices that regulate the same designated parking spaces.

Section 84. *Sale of used tires.—*

(1) It is unlawful for any used tire retailer in this state to sell unsafe used tires for the purpose of mounting on a vehicle as defined in s. 316.003, Florida Statutes. This section does not apply to a used tire retailer who sells used tires for recapping.

(2) For purposes of this section, a used tire is considered unsafe if the tire:

(a) Is worn to 2/32 of an inch tread depth or less on any area of the tread;

(b) Has any damage exposing the reinforcing plies of the tire, including any cuts, cracks, bulges, punctures, scrapes, or wear;

(c) Has had an improper repair including:

1. Any repair made in the tread shoulder or belt edge area of the tire;

2. Any puncture that has not been sealed or patched on the inside and repaired with a cured rubber stem through to the outside of the tire;

3. A repair to the sidewall or bead area of the tire; or

4. A puncture repair of damage larger than one-quarter of an inch;

(d) Has evidence of prior use of a temporary tire sealant without evidence of a subsequent proper repair;

(e) Has its tire identification number defaced or removed;

(f) Has inner liner or bead damage; or

(g) Has an indication of internal separation, such as bulges or local areas of irregular tread wear.

(3) A person who violates this section commits an unfair and deceptive trade practice as defined in part II of chapter 501, Florida Statutes.

Section 85. Except as otherwise expressly provided in this act, this act shall take effect upon becoming 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 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 an effective date.

Senator Brandes moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (419864) (with title amendment)—Between lines 211 and 212 insert:

Section 4. Subsection (5) of section 125.42, Florida Statutes, is amended to read:

125.42 Water, sewage, gas, power, telephone, other utility, and television lines along county roads and highways.—

(5) In the event of widening, repair, or reconstruction of any such road, the licensee shall move or remove such water, sewage, gas, power, telephone, and other utility lines and television lines at no cost to the county *should they be found by the county to be unreasonably interfering*, except as provided in s. *337.403(1)(d)-(i)*~~337.403(1)(e)~~.

And the title is amended as follows:

Delete line 4400 and insert: covered under career service; amending s. 125.42, F.S.; requiring utility and television lines to be removed from county roads and highways at no cost to the county if the county finds the lines to be unreasonably interfering with the widening, repair, or reconstruction of any such road; amending s. 311.22,

Senator Margolis moved the following amendment to **Amendment 1** which failed:

Amendment 1B (238066) (with title amendment)—Between lines 236 and 237 insert:

Section 5. Section 316.01, Florida Statutes, is created to read:

316.01 Vehicular access to state universities.—A local governmental entity as defined in s. 334.03 may not prevent vehicular access on a transportation facility into or out of a state university facility, regulated by the Board of Governors of the State University System as provided in s. 20.155, which has only one ingress or egress.

And the title is amended as follows:

Delete line 4405 and insert: repeal of the section; creating s. 316.01, F.S.; prohibiting a local governmental entity from preventing vehicular access on a transportation facility into or out of a state university facility that has only one ingress or egress; amending s. 316.515, F.S.;

Senator Diaz de la Portilla moved the following amendment to **Amendment 1** which was adopted:

Amendment 1C (940030) (with title amendment)—Delete lines 476-512.

And the title is amended as follows:

Delete lines 4429-4439 and insert: law or regulation; amending s.

Senator Brandes moved the following amendments to **Amendment 1** which were adopted:

Amendment 1D (399930) (with title amendment)—Between lines 953 and 954 insert:

Section 19. Paragraphs (h) and (i) are added to subsection (1), and subsection (1) of section 337.403, Florida Statutes, is further amended to read:

337.403 Interference caused by ~~relocation of~~ utility; expenses.—

(1) If a utility that is placed upon, under, over, or along any public road or publicly owned rail corridor is found by the authority to be unreasonably interfering in any way with the convenient, safe, or continuous use, or the maintenance, improvement, extension, or expansion, of such public road or publicly owned rail corridor, the utility owner shall, upon 30 days' written notice to the utility or its agent by the authority, initiate the work necessary to alleviate the interference at its own expense except as provided in paragraphs (a)-*(i)*~~(g)~~. The work must be completed within such reasonable time as stated in the notice or such time as agreed to by the authority and the utility owner.

(a) If the relocation of utility facilities, as referred to in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No. 627 of the 84th Congress, is necessitated by the construction of a project on the federal-aid interstate system, including extensions thereof within urban areas, and the cost of the project is eligible and approved for reimbursement by the Federal Government to the extent of 90 percent or more under the Federal Aid Highway Act, or any amendment thereof, then in that event the utility owning or operating such facilities shall perform any necessary work upon notice from the department, and the state shall pay the entire expense properly attributable to such work after deducting therefrom any increase in the value of a new facility and any salvage value derived from an old facility.

(b) When a joint agreement between the department and the utility is executed for utility work to be accomplished as part of a contract for construction of a transportation facility, the department may participate in those utility work costs that exceed the department's official estimate of the cost of the work by more than 10 percent. The amount of such participation shall be limited to the difference between the official estimate of all the work in the joint agreement plus 10 percent and the amount awarded for this work in the construction contract for such work. The department may not participate in any utility work costs that occur as a result of changes or additions during the course of the contract.

(c) When an agreement between the department and utility is executed for utility work to be accomplished in advance of a contract for construction of a transportation facility, the department may participate in the cost of clearing and grubbing necessary to perform such work.

(d) If the utility facility was initially installed to exclusively serve the authority or its tenants, or both, the authority shall bear the costs of the utility work. However, the authority is not responsible for the cost of utility work related to any subsequent additions to that facility for the purpose of serving others. *For a county or municipality, if such utility facility was installed in the right of way as a means to serve a county or municipal facility on a parcel of property adjacent to the right of way, and the intended use of the county or municipal facility is for other than transportation purposes, the obligation of the county or municipality to bear the costs of the utility work shall extend only to utility work on the parcel of property on which the facility of the county or municipality originally served by the utility facility is located.*

(e) If, under an agreement between a utility and the authority entered into after July 1, 2009, the utility conveys, subordinates, or relinquishes a compensable property right to the authority for the purpose of accommodating the acquisition or use of the right-of-way by the authority, without the agreement expressly addressing future responsibility for the cost of necessary utility work, the authority shall bear the cost of removal or relocation. This paragraph does not impair or restrict, and may not be used to interpret, the terms of any such agreement entered into before July 1, 2009.

(f) If the utility is an electric facility being relocated underground in order to enhance vehicular, bicycle, and pedestrian safety and in which ownership of the electric facility to be placed underground has been transferred from a private to a public utility within the past 5 years, the department shall incur all costs of the necessary utility work.

(g) An authority may bear the costs of utility work required to eliminate an unreasonable interference when the utility is not able to

establish that it has a compensable property right in the particular property where the utility is located if:

1. The utility was physically located on the particular property before the authority acquired rights in the property;

2. The utility demonstrates that it has a compensable property right in ~~all~~ adjacent properties along the alignment of the utility *or, after due diligence, certifies that the utility does not have evidence to prove or disprove that it has a compensable property right in the particular property where the utility is located*; and

3. The information available to the authority does not establish the relative priorities of the authority's and the utility's interests in the particular property.

(h) If the relocation of utility facilities is necessitated by the construction of a commuter rail service project or an inter-city passenger rail service project and the cost of the project is eligible and approved for reimbursement by the Federal Government, then in that event the utility owning or operating such facilities located by permit on a department-owned rail corridor shall perform any necessary utility relocation work upon notice from the department, and the department shall pay the expense properly attributable to such utility relocation work in the same proportion as Federal funds are expended on the commuter rail service project or an inter-city passenger rail service project after deducting therefrom any increase in the value of a new facility and any salvage value derived from an old facility. In no event shall the state be required to use state dollars for such utility relocation work. This subsection shall not apply to any phase of the Central Florida Rail Corridor project known as SunRail.

(i) If a city or county owned utility is located in a rural area of critical economic concern, designated pursuant to s. 288.0656, and the department's comptroller determines that the utility is not able, and will not within the following 10 years be able, to pay for the cost of utility work necessitated by a department project on the State Highway System, the department may pay the cost of such utility work performed by the department or the department's contractor, in whole or in part.

And the title is amended as follows:

Delete line 4487 and insert: lease must meet; amending s. 337.403, F.S.; revising the conditions under which an authority may bear the costs of utility work required to eliminate an unreasonable interference when the utility is unable to establish that it has a compensable property right in the property where the utility is located; requiring the department to pay the expenses of utility work necessitated by certain federally-funded projects under certain conditions; prohibiting the use of state dollars for such work; providing the subsection does not apply to any phase of the SunRail project; authorizing the department to pay the cost of utility work necessitated by a department project on the State Highway System for a city- or county-owned utility located in a rural area of critical economic concern designated pursuant to s. 288.0656, F.S. amending s. 338.161, F.S.;

Amendment 1E (736620)—Delete lines 2539-2544 and insert:

(2) This act does not repeal, rescind, or modify any other law relating to the State Board of Administration, the Department of Transportation, or relating to authorities created pursuant to chapters 343, 348, or 349, or the Division of Bond Finance of the State Board of Administration, nor does it supersede any provision of chapters 343, 348, or 349, but supersedes any other law that is inconsistent with the provisions of this chapter, including, but not limited to, s. 215.821.

(3) This act does not supersede any applicable requirements of part II of chapter 163, s. 339.155, or s. 339.175.

Amendment 1F (742554) (with title amendment)—Between lines 2655 and 2656 insert:

Section 60. Section 348.53, Florida Statutes, is amended to read:

348.53 Purposes of the authority.—The authority is created for the purposes and shall have power to construct, reconstruct, improve, extend, repair, maintain, and operate the expressway system. It is hereby found and declared that such purposes are, in all respects, for the benefit of the people of the State of Florida, City of Tampa, and the County of Hillsborough~~,~~ for the increase of their pleasure, convenience, and welfare, for the improvement of their health, to facilitate transportation, *including managed lanes and other transit supporting facilities, excluding rail or other rail related facilities,* for their recreation and commerce, and for the common defense. The authority shall be performing a public purpose and a governmental function in carrying out its corporate purpose and in exercising the powers granted herein.

Section 61. Subsections (3) and (4) of section 348.565, Florida Statutes, are amended to read:

348.565 Revenue bonds for specified projects.—The existing facilities that constitute the Tampa-Hillsborough County Expressway System are hereby approved to be refinanced by revenue bonds issued by the Division of Bond Finance of the State Board of Administration pursuant to s. 11(f), Art. VII of the State Constitution and the State Bond Act or by revenue bonds issued by the authority pursuant to s. 348.56(1)(b). In addition, the following projects of the Tampa-Hillsborough County Expressway Authority are approved to be financed or refinanced by the issuance of revenue bonds in accordance with this part and s. 11(f), Art. VII of the State Constitution:

(3) Lee Roy Selmon ~~Crosstown~~ Expressway System widening.

(4) The connector highway linking the Lee Roy Selmon ~~Crosstown~~ Expressway to Interstate 4.

And the title is amended as follows:

Delete line 4722 and insert: associated with the bonds; amending s. 348.53, F.S.; authorizing the Tampa-Hillsborough County Expressway Authority to facilitate transportation, including managed lanes and other transit supporting facilities, excluding rail or other rail related facilities; amending s. 348.565, F.S.; revising the name of the Lee Roy Selmon Crosstown Expressway; amending ss. 348.751 and

Amendment 1G (972328) (with title amendment)—Delete lines 4249-4253 and insert: the public. ~~Local government review or approval is not required for a public information system owned or hereafter acquired, developed, or constructed by the water management district on its own property.~~ A public information system is *subject to* ~~exempt from~~ the requirements of chapter 479*; however, a public information*

And the title is amended as follows:

Delete line 4808 and insert: information system; requiring local government review or approval for certain public information systems; making public information systems subject to the requirements of ch. 479, F.S.; amending s. 341.052, F.S.;

Amendment 1H (643292) (with title amendment)—Delete lines 4286-4298 and insert:

(d) Notwithstanding any law to the contrary, no eligible public transit provider or a person acting on behalf of a public transit provider shall use public transit block grant funds for a political advertisement or electioneering communication concerning an issue, referendum, or amendment, including any state question, that is subject to a vote of the electors. To the extent that a public transit provider uses other public funds in this manner, the amount of the provider's grant must be reduced by the same amount. As used in this paragraph, the term "public funds" means all moneys under the jurisdiction or control of a federal agency, the state, a county, or a municipality, including any district, authority, commission, board, or agency thereof, for any public purpose. This paragraph does not apply to any communication from a public transit provider or a person acting on behalf of a public transit provider which is not advocating a position and is limited to factual information.

And the title is amended as follows:

Delete lines 4808-4812 and insert: information system; amending s. 341.052, F.S.; prohibiting an eligible public transit provider from using public transit block grant funds for a political advertisement or electioneering communication concerning an issue, referendum, or amendment, including any state question, that is subject to a vote of the electors; requiring the amount of the

Amendment 1I (226156) (with title amendment)—Between lines 4302 and 4303 insert:

Section 83. Section 479.16, Florida Statutes, is amended to read:

479.16 Signs for which permits are not required.—The following signs are exempt from the requirement that a permit for a sign be obtained under the provisions of this chapter but are required to comply with the provisions of s. 479.11(4)-(8)*, and the provisions of subsections (15)–(20) may not be implemented or continued if the Federal Government notifies the department that implementation or continuation will adversely affect the allocation of federal funds to the department*:

(1) Signs erected on the premises of an establishment, which signs consist primarily of the name of the establishment or which identify the principal or accessory merchandise, services, activities, or entertainment sold, produced, manufactured, or furnished on the premises of the establishment and which comply with the lighting restrictions ~~under department rule adopted~~ pursuant to s. 479.11(5), or signs owned by a municipality or a county located on the premises of such municipality or such county which display information regarding government services, activities, events, or entertainment. For purposes of this section, the following types of messages shall not be considered information regarding government services, activities, events, or entertainment:

(a) Messages which specifically reference any commercial enterprise.

(b) Messages which reference a commercial sponsor of any event.

(c) Personal messages.

(d) Political campaign messages.

If a sign located on the premises of an establishment consists principally of brand name or trade name advertising and the merchandise or service is only incidental to the principal activity, or if the owner of the establishment receives rental income from the sign, then the sign is not exempt under this subsection.

(2) Signs erected, used, or maintained on a farm by the owner or lessee of such farm and relating solely to farm produce, merchandise, service, or entertainment sold, produced, manufactured, or furnished on such farm.

(3) Signs posted or displayed on real property by the owner or by the authority of the owner, stating that the real property is for sale or rent. However, if the sign contains any message not pertaining to the sale or rental of that real property, then it is not exempt under this section.

(4) Official notices or advertisements posted or displayed on private property by or under the direction of any public or court officer in the performance of her or his official or directed duties, or by trustees under deeds of trust or deeds of assignment or other similar instruments.

(5) Danger or precautionary signs relating to the premises on which they are located; forest fire warning signs erected under the authority of the Florida Forest Service of the Department of Agriculture and Consumer Services; and signs, notices, or symbols erected by the United States Government under the direction of the United States Forestry Service.

(6) Notices of any railroad, bridge, ferry, or other transportation or transmission company necessary for the direction or safety of the public.

(7) Signs, notices, or symbols for the information of aviators as to location, directions, and landings and conditions affecting safety in aviation erected or authorized by the department.

(8) Signs or notices erected or maintained upon property stating only the name of the owner, lessee, or occupant of the premises and not exceeding *16* ~~8~~ square feet in area.

(9) Historical markers erected by duly constituted and authorized public authorities.

(10) Official traffic control signs and markers erected, caused to be erected, or approved by the department.

(11) Signs erected upon property warning the public against hunting and fishing or trespassing thereon.

(12) Signs not in excess of *16* ~~8~~ square feet that are owned by and relate to the facilities and activities of churches, civic organizations, fraternal organizations, charitable organizations, or units or agencies of government.

(13) ~~Except that~~ Signs placed on benches, transit shelters, *modular news racks, street light poles, public pay telephones,* and waste receptacles*, within the right-of-way,* as provided for in s. 337.408 are exempt from *the* ~~all~~ provisions of this chapter.

(14) Signs relating exclusively to political campaigns.

(15) Signs not in excess of 16 square feet placed at a road junction with the State Highway System denoting only the distance or direction of a residence or farm operation, or, *outside an incorporated* ~~in a rural~~ area where a hardship is created because a small business is not visible from the road junction with the State Highway System, one sign not in excess of 16 square feet, denoting only the name of the business and the distance and direction to the business. ~~The small business sign provision of this subsection does not apply to charter counties and may not be implemented if the Federal Government notifies the department that implementation will adversely affect the allocation of federal funds to the department.~~

(16) Signs placed by a local tourist-oriented business located within a rural area of critical economic concern, as defined by s. 288.0656(2)(d) and (e), and are:

(a) Not more than 8 square feet in size or more than 4 feet in height;

(b) Located only in rural areas, along non-limited access highways;

(c) Located within 2 miles of the business location and are not less than 500 feet apart;

(d) Located only in two directions leading to the business; and

(e) Not located within the road right-of-way.

A business placing such signs must be at least 4 miles from any other business using this exemption and may not participate in any other department directional signage program.

(17) Signs not in excess of 32 square feet placed temporarily during harvest season of a farm operation for a period of no more than 4 months at a road junction with the State Highway System denoting only the distance or direction of the farm operation.

(18) Acknowledgement signs erected upon publicly funded school premises relating to a specific public school club, team, or event placed no closer than 1,000 feet from another acknowledgement sign on the same side of the roadway. The sponsor information on an acknowledgement sign may constitute no more than 100 square feet of the sign. As used in this subsection, the term "acknowledgement signs" means signs that are intended to inform the traveling public that a public school club, team, or event has been sponsored by a person, firm, or other entity.

(19) Displays erected upon a sports facility the content of which is directly related to the facility's activities or where a presence of the products or services offered on the property exists. Displays must be mounted flush to the surface of the sports facility and must rely upon the building facade for structural support. For purposes of this subsection, the term "sports facility" means an athletic complex, athletic arena, or athletic stadium, including physically connected parking facilities, which is open to the public and has a permanent installed seating capacity of 15,000 or more.

(20) The Legislature believes it is in the public interest that all welcome centers created pursuant to s. 288.12265 have the option to own, acquire, develop, construct, operate, and manage public information systems. Public information systems may only display messages to the general public concerning public service announcements, including severe weather reports, Amber Alerts, Silver Alerts, and other essential information needed by the public. Local government review or approval is not required for a public information system owned or hereafter acquired, developed, or constructed at the welcome center. A public information system is exempt from the requirements of chapter 479; provided, however, that any public information system that is subject to the Highway Beautification Act of 1965 or the Manual of Uniform Transportation Control Devices must be approved by the Department of Transportation

and the Federal Highway Administration if required by federal law and federal regulations.

If the exemptions in subsections (15) through (20) are not implemented or continued due to Federal Government notification to the department that the allocation of federal funds to the department will be adversely impacted, the department shall provide notice to the sign owner that the sign must be removed within 30 days after receiving notice. If the sign is not removed within 30 days, the department may remove the sign, and the costs incurred in connection with the sign removal shall be assessed against and collected from the sign owner.

And the title is amended as follows:

Delete line 4815 and insert: prohibition; providing an exception; amending s. 479.16, F.S.; providing an exception if the Federal Government notifies the department that implementation or continuation will adversely affect allocation of federal funds; expanding the allowable size of certain signs or notices; expanding the placement exemption of certain signs; removing a certain small-business sign exemption; expanding the exemption requiring permits to signs placed by a local tourist-oriented business located in an area of critical economic concern, signs not in excess of a certain size placed temporarily during harvest season of a farm operation for a certain period of time, certain acknowledgement signs erected upon publicly funded school premises relating to a specific public school club, team, or event, and displays erected upon a sports facility; providing criteria for the signs; providing criteria for welcome centers to place certain signs under specified conditions; requiring the

Amendment 1J (145178) (with title amendment)—Delete lines 4348-4378.

And the title is amended as follows:

Delete lines 4825-4830 and insert: the state right-of-way; providing effective dates.

Senator Diaz de la Portilla moved the following amendment to **Amendment 1** which was adopted:

Amendment 1K (682044) (with title amendment)—Between lines 4378 and 4379 insert:

Section 85. *Ralph Sanchez Way designated; Department of Transportation to erect suitable markers.—*

(1) That portion of U.S. 1 in Miami-Dade County between South East 2nd Street and North East 3rd Street is designated as "Ralph Sanchez Way."

(2) The Department of Transportation is directed to erect suitable markers designating Ralph Sanchez Way as described in subsection (1).

And the title is amended as follows:

Delete line 4830 and insert: deceptive trade practice; providing honorary designation of a certain transportation facility in a specified county; directing the Department of Transportation to erect suitable markers; providing an effective date.

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

Senator Latvala moved the following amendment to **Amendment 1** which was adopted:

Amendment 1L (413366) (with title amendment)—Between lines 211 and 212 insert:

Section 4. Paragraph (b) of subsection (3) of section 163.01, Florida Statutes, is amended to read:

163.01 Florida Interlocal Cooperation Act of 1969.—

(3) As used in this section:

(b) "Public agency" means a political subdivision, agency, or officer of this state or of any state of the United States, including, but not limited to, state government, county, city, school district, single and multipurpose special district, single and multipurpose public authority, metropolitan or consolidated government, a separate legal entity or administrative entity created under subsection (7), *a public transit provider as defined in s. 341.031,* an independently elected county officer, *an* ~~any~~ agency of the United States Government, a federally recognized Native American tribe, and any similar entity of any other state of the United States.

And the title is amended as follows:

Delete line 4400 and insert: covered under career service; amending s. 163.01, F.S.; modifying the definition of "public agency" to include a public transit provider; amending s. 311.22,

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

Senator Brandes moved the following amendment to **Amendment 1** which was adopted:

Amendment 1M (271334) (with title amendment)—Between lines 1474 and 1475 insert:

Section 47. Section 341.8203, Florida Statutes, is amended to read:

341.8203 Definitions.—As used in ss. 341.8201-341.842, unless the context clearly indicates otherwise, the term:

(1) "Associated development" means property, equipment, buildings, or other related facilities which are built, installed, used, or established to provide financing, funding, or revenues for the planning, building, managing, and operation of a high-speed rail system and which are associated with or part of the rail stations. The term includes air and subsurface rights, services that provide local area network devices for transmitting data over wireless networks, parking facilities, retail establishments, restaurants, hotels, offices, advertising, or other commercial, civic, residential, or support facilities.

(2) "Communication facilities" means the communication systems related to high-speed passenger rail operations, including those which are built, installed, used, or established for the planning, building, managing, and operating of a high-speed rail system. The term includes the land; structures; improvements; rights-of-way; easements; positive train control systems; wireless communication towers and facilities that are designed to provide voice and data services for the safe and efficient operation of the high-speed rail system; voice, data, and wireless communication amenities made available to crew and passengers as part of a high-speed rail service; and any other facilities or equipment used for operation of, or the facilitation of communications for, a high-speed rail system. Owners of communication facilities may not offer voice or data service to any entity other than passengers, crew, or other persons involved in the operation of a high-speed rail system.

(3)~~(2)~~ "Enterprise" means the Florida Rail Enterprise.

(4)~~(3)~~ "High-speed rail system" means any high-speed fixed guideway system for transporting people or goods, which system is, by definition of the United States Department of Transportation, reasonably expected to reach speeds of at least 110 miles per hour, including, but not limited to, a monorail system, dual track rail system, suspended rail system, magnetic levitation system, pneumatic repulsion system, or other system approved by the enterprise. The term includes a corridor, associated intermodal connectors, and structures essential to the operation of the line, including the land, structures, improvements, rights-of-way, easements, rail lines, rail beds, guideway structures, switches, yards, parking facilities, power relays, switching houses, and rail stations and also includes facilities or equipment used exclusively for the purposes of design, construction, operation, maintenance, or the financing of the high-speed rail system.

(5)~~(4)~~ "Joint development" means the planning, managing, financing, or constructing of projects adjacent to, functionally related to, or otherwise related to a high-speed rail system pursuant to agreements between any person, firm, corporation, association, organization, agency, or other entity, public or private.

(6)~~(5)~~ "Rail station," "station," or "high-speed rail station" means any structure or transportation facility that is part of a high-speed rail sys-

tem designed to accommodate the movement of passengers from one mode of transportation to another at which passengers board or disembark from transportation conveyances and transfer from one mode of transportation to another.

(7) "Railroad company" means a person developing, or providing service on, a high-speed rail system.

(8)~~(6)~~ "Selected person or entity" means the person or entity to whom the enterprise awards a contract to establish a high-speed rail system pursuant to ss. 341.8201-341.842.

Section 48. Paragraph (c) is added to subsection (2) of section 341.822, Florida Statutes, to read:

341.822 Powers and duties.—

(2)

(c) The enterprise shall establish a process to issue permits to railroad companies for the construction of communication facilities within a new or existing public or private high-speed rail system. The enterprise may adopt rules to administer such permits, including rules regarding the form, content, and necessary supporting documentation for permit applications; the process for submitting applications; and the application fee for a permit under s. 341.825. The enterprise shall provide a copy of a completed permit application to municipalities and counties where the high-speed rail system will be located. The enterprise shall allow each such municipality and county 30 days to provide comments to the enterprise regarding the application, including any recommendations regarding conditions that may be placed on the permit.

Section 49. Section 341.825, Florida Statutes, is created to read:

341.825 Communication facilities.—

(1) LEGISLATIVE INTENT.—The Legislature intends to:

(a) Establish a streamlined process to authorize the location, construction, operation, and maintenance of communication facilities within new and existing high-speed rail systems.

(b) Expedite the expansion of the high-speed rail system's wireless voice and data coverage and capacity for the safe and efficient operation of the high-speed rail system and the safety, use, and efficiency of its crew and passengers as a critical communication facilities component.

(2) APPLICATION SUBMISSION.—A railroad company may submit to the enterprise an application to obtain a permit to construct communication facilities within a new or existing high-speed rail system. The application shall include an application fee limited to the amount needed to pay the anticipated cost of reviewing the application, not to exceed $10,000, which shall be deposited into the State Transportation Trust Fund. The application must include the following information:

(a) The location of the proposed communication facilities.

(b) A description of the proposed communication facilities.

(c) Any other information reasonably required by the enterprise.

(3) APPLICATION REVIEW.—The enterprise shall review each application for completeness within 30 days after receipt of the application.

(a) If the enterprise determines that an application is not complete, the enterprise shall, within 30 days after the receipt of the initial application, notify the applicant in writing of any errors or omissions. An applicant shall have 30 days within which to correct the errors or omissions in the initial application.

(b) If the enterprise determines that an application is complete, the enterprise shall act upon the permit application within 60 days of the receipt of the completed application by approving in whole, approving with conditions as the enterprise deems appropriate, or denying the application, and stating the reason for issuance or denial. In determining whether an application should be approved, approved with modifications or conditions, or denied, the enterprise shall consider any comments or recommendations received from a municipality or county and the extent to which the proposed communication facilities:

1. Are located in a manner that is appropriate for the communication technology specified by the applicant.

2. Serve an existing or projected future need for communication facilities.

3. Provide sufficient wireless voice and data coverage and capacity for the safe and efficient operation of the high-speed rail system and the safety, use, and efficiency of its crew and passengers.

(c) The failure to adopt any recommendation or comment may not be a basis for challenging the issuance of a permit.

(4) EFFECT OF PERMIT.—

(a) A permit authorizes the permittee to locate, construct, operate, and maintain the communication facilities within a new or existing high-speed rail system, subject to the conditions set forth in the permit. Such activities are not subject to local government land use or zoning regulations.

(b) A permit may include conditions that constitute variances and exemptions from rules of the enterprise or any other agency, which would otherwise be applicable to the communication facilities within the new or existing high-speed rail system.

(c) Notwithstanding any other provisions of law, the permit shall be in lieu of any license, permit, certificate, or similar document required by any local agency.

(d) Nothing in this section is intended to impose procedures or restrictions on railroad companies that are subject to the exclusive jurisdiction of the federal Surface Transportation Board pursuant to the Interstate Commerce Commission Termination Act of 1995, 49 U.S.C. ss. 10101, et seq.

(5) MODIFICATION OF PERMIT.—A permit may be modified by the applicant after issuance upon the filing of a petition with the enterprise.

(a) A petition for modification must set forth the proposed modification and the factual reasons asserted for the modification.

(b) The enterprise shall act upon the petition within 30 days by approving or denying the application, and stating the reason for issuance or denial.

Section 50. Paragraph (b) of subsection (2) of section 341.840, is amended to read:

341.840 Tax exemption.—

(2)

(b) For the purposes of this section, any item or property that is within the definition of the term "associated development" in s. 341.8203(1) may not be considered part of the high-speed rail system as defined in *s. 341.8203(4)* ~~s. 341.8203(3)~~.

And the title is amended as follows:

Delete line 4556 and insert: of the intermodal development program; amending s. 341.8203, F.S.; defining "communication facilities" and "railroad company" as used in the Florida Rail Enterprise Act; prohibiting owners of communication facilities from offering certain services to persons unrelated to a high-speed rail system; amending s. 341.822, F.S.; requiring the rail enterprise to establish a process to issue permits for railroad companies to construct communication facilities within a high speed rail system; providing rulemaking authority; providing for fees for issuing a permit; creating s. 341.825, F.S.; providing for a permit authorizing the permittee to locate, construct, operate, and maintain communication facilities within a new or existing high speed rail system; providing for application procedures and fees; providing for the effects of a permit; providing an exemption from local land use and zoning regulations; authorizing the enterprise to permit variances and exemptions from rules of the enterprise or other agencies; providing that a permit is in lieu of licenses, permits, certificates, or similar documents required under specified laws; providing for a modification of a permit; amends s. 341.840, F.S.; conforming a cross-reference; amending s.

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

Senator Smith moved the following amendment to **Amendment 1** which was adopted:

Amendment 1N (366024) (with title amendment)—Between lines 211 and 212 insert:

Section 4. Paragraph (b) of subsection (1) of section 125.35, Florida Statutes, is amended to read:

125.35 County authorized to sell real and personal property and to lease real property.—

(1)

(b) Notwithstanding ~~the provisions of~~ paragraph (a), *under terms and conditions negotiated by the board,* the board of county commissioners *may* ~~is expressly authorized to~~:

1. Negotiate the lease of an airport or seaport facility;

2. Modify or extend an existing lease of real property for an additional term not to exceed 25 years, where the improved value of the lease has an appraised value in excess of $20 million; or

3. Lease a professional sports franchise facility financed by revenues received pursuant to s. 125.0104 or s. 212.20 *which may include a commercial development that is ancillary to the sports facility if the ancillary development property is part of or contiguous to the professional sports franchise facility. The board's authority to lease the above described ancillary commercial development in conjunction with a professional sports franchise facility lease applies only if at the time the board leases the ancillary commercial development, the professional sports franchise facility lease has been in effect for at least 10 years and such lease has at least an additional 10 years remaining in the lease term*~~; under such terms and conditions as negotiated by the board~~.

And the title is amended as follows:

Delete line 4400 and insert: covered under career service; amending s. 125.35, F.S.; providing that a county may include a commercial development that is ancillary to a professional sports facility in the lease of a sports facility under certain circumstances; amending s. 311.22,

Amendment 1 (740626) as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for HB 7127** as amended was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1024** was deferred.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Thrasher, by two-thirds vote **HB 855**, **HB 949**, **CS for HB 977**, **HB 979**, **CS for HB 981**, **CS for HB 1013**, **HB 1027**, **CS for HB 1069**, **CS for HB 1171**, **HB 1271**, **CS for HB 1281**, **HB 1283**, **HB 1287**, **HB 1367**, **CS for HB 1403**, **CS for HB 1411**, **HB 4037**, **HB 4039**, and **HB 4053** were withdrawn from the Committee on Rules.

LOCAL BILL CALENDAR

HB 855—A bill to be entitled An act relating to the South Indian River Water Control District, Palm Beach County; amending chapter 2001-313, Laws of Florida, as amended; authorizing construction of improvements on district property for recreational purposes within a specified area of the district; providing an effective date.

—was read the second time by title. On motion by Senator Abruzzo, by two-thirds vote **HB 855** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

HB 949—A bill to be entitled An act relating to Charlotte County; amending chapter 98-508, Laws of Florida, as amended; revising provisions for the election of members of the Charlotte County Airport Authority; providing for the members to be known as commissioners; repealing s. 2 of chapter 63-1207, Laws of Florida, relating to obsolete provisions for the election of members of the Charlotte County Development Commission; providing an effective date.

—was read the second time by title. On motion by Senator Benacquisto, by two-thirds vote **HB 949** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

CS for HB 977—A bill to be entitled An act relating to St. Lucie County Mosquito Control District, St. Lucie County; amending chapter 2003-365, Laws of Florida; revising the boundaries of the district; providing an effective date.

—was read the second time by title. On motion by Senator Negron, by two-thirds vote **CS for HB 977** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

HB 979—A bill to be entitled An act relating to Fort Pierce Farms Water Control District, St. Lucie County; codifying the district's charter pursuant to s. 189.429, Florida Statutes; providing legislative intent; amending, codifying, repealing, and reenacting all special acts relating to Fort Pierce Farms Water Control District as a single act; repealing chapters 9981 (1923), 10549 (1925), 12033 (1927), 16032 (1933), 25447 (1949), 65-1226, 78-609, 82-376, 87-448, and 2012-240, Laws of Florida, relating to the Fort Pierce Farms Water Control District; providing an effective date.

—was read the second time by title. On motion by Senator Negron, by two-thirds vote **HB 979** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

CS for HB 981—A bill to be entitled An act relating to the North St. Lucie River Water Control District, St. Lucie County; codifying, amending, reenacting, and repealing special acts relating to the district; providing a charter for the district; providing district boundaries; providing purpose; providing for a governing board and its membership, compensation, and duties; providing requirements for financial disclosure, meeting notices, reporting, public records maintenance, and per diem expenses; providing for the issuance of bonds; providing for elections; authorizing the levy of taxes, non-ad valorem assessments, fees, and service charges; providing for termination of the district; providing for construction and severability; repealing chapters 7973 (1919), 8896 (1921), 9635 (1923), 11129 (1925), 12106 (1927), 12108 (1927), 12109 (1927), 14773 (1931), 14774 (1931), 14775 (1931), 16089 (1933), 22111 (1943), 22714 (1945), 26790 (1951), 28379 (1953), 28647 (1953), 57-842, 59-979, 59-980, 65-1225, 69-1544, 96-529, and 2012-237, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Negron, by two-thirds vote **CS for HB 981** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

CS for HB 1013—A bill to be entitled An act relating to the Technological Research and Development Authority, Brevard County; abolishing the authority; transferring all assets and liabilities of the authority to the county; repealing ch. 2005-337, Laws of Florida, relating to creation of the authority; providing effective dates.

—was read the second time by title. On motion by Senator Gardiner, by two-thirds vote **CS for HB 1013** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

HB 1027—A bill to be entitled An act relating to the Broward County Education, Research, and Training Authority, Broward County; repealing chapter 94-431, Laws of Florida, relating to the creation of the authority; abolishing the authority; transferring assets and liabilities of the authority; providing an effective date.

—was read the second time by title. On motion by Senator Sobel, by two-thirds vote **HB 1027** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

CS for HB 1069—A bill to be entitled An act relating to the Emerald Coast Utilities Authority, Escambia County; amending chapter 2001-324, Laws of Florida; revising the frequency of a management efficiency audit; providing an effective date.

—was read the second time by title. On motion by Senator Evers, by two-thirds vote **CS for HB 1069** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—36

Abruzzo	Detert	Hays
Altman	Diaz de la Portilla	Hukill
Bean	Evers	Joyner
Benacquisto	Flores	Latvala
Brandes	Galvano	Legg
Braynon	Garcia	Montford
Bullard	Gardiner	Negron
Clemens	Gibson	Richter
Dean	Grimsley	Ring

Sachs	Smith	Stargel
Simmons	Sobel	Thompson
Simpson	Soto	Thrasher

Nays—None

CS for HB 1171—A bill to be entitled An act relating to St. Lucie and Martin Counties; amending chapter 2012-45, Laws of Florida; revising provisions for the temporary distribution from Martin County to St. Lucie County of certain tax and assessment revenue collected in a portion of St. Lucie County being incorporated into Martin County; defining the term "tax and assessment revenue"; exempting certain revenue from distribution to St. Lucie County; revising the annual date of such distributions; providing an effective date.

—was read the second time by title. On motion by Senator Negron, by two-thirds vote **CS for HB 1171** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

SENATOR RICHTER PRESIDING

HB 1271—A bill to be entitled An act relating to the Central County Water Control District, Hendry County; amending chapter 2000-415, Laws of Florida; revising the legal description of the boundaries of the district; providing an effective date.

—was read the second time by title. On motion by Senator Bullard, by two-thirds vote **HB 1271** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

CS for HB 1281—A bill to be entitled An act relating to East County Water Control District, Hendry and Lee Counties; amending chapter 2000-423, Laws of Florida; authorizing the board of commissioners to exercise additional powers relating to public improvements and community facilities and their funding; providing for applicability; providing an effective date.

—was read the second time by title. On motion by Senator Benacquisto, by two-thirds vote **CS for HB 1281** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

HB 1283—A bill to be entitled An act relating to Nassau County; amending chapter 81-440, Laws of Florida; revising criteria for special alcoholic beverage licenses for restaurants within the county; providing an effective date.

—was read the second time by title. On motion by Senator Bean, by two-thirds vote **HB 1283** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

HB 1287—A bill to be entitled An act relating to the Tohopekaliga Water Authority, Osceola County; amending chapter 2003-368, Laws of Florida; revising the terms of members of the authority; providing an effective date.

—was read the second time by title. On motion by Senator Soto, by two-thirds vote **HB 1287** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

HB 1367—A bill to be entitled An act relating to the Tampa Port Authority, Hillsborough County; amending chapter 95-488, Laws of Florida, as amended; deleting a requirement that certain expenditures be approved by an affirmative vote of a specified number of members of the authority; providing an effective date.

—was read the second time by title. On motion by Senator Brandes, by two-thirds vote **HB 1367** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

CS for HB 1403—A bill to be entitled An act relating to the Key Largo Wastewater Treatment District, Monroe County; amending chapter 2002-337, Laws of Florida, as amended; revising provisions relating to vacancies on the district's governing board; revising compensation of the governing board members, subject to annual adjustment according to a specified price index; providing an effective date.

—was read the second time by title. On motion by Senator Bullard, by two-thirds vote **CS for HB 1403** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

CS for HB 1411—A bill to be entitled An act relating to Pinellas County; amending chapter 72-666, Laws of Florida, as amended; updating terminology applicable to provisions relating to the Pinellas Police Standards Council; revising certain assessments of court costs that provide funding for the council; providing an effective date.

—was read the second time by title. On motion by Senator Latvala, by two-thirds vote **CS for HB 1411** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

HB 4037—A bill to be entitled An act relating to Broward County; repealing chapter 12554 (1927), Laws of Florida, relating to saltwater fishing; providing an effective date.

—was read the second time by title. On motion by Senator Sobel, by two-thirds vote **HB 4037** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

HB 4039—A bill to be entitled An act relating to Broward County; repealing chapter 8636 (1921), Laws of Florida, relating to fishing; providing an effective date.

—was read the second time by title. On motion by Senator Sobel, by two-thirds vote **HB 4039** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

HB 4053—A bill to be entitled An act relating to the City of Pensacola, Escambia County; repealing chapters 84-510, 86-447, 86-450, 88-537, and 90-473, Laws of Florida; repealing the Civil Service System for city employees; providing an effective date.

—was read the second time by title. On motion by Senator Evers, by two-thirds vote **HB 4053** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

MOTIONS

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 Wednesday, May 1.

On motion by Senator Thrasher, the rules were waived and a deadline of one hour after availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Wednesday, May 1.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Thrasher, by two-thirds vote **CS for SB 518** was withdrawn from the Committees on Appropriations Subcommittee on Finance and Tax; and Appropriations; **CS for SB 632**, **CS for SB 1216**, **SB 1322**, **CS for CS for SB 1482**, **CS for CS for SB 1666**, and **CS for SB 1682** were withdrawn from the Committee on Appropriations; **CS for SB 550**, **CS for SB 696**, **CS for SB 814**, **CS for SB 1216**, and **CS for SB 1682** were withdrawn from the Committee on Judiciary; and **CS for CS for SB 58** was withdrawn from the Committee on Rules.

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 Tuesday, April 30, 2013: CS for SB 626, CS for SB 808, CS for CS for SB 1840.

Respectfully submitted,
John Thrasher, Rules Chair
Lizbeth Benacquisto, Majority Leader
Christopher L. Smith, Minority Leader

Pursuant to Rule 4.18, the Rules Chair submits the following bills to be placed on the Local Bill Calendar for Tuesday, April 30, 2013: HB 855, HB 949, CS for HB 977, HB 979, CS for HB 981, CS for HB 1013, HB 1027, CS for HB 1069, CS for HB 1171, HB 1271, CS for HB 1281, HB 1283, HB 1287, HB 1367, CS for HB 1403, CS for HB 1411, HB 4037, HB 4039, HB 4053.

Respectfully submitted,
John Thrasher, Rules Chair

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

RETURNING MESSAGES — FINAL ACTION

The Honorable Don Gaetz, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for CS for SB 112, CS for SB 142, CS for CS for SB 166, SB 230, CS for SB 248, CS for SB 284, CS for SB 298, CS for CS for SB 398, CS for SB 454, CS for CS for SB 468, SB 520, SB 558, CS for SB 592, SB 604, CS for CS for SB 682, SB 736, CS for CS for SB 810, CS for SB 934, CS for SB 964, CS for CS for SB 1106, CS for SB 1302, CS for SB 1398, CS for SB 1420, CS for CS for CS for SB 1594, CS for SB 1768, SB 1784 and SB 1852; passed SB 1850 by the required constitutional two-thirds vote of the members voting in the House.

Robert L. "Bob" Ward, Clerk

The bills contained in the foregoing messages were ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 29 was corrected and approved.

ADJOURNMENT

On motion by Senator Thrasher, the Senate adjourned at 4:08 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Wednesday, May 1 or upon call of the President.