



Journal of the Senate

Number 16—Regular Session

Thursday, April 26, 2007

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[See end of Journal for Bill Action Summary]

CALL TO ORDER

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

Mr. President	Diaz de la Portilla	Margolis
Alexander	Dockery	Oelrich
Argenziano	Fasano	Peaden
Aronberg	Gaetz	Posey
Atwater	Geller	Rich
Baker	Haridopolos	Ring
Bennett	Hill	Saunders
Bullard	Jones	Siplin
Carlton	Joyner	Storms
Constantine	Justice	Villalobos
Crist	King	Webster
Dawson	Lawson	Wilson
Deutch	Lynn	Wise

Excused: Conferees periodically for the purpose of working on Property Taxes

PRAYER

The following prayer was offered by the Rev. David Throckmorton, First Baptist Church of Crystal River:

Father God, it is with deep humility that we approach you, our true and living God. We recognize your abundant and priceless blessings that you have bestowed upon this great land called the United States of America. We particularly thank you for the great State of Florida. Thank you for these present today who lead us in a myriad of governmental encumbrances and tasks.

At this crucial time in history, with families and friends at Virginia Tech trying to put their lives back together, with armed forces engaged in a despairing struggle in Iraq, with the challenges of our state and nation, we acknowledge the power of prayer that can and will make a difference in our nation.

We remember the words of a songwriter who said so appropriately:

God of grace and God of glory,
On thy people pour thy power;
Bend our pride to thy control.
Grant us wisdom, grant us courage,
For the facing of this hour.
Grant us wisdom, grant us courage,
That we fail not man nor thee,
That we fail not man nor thee.

Bless all who are gathered here today. We pray in the name of the Lord. Amen.

PLEDGE

Senate Pages Brittany Ann Laxton of Live Oak; Kallie Waters of Winter Garden; Kameron Dennis and Elizabeth Romig of Tallahassee, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. John Bailey of Tallahassee, sponsored by Senator Lawson, as doctor of the day. Dr. Bailey specializes in Psychiatry.

ADOPTION OF RESOLUTIONS

On motion by Senator King—

By Senators Dawson, Pruitt, Alexander, Argenziano, Aronberg, Atwater, Baker, Bennett, Bullard, Carlton, Constantine, Crist, Deutch, Diaz de la Portilla, Dockery, Fasano, Gaetz, Garcia, Geller, Haridopolos, Hill, Jones, Joyner, Justice, King, Lawson, Lynn, Margolis, Oelrich, Peaden, Posey, Rich, Ring, Saunders, Siplin, Storms, Villalobos, Webster, Wilson and Wise—

SR 3052—A resolution expressing the condolences of the Florida Senate on the tragic events at Virginia Polytechnic Institute and State University.

WHEREAS, on April 16, 2007, a student, Cho Seung-Hui, opened fire in a dormitory and classroom building on the Virginia Tech campus, killing 32 people before committing suicide, and

WHEREAS, Virginia Tech, the commonly used name for the Virginia Polytechnic Institute and State University, is located in Blacksburg, Virginia, was founded in 1872 as a land-grant college, and now has more than 25,000 full-time students attending eight colleges and graduate programs on its 2,600-acre campus, and

WHEREAS, even in the midst of this terrible tragedy, the students and faculty of Virginia Tech have come together and shown to the world the true spirit of their community, which remains strong and enduring, NOW, THEREFORE,

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

That the Florida Senate offers its heartfelt condolences to the victims and their families and friends, and to the students, faculty, administrators, and staff members of Virginia Tech who have also been deeply affected by the horrific events.

BE IT FURTHER RESOLVED that the Florida Senate recognizes that with the support of this great nation, Virginia Polytechnic Institute and State University will continue to be a proud and exemplary institution.

—was introduced out of order and read by title. On motion by Senator King, **SR 3052** was read the second time in full and adopted.

At the request of Senator Rich—

By Senator Rich—

SR 3030—A resolution recognizing Eagle Point Elementary School in Weston, Florida, the highest-ranked elementary school in the state on the 2006 FCAT.

WHEREAS, Eagle Point Elementary School in Weston, Florida, is a school that emphasizes student achievement and positive student interactions and provides a wide range of opportunities for each child to develop academic interests and expertise in a positive, supportive environment, and

WHEREAS, for the sixth year in a row, Eagle Point Elementary has been designated one of the Top 100 schools in Florida, and also won one of three Little Red School House Awards and achieved the highest elementary school scores on the 2006 FCAT, and

WHEREAS, Eagle Point Elementary has also been honored with the Florida Five Star School Award for its business, community, and parent involvement, and earned the Golden State Award for volunteer hours, and

WHEREAS, Eagle Point emphasizes technology and is involved in Distance Learning, Promethean Interactive Technology, Riverdeep Internet Learning, and Successmaker Independent Technology Learning, and

WHEREAS, the vigorous efforts of the school’s Principal, Marelise LeClerc, and her team of skillful, dedicated teachers, with the active support of parents and volunteers, have expanded education at Eagle Point beyond the classrooms into a wide range of student clubs and other activities designed to build the confidence and skills of Eagle Point students and to foster character-building and positive group interactions as well as academic excellence, NOW, THEREFORE,

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

That the Senate congratulates the students of Eagle Point Elementary School on their outstanding performance on the 2006 FCAT and commends the school’s Principal, Teachers, Parents, and Community Supporters for their dedicated support of this fine school.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Marelise LeClerc, Principal of Eagle Point Elementary School, as a token of the sentiments of the Florida Senate.

—**SR 3030** was introduced, read and adopted by publication.

At the request of Senator Posey—

By Senator Posey—

SR 3058—A resolution recognizing the City of Oviedo as a rapidly growing city and a great place to live and do business in Florida.

WHEREAS, Oviedo was originally established around 1875 as the Lake Jesup Community and was populated by the Timucua clan, and

WHEREAS, the Lake Jesup Community was renamed the City of Oviedo in recognition of Florida’s Spanish heritage, and

WHEREAS, the City of Oviedo has established an informal sister city relationship with Oviedo, Spain, and

WHEREAS, the City of Oviedo was formally incorporated in 1925 when its population reached 800, and

WHEREAS, the City of Oviedo now has a population of 30,800, and

WHEREAS, the City of Oviedo is conveniently located in proximity to the Orlando area, and offers a small-town flavor, a family-oriented environment, and an excellent educational system, NOW, THEREFORE,

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

That April 25, 2007, is recognized as “City of Oviedo Day.”

—**SR 3058** was introduced, read and adopted by publication.

MATTERS ON RECONSIDERATION

The motion by Senator Siplin that the Senate reconsider the vote by which **CS for HB 97** passed April 25 was taken up and the motion was adopted.

SENATOR PEADEN PRESIDING

RECONSIDERATION OF BILL

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

CS for HB 97—A bill to be entitled An act relating to Medicare supplement policies; amending s. 627.672, F.S.; revising the definition of the term “Medicare supplement policy” to exclude a health insurance policy or other health benefit plan offered by one or more employers to employees or former employees; providing a limitation; providing an effective date.

—passed April 25.

On motion by Senator Baker, **CS for HB 97** was passed and certified to the House. The vote on passage was:

Yeas—19

Mr. President	Dockery	Rich
Alexander	Gaetz	Saunders
Aronberg	Haridopolos	Storms
Baker	Joyner	Villalobos
Bennett	Justice	Webster
Constantine	Oelrich	
Deutch	Peaden	

Nays—14

Bullard	Jones	Posey
Crist	King	Ring
Dawson	Lawson	Siplin
Fasano	Lynn	Wilson
Hill	Margolis	

Vote after roll call:

Yea—Diaz de la Portilla, Garcia, Wise

Nay—Argenziano

THE PRESIDENT PRESIDING

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

SPECIAL ORDER CALENDAR

On motion by Senator Fasano, by two-thirds vote **CS for HB 73** was withdrawn from the Committees on Criminal Justice; Governmental Operations; and General Government Appropriations.

On motion by Senator Fasano, by unanimous consent—

CS for HB 73—A bill to be entitled An act relating to labor organizations; providing a short title; creating s. 447.3075, F.S.; requiring that the officers of certain state law enforcement agencies be in a separate bargaining unit; providing an effective date.

—a companion measure, was taken up out of order and by two-thirds vote substituted for **CS for SB 128** and by two-thirds vote read the second time by title. On motion by Senator Fasano, by two-thirds vote **CS for HB 73** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fasano	Peaden
Alexander	Gaetz	Posey
Argenziano	Garcia	Rich
Aronberg	Haridopolos	Ring
Atwater	Hill	Saunders
Baker	Jones	Siplin
Bennett	Joyner	Storms
Bullard	Justice	Villalobos
Constantine	King	Webster
Crist	Lawson	Wilson
Dawson	Lynn	Wise
Deutch	Margolis	
Dockery	Oelrich	

Nays—None

Vote after roll call:

Yea—Carlton, Diaz de la Portilla

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

BILLS ON THIRD READING

SENATOR PEADEN PRESIDING

Consideration of **CS for SB’s 2730 and 1596** and **CS for SB 1900** was deferred.

CS for CS for SB 1792—A bill to be entitled An act relating to the Department of Corrections; amending s. 316.003, F.S.; including vehicles operated by the department within the definition of the term “authorized emergency vehicles” for purposes of the Florida Uniform Traffic Control Law; amending s. 316.2397, F.S.; authorizing the department to operate vehicles that have emergency lights and sirens; amending s. 945.215, F.S.; providing for the funds in the Employee Benefit Trust Fund to be used for certain additional purposes; limiting the types of donations that the department may accept for deposit into the fund; requiring that the fund be subject to oversight by the Secretary of Corrections and an annual audit; requiring that the department provide an annual report concerning allocations from the trust fund at the request of the Legislature and Governor; requiring that the department adopt rules; amending s. 945.21501, F.S.; requiring that facilities constructed using funds from the Employee Benefit Trust Fund provide maximum benefit for all employees; requiring that the department adopt rules; amending s. 948.06, F.S.; authorizing the court to issue a notice to appear for certain violators; providing for service of notices to appear; providing for tolling of the probationary period; providing for the use of a notification letter of a technical violation of a term of probation or community control; authorizing the court to allow the submission of certain documents electronically or by facsimile; requiring the Department of Corrections to provide the court with recommendations as to disposition by the court; requiring the Department of Corrections to conduct a study and submit a report; providing an effective date.

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

On motion by Senator Argenziano, **CS for CS for SB 1792** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Constantine	Garcia
Alexander	Crist	Haridopolos
Argenziano	Dawson	Hill
Aronberg	Deutch	Jones
Atwater	Diaz de la Portilla	Joyner
Baker	Dockery	Justice
Bennett	Fasano	King
Bullard	Gaetz	Lawson

Lynn	Ring	Villalobos
Margolis	Saunders	Webster
Oelrich	Siplin	Wilson
Posey	Storms	Wise
Rich		

Nays—1

Geller

Vote after roll call:

Yea—Carlton, Peaden

Nay to Yea—Geller

CS for SB 988—A bill to be entitled An act relating to high-risk offenders; amending s. 322.141, F.S.; requiring distinctive markings for driver’s licenses and identification cards issued to persons who are designated as sexual predators or subject to registration as sexual offenders; requiring sexual predators and sexual offenders to obtain an updated or a renewed driver’s license or identification card; amending s. 322.212, F.S.; prohibiting the alteration of sexual predator or sexual offender markings on driver’s licenses or identification cards, for which there are criminal penalties; amending s. 775.21, F.S.; requiring sexual predators to obtain a distinctive driver’s license or identification card; amending s. 943.0435, F.S.; requiring sexual offenders to obtain a distinctive driver’s license or identification card; amending s. 944.607, F.S.; requiring specified offenders who are under the supervision of the Department of Corrections but are not incarcerated to obtain a distinctive driver’s license or identification card; amending s. 1012.465, F.S.; revising background screening requirements for certain noninstructional school district employees and contractors; creating s. 1012.467, F.S.; adding non-instructional contractors to those who must meet the screening requirements; defining the terms “noninstructional contractor,” “convicted,” and “school grounds”; providing for the submission of fingerprints; requiring school districts to screen results of criminal records checks; requiring the cost of background screening requirements to be borne by certain parties; providing a cap on fees that may be charged; authorizing the retention of fingerprints; providing a list of violations that such persons must not have committed if they are to satisfy the screening requirements; providing penalties; providing grounds for contesting denial of access to school grounds; providing reporting requirements; providing that the failure to meet requirements is a felony of the third degree; allowing certain educational entities to share information derived from checks of criminal history records; authorizing the Department of Law Enforcement to adopt rules; providing immunity from civil or criminal liability; creating s. 1012.468, F.S.; specifying exemptions for contractors; providing criteria and conditions; providing that exempted contractors are subject to a search of certain databases that list sexual predators and sexual offenders; providing consequences of a failure to meet the screening requirements; prohibiting school districts from conducting additional criminal history checks; specifying that the act does not create a private cause of action or a new duty of care or basis of liability; creating s. 1012.321, F.S.; creating an exception for certain instructional personnel; providing criteria; providing effective dates.

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

On motion by Senator Argenziano, **CS for SB 988** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Deutch	Justice
Alexander	Diaz de la Portilla	King
Argenziano	Dockery	Lawson
Aronberg	Fasano	Lynn
Atwater	Gaetz	Margolis
Baker	Garcia	Oelrich
Bennett	Geller	Peaden
Bullard	Haridopolos	Posey
Constantine	Hill	Rich
Crist	Jones	Ring
Dawson	Joyner	Saunders

Siplin Villalobos Wilson
 Storms Webster Wise

Nays—None

Vote after roll call:

Yea—Carlton

CS for SB 2312—A bill to be entitled An act relating to false claims; amending s. 68.081, F.S.; providing that the purpose of the Florida False Claims Act is to prevent the state from paying false and fraudulent claims; amending s. 68.082, F.S.; redefining the term “claim” to include claims filed electronically; providing that a person is liable for a civil penalty if he or she files a false or fraudulent claim; amending s. 68.083, F.S.; reducing time limits for false claim proceedings; amending s. 68.084, F.S.; revising the period in which a stay to conduct discovery may be granted; amending s. 68.085, F.S.; providing an award to the agency injured by the false or fraudulent claim; amending s. 68.089, F.S.; revising the time periods in which a civil action may be filed under the False Claims Act; providing an effective date.

—was read the third time by title.

On motion by Senator Oelrich, **CS for SB 2312** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Argenziano	Gaetz	Peaden
Aronberg	Garcia	Posey
Atwater	Geller	Rich
Baker	Haridopolos	Ring
Bennett	Hill	Saunders
Bullard	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dawson	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

Vote after roll call:

Yea—Carlton

Consideration of **CS for HB 449** was deferred.

CS for SB 1342—A bill to be entitled An act relating to crimes that involve or may facilitate the false personation of a law enforcement officer or other person; amending s. 316.2397, F.S., relating to unlawfully showing or displaying certain lights; providing that the unlawful display of blue lights is a first-degree misdemeanor; amending s. 843.08, F.S., relating to falsely personating an officer; prohibiting impersonation of a federal law enforcement officer; subdividing penalty provisions for the purpose of referencing such provisions; amending s. 843.081, F.S.; providing that the unlawful use of flashing or rotating blue lights is a third-degree felony rather than a misdemeanor; amending s. 843.085, F.S., relating to the unlawful use of police badges or other indicia of authority; clarifying that the offender’s intent to mislead another person is an element of such offense; providing penalties; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; ranking violations of ss. 843.08, 843.081, 843.085, and 843.0855, F.S., within the chart; providing an effective date.

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

On motion by Senator Argenziano, **CS for SB 1342** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Argenziano	Gaetz	Peaden
Aronberg	Garcia	Posey
Atwater	Geller	Rich
Baker	Haridopolos	Ring
Bennett	Hill	Saunders
Bullard	Jones	Siplin
Constantine	Joyner	Villalobos
Crist	Justice	Webster
Dawson	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	

Nays—None

Vote after roll call:

Yea—Carlton, Storms

CS for HB 339—A bill to be entitled An act relating to federal law enforcement officers; amending s. 784.07, F.S.; redefining the term “law enforcement officer” to include a federal law enforcement officer for purposes of certain enhanced penalties imposed for the offense of assault or battery of a law enforcement officer; amending s. 843.08, F.S.; adding federal law enforcement officer to offense of false personation; reenacting ss. 435.04(3)(a), 901.15(15), 921.0022(3)(b), (d), (f), and (g), 943.051(3)(b), and 985.11(1)(b), F.S., relating to screening standards, arrest without warrant, the offense severity ranking chart, and the fingerprinting of minors, to incorporate the amendments to ss. 784.07 and 843.08, F.S., in references thereto; providing an effective date.

—was read the third time by title.

On motion by Senator Crist, **CS for HB 339** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Argenziano	Gaetz	Posey
Aronberg	Garcia	Rich
Atwater	Geller	Ring
Baker	Haridopolos	Saunders
Bennett	Hill	Siplin
Bullard	Jones	Storms
Carlton	Joyner	Villalobos
Constantine	Justice	Webster
Crist	King	Wilson
Dawson	Lawson	Wise
Deutch	Lynn	
Diaz de la Portilla	Margolis	

Nays—None

CS for SB 1460—A bill to be entitled An act relating to judicial and execution sales of property; creating s. 702.55, F.S.; requiring that, before certain court-ordered sales of property, the lienholder serve notice on the property owner of the possibility of relief through the filing of a bankruptcy petition; specifying the content of the notice; providing for an affirmative defense for failing to provide notice; amending s. 56.021, F.S., relating to the required service of notice of potential relief through bankruptcy; conforming provisions to changes made by the act; amending s. 702.035, F.S.; clarifying that the number of days for publishing a notice relating to a foreclosure proceeding excludes legal holidays; providing an effective date.

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

On motion by Senator Joyner, **CS for SB 1460** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dockery	Margolis
Alexander	Fasano	Peaden
Argenziano	Gaetz	Posey
Aronberg	Garcia	Rich
Atwater	Geller	Ring
Baker	Haridopolos	Saunders
Bennett	Hill	Siplin
Bullard	Jones	Storms
Constantine	Joyner	Villalobos
Crist	Justice	Webster
Dawson	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	

Nays—None

Vote after roll call:

Yea—Carlton, Oelrich

SB 1448—A bill to be entitled An act relating to assistance for dependents of service members on active duty; amending s. 250.5206, F.S.; providing that eligibility for the Family Readiness Program continues for a specified period following termination of a service member's orders and his or her return home; revising provisions requiring that the inspector general conduct reviews and audits of the program; providing an effective date.

—was read the third time by title.

On motion by Senator Dockery, **SB 1448** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Argenziano	Gaetz	Peaden
Aronberg	Garcia	Posey
Atwater	Geller	Rich
Baker	Haridopolos	Ring
Bennett	Hill	Saunders
Bullard	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dawson	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

Vote after roll call:

Yea—Carlton

CS for SB 2196—A bill to be entitled An act relating to the Legislature; providing a short title; amending s. 11.143, F.S.; eliminating authority for members of a legislative committee to administer certain oaths and affirmations to witnesses; eliminating penalties for false swearing before a legislative committee; conforming to the creation of new provisions relating to oaths and affirmations before a legislative committee; creating s. 11.1435, F.S.; requiring persons who address a legislative committee to take an oath or affirmation of truthfulness; providing exceptions; requiring a member of the legislative committee to administer the oath or affirmation; providing criminal penalties for certain false statements before a legislative committee; authorizing the use of a signed appearance card in lieu of an oral oath or affirmation; prescribing conditions related to the use of the card; providing for penalties for making a false statement after signing the card; providing an effective date.

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

On motion by Senator Villalobos, **CS for SB 2196** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Argenziano	Gaetz	Peaden
Aronberg	Garcia	Posey
Atwater	Geller	Rich
Baker	Haridopolos	Ring
Bennett	Hill	Saunders
Bullard	Jones	Storms
Constantine	Joyner	Villalobos
Crist	Justice	Webster
Deutch	King	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—3

Dawson	Lawson	Siplin
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Vote after roll call:

Yea—Carlton

HB 143—A bill to be entitled An act relating to the Criminal Justice Standards and Training Commission; creating s. 943.132, F.S.; requiring the Criminal Justice Standards and Training Commission to adopt rules for the implementation of the federal Law Enforcement Officers Safety Act of 2004; requiring the commission to develop and authorize the issuance of a uniform firearms proficiency verification card; authorizing the use of specified facilities operating firing ranges for testing of persons other than law enforcement officers; providing an effective date.

—was read the third time by title.

On motion by Senator Crist, **HB 143** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Argenziano	Gaetz	Peaden
Aronberg	Garcia	Posey
Atwater	Geller	Rich
Baker	Haridopolos	Ring
Bennett	Hill	Saunders
Bullard	Jones	Storms
Constantine	Joyner	Villalobos
Crist	Justice	Webster
Dawson	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	

Nays—None

Vote after roll call:

Yea—Carlton

Consideration of **CS for CS for SB 1630** was deferred.

CS for SB 122—A bill to be entitled An act relating to child custody; creating s. 61.13002, F.S.; prohibiting a court from modifying child custody during the time a parent is activated, deployed, or temporarily assigned to military service; providing a limited exception; requiring reinstatement upon parent's return from military service; limiting application of the prohibition; providing an effective date.

—was read the third time by title.

On motion by Senator Posey, **CS for SB 122** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fasano	Oelrich
Argenziano	Gaetz	Peaden
Aronberg	Garcia	Posey
Atwater	Geller	Rich
Baker	Haridopolos	Ring
Bennett	Hill	Saunders
Bullard	Jones	Storms
Constantine	Joyner	Villalobos
Crist	Justice	Webster
Dawson	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Margolis	

Nays—None

Vote after roll call:

Yea—Alexander, Carlton, Siplin

SB 978—A bill to be entitled An act relating to court-ordered nonbinding arbitration; amending s. 44.103, F.S.; revising provisions relating to the presentation of testimony and evidence in court-ordered nonbinding arbitration proceedings; revising provisions relating to an award of specified costs in a trial de novo following arbitration against the party requesting the trial when the trial judgment differs from the arbitration award by a certain amount; providing an effective date.

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

On motion by Senator Aronberg, **SB 978** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Argenziano	Gaetz	Peaden
Aronberg	Garcia	Posey
Atwater	Geller	Rich
Baker	Haridopolos	Ring
Bennett	Hill	Saunders
Bullard	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dawson	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

CS for SB 142—A bill to be entitled An act relating to change of name; amending s. 68.07, F.S.; requiring that a person filing a petition for change of name submit fingerprints for a state and national criminal history records check before the court hearing on the petition; providing an exception to such requirement; providing procedures for the taking and submission of fingerprints; providing for the payment of costs associated with processing fingerprints and conducting criminal history checks; requiring the return of the results of a criminal history records check to the clerk of court; providing for the scheduling of a hearing on a petition to restore a former name when a criminal history records check is required; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **CS for SB 142** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Aronberg	Bennett
Alexander	Atwater	Bullard
Argenziano	Baker	Constantine

Crist	Hill	Posey
Dawson	Jones	Rich
Deutch	Joyner	Ring
Diaz de la Portilla	Justice	Saunders
Dockery	King	Siplin
Fasano	Lawson	Storms
Gaetz	Lynn	Villalobos
Garcia	Margolis	Webster
Geller	Oelrich	Wilson
Haridopolos	Peaden	Wise

Nays—None

HB 723—A bill to be entitled An act relating to correctional and law enforcement officer discipline; amending s. 112.533, F.S.; requiring that certain investigative reports include a statement relating to compliance with ss. 112.532 and 112.533, F.S., and that these reports be verified; requiring that certain statements be made under oath and subject to prosecution for perjury; providing an effective date.

—was read the third time by title.

On motion by Senator Haridopolos, **HB 723** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Argenziano	Gaetz	Peaden
Aronberg	Garcia	Posey
Atwater	Geller	Rich
Baker	Haridopolos	Ring
Bennett	Hill	Saunders
Bullard	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dawson	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

Vote after roll call:

Yea—Carlton

CS for CS for SB 2038—A bill to be entitled An act relating to real property electronic recording; creating s. 695.27, F.S.; providing a short title; providing definitions; providing for the validity of electronic documents relating to real property; providing for the recording of electronic documents by the county recorder; granting the Department of State rulemaking authority; creating the Electronic Recording Advisory Committee; providing the committee with certain powers and duties; providing for membership and meetings of the committee; providing that committee members shall serve without compensation and may not claim per diem and travel expenses from the Secretary of State; providing guidelines for the department, in consultation with the committee, to consider in adopting, amending, and repealing standards; providing for the termination of the committee; providing for uniformity of application and construction; specifying the relation to a federal act; amending s. 201.01, F.S.; providing that such electronic documents are subject to the same taxes as paper documents; amending s. 201.022, F.S.; providing for the electronic filing of certain required returns; providing an effective date.

—was read the third time by title.

On motion by Senator King, **CS for CS for SB 2038** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Argenziano	Atwater
Alexander	Aronberg	Baker

Bennett	Geller	Peaden
Bullard	Haridopolos	Posey
Constantine	Hill	Rich
Crist	Jones	Ring
Dawson	Joyner	Saunders
Deutch	Justice	Siplin
Diaz de la Portilla	King	Storms
Dockery	Lawson	Villalobos
Fasano	Lynn	Webster
Gaetz	Margolis	Wilson
Garcia	Oelrich	Wise

Nays—None

Vote after roll call:

Yea—Carlton

CS for CS for SB 448—A bill to be entitled An act relating to county funding of additional court personnel; amending s. 29.0081, F.S.; specifying that the county be considered the employer; providing that employees funded by the county under this section and other county employees may be aggregated for purposes of a flexible benefits plan; prescribing supervisory duties of the judicial circuit; revising the status of positions funded under the section; providing an effective date.

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

On motion by Senator Fasano, **CS for CS for SB 448** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Argenziano	Gaetz	Peaden
Aronberg	Garcia	Posey
Atwater	Geller	Rich
Baker	Haridopolos	Ring
Bennett	Hill	Saunders
Bullard	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dawson	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

Vote after roll call:

Yea—Carlton

CS for HB 311—A bill to be entitled An act relating to probate; amending s. 222.21, F.S.; specifying additional circumstances under which certain funds or accounts are not exempt from a surviving spouse's claims; amending s. 731.110, F.S.; providing a prerequisite to admitting a will to probate or appointing a personal representative under certain circumstances; amending s. 731.201, F.S.; defining the terms "collateral heir" and "descendant"; creating s. 731.401, F.S.; providing for enforceability of will or trust provisions requiring arbitration of certain disputes; amending ss. 732.102, 732.103, 732.104, 732.108, 732.401, and 732.507, F.S.; conforming provisions to new definitions; amending s. 732.2025, F.S.; revising the definition of "elective share trust"; amending ss. 732.2035 and 732.2075, F.S.; revising provisions relating to the elective estate and elective share; amending s. 732.4015, F.S.; revising a provision prohibiting devise of a homestead; creating s. 733.620, F.S.; providing for unenforceability and invalidity of certain will provisions exculpating personal representatives; amending s. 734.101, F.S.; increasing a time period for procedures relating to foreign personal representatives; amending s. 895.02, F.S.; correcting a cross-reference; providing an effective date.

—was read the third time by title.

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

Yeas—39

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Argenziano	Gaetz	Peaden
Aronberg	Garcia	Posey
Atwater	Geller	Rich
Baker	Haridopolos	Ring
Bennett	Hill	Saunders
Bullard	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dawson	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

Vote after roll call:

Yea—Carlton

Consideration of **CS for CS for CS for SB 2054** was deferred.

CS for CS for SB 1974—A bill to be entitled An act relating to state information technology; creating s. 14.204, F.S.; creating the Agency for Enterprise Information Technology within the Executive Office of the Governor; providing for the Governor and Cabinet to be the head of the agency; requiring that the agency be a separate budget entity that is not subject to the control of the Executive Office of the Governor; providing for an executive director of the agency to be subject to confirmation by the Senate; providing for the executive director to be the chief information officer of the state and the executive sponsor for all enterprise information technology projects; specifying the duties and responsibilities of the agency, which include defining architecture standards for information technology and developing a strategic enterprise information technology plan; requiring each state agency and the Agency Chief Information Officers Council to participate in the activities of the Agency for Enterprise Information Technology; amending s. 20.22, F.S.; removing the State Technology Office within the Department of Management Services; providing for a Technology Program within the department; amending s. 216.0446, F.S.; revising the duties of the Technology Review Workgroup within the Legislature to conform to the transfer of duties concerning the management of information technology for state agencies; amending s. 282.0041, F.S.; revising and providing definitions; creating s. 282.0055, F.S.; providing for the Agency for Enterprise Information Technology to oversee information technology services that are common to all executive branch agencies and for agency information technology services to be responsible for information technology within an individual state agency; creating s. 282.0056, F.S.; requiring the Agency for Enterprise Information Technology to develop a work plan; requiring that the work plan be approved by the Governor and Cabinet and submitted to the Legislature; requiring that certain specified policies be included in the initial work plan; requiring that the agency develop policy recommendations and strategies for consolidating computer rooms and data centers; requiring each state agency to provide assistance in the development of the work plan upon request; amending s. 282.20, F.S.; transferring management of the Technology Resource Center from the State Technology Office to the Department of Management Services; revising the duties of the center to conform to changes made by the act; requiring that the center submit its service rates and cost-allocation plan to the Agency for Enterprise Information Technology for review; amending s. 282.3055, F.S.; revising the duties of the agency chief information officers; amending s. 282.315, F.S.; revising the duties of the Agency Chief Information Officers Council; requiring that the council assist the Agency for Enterprise Information Technology in developing strategies for information technology services and projects and make policy recommendations; revising the membership of the council; providing for the appointment of a chair, vice chair, and secretary; amending s. 282.318, F.S.; providing duties of the Agency for Enterprise Information Technology with respect to the security of data and information technology resources; requiring state agencies to conduct a

comprehensive risk analysis at specified intervals, develop and update internal policies and procedures, and ensure compliance with certain security requirements; requiring the Agency for Enterprise Information Technology to designate a chief information security officer, develop standards for risk analyses and security audits, and provide training for agency information security managers; providing rulemaking authority; deleting provisions specifying duties of the Department of Management Services to conform to changes made by the act; amending s. 282.322, F.S.; requiring that the Agency for Enterprise Information Technology perform contract monitoring duties formerly performed by the Enterprise Project Management Office of the State Technology Office; amending s. 216.023, F.S.; requiring that certain legislative budget requests include the statutory reference to the policy requiring a new information technology project; amending s. 943.0313, F.S., relating to the Domestic Security Oversight Council; conforming terminology to changes made by the act; providing for the transfer of specified duties from the State Technology Office to the Department of Management Services; repealing ss. 186.022, 282.005, 282.101, 282.23, 282.3031, 282.3032, 282.3063, 282.310, and 287.057(24), F.S., relating to information technology strategic plans, duties of the State Technology Office, the State Strategic Information Technology Alliance, information resources management responsibilities, guiding principles, the Agency Annual Enterprise Resource Planning and Management Report, the State Annual Report on Enterprise Resource Planning and Management, and state strategic information technology alliances; amending ss. 215.95, 215.96, 282.102, 282.103, 282.107, 339.155, 381.90, 403.973, 408.05, 420.0003, 420.511, and 943.08, F.S., relating to the Financial Management Information Board and its coordination council, the State Technology Office, the SUNCOM Network, transportation planning, the Health Information Systems Council, expedited permitting, the Florida Center for Health Information and Policy Analysis, the state housing strategy and the Florida Housing Finance Corporation, the Criminal and Juvenile Justice Information System Council, and the public broadcasting program system; conforming cross-references and other references to provisions repealed by the act; providing appropriations and authorizing additional positions; providing an effective date.

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

MOTION

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

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

Amendment 1 (201432)—On page 12, lines 28-31, delete those lines and insert: *in statute to perform legislatively delegated functions. The supervision, design, delivery, and management of agency information technology defined in s. 282.0041(5) shall remain within the responsibility and control of the individual state agency.*

On motion by Senator Lawson, **CS for CS for SB 1974** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Lynn
Alexander	Dockery	Margolis
Argenziano	Fasano	Peadar
Aronberg	Gaetz	Posey
Atwater	Garcia	Rich
Baker	Geller	Ring
Bennett	Haridopolos	Saunders
Bullard	Hill	Siplin
Carlton	Jones	Storms
Constantine	Joyner	Villalobos
Crist	Justice	Webster
Dawson	King	Wilson
Deutch	Lawson	Wise

Nays—None

Vote after roll call:

Yea—Oelrich

CS for SB 2766—A bill to be entitled An act relating to wildlife; amending s. 372.86, F.S.; requiring the Fish and Wildlife Conservation Commission to establish a list of reptiles of concern subject to regulation; prohibiting the unlawful capturing, keeping, possessing, transporting, or exhibiting of venomous reptiles or reptiles of concern; authorizing the commission to inspect venomous reptiles or reptiles of concern held in captivity; requiring written reports of violations; authorizing the commission to revoke licenses and permits under certain circumstances; requiring the commission to adopt rules for the transportation of venomous reptiles or reptiles of concern; amending s. 372.87, F.S.; requiring licensure for the capturing, keeping, possessing, or exhibiting of venomous reptiles or reptiles of concern; providing for fees; authorizing the commission to reduce fees applicable to reptiles of concern under certain circumstances; requiring fee proceeds to be deposited into the State Game Trust Fund; specifying uses of the proceeds; amending s. 372.88, F.S.; providing for the bond required for the exhibition of venomous reptiles to be payable to the commission; providing for regulation of the capturing of venomous reptiles; providing for certain financial guarantees by Class I wildlife exhibitors; providing rulemaking authority; repealing s. 372.89, F.S., relating to the safe, secure, and proper housing of poisonous or venomous reptiles; repealing s. 372.90, F.S., relating to the transportation of poisonous or venomous reptiles; repealing s. 372.901, F.S., relating to the inspection of poisonous or venomous held in captivity; repealing s. 372.91, F.S., relating to who may open cages, pits, or other containers housing poisonous or venomous reptiles; renumbering s. 372.911, F.S., relating to rewards, to conform; amending s. 372.92, F.S.; providing criminal penalties for certain activities related to venomous reptiles or reptiles of concern; amending s. 372.935, F.S.; providing violation levels and applicable penalties relating to captive wildlife, including suspension or revocation of license; providing a definition; providing for commission limitations in certain administrative actions; providing an appropriation; providing effective dates.

—was read the third time by title.

On motion by Senator Posey, **CS for SB 2766** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peadar
Argenziano	Garcia	Posey
Aronberg	Geller	Rich
Atwater	Haridopolos	Ring
Baker	Hill	Saunders
Bennett	Jones	Siplin
Bullard	Joyner	Storms
Constantine	Justice	Villalobos
Crist	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Margolis	

Nays—None

Vote after roll call:

Yea—Carlton

CS for CS for SB 1818—A bill to be entitled An act relating to annual reports on the telecommunications industry; amending s. 364.386, F.S.; revising the due date of a report to the Legislature by the Florida Public Service Commission on industry competition; providing for the commission to request data from providers of local exchange telecommunications services; requiring such providers to file certain information with the commission; providing an effective date.

—was read the third time by title.

On motion by Senator Haridopolos, **CS for CS for SB 1818** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Argenziano	Atwater
Alexander	Aronberg	Baker

Bennett	Haridopolos	Posey
Bullard	Hill	Rich
Constantine	Jones	Ring
Crist	Joyner	Saunders
Deutch	Justice	Siplin
Diaz de la Portilla	King	Storms
Dockery	Lawson	Villalobos
Fasano	Lynn	Webster
Gaetz	Margolis	Wilson
Garcia	Oelrich	Wise
Geller	Peaden	

Nays—None

Vote after roll call:

Yea—Carlton

SB 1510—A bill to be entitled An act relating to public records; creating s. 556.113, F.S.; creating an exemption from public-records requirements for proprietary confidential business information held by the Sunshine State One-Call of Florida, Inc.; defining the term “proprietary confidential business information”; providing for future legislative repeal and review under the Open Government Sunset Review Act; providing findings of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Aronberg, **SB 1510** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Argenziano	Garcia	Posey
Aronberg	Geller	Rich
Atwater	Haridopolos	Ring
Baker	Hill	Saunders
Bennett	Jones	Siplin
Bullard	Joyner	Storms
Constantine	Justice	Villalobos
Crist	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Margolis	

Nays—None

Vote after roll call:

Yea—Carlton

CS for SB 1764—A bill to be entitled An act relating to the South Florida Water Management District; amending s. 373.073, F.S.; providing for two additional members to be appointed to the governing board of the South Florida Water Management District; revising the residence requirements for the members of the governing board; providing an effective date.

—was read the third time by title.

On motion by Senator Saunders, **CS for SB 1764** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Bullard	Gaetz
Alexander	Constantine	Garcia
Argenziano	Crist	Geller
Aronberg	Deutch	Haridopolos
Atwater	Diaz de la Portilla	Hill
Baker	Dockery	Jones
Bennett	Fasano	Joyner

Justice	Peaden	Storms
King	Posey	Villalobos
Lawson	Rich	Webster
Lynn	Ring	Wilson
Margolis	Saunders	Wise
Oelrich	Siplin	

Nays—None

Vote after roll call:

Yea—Carlton

Consideration of **CS for SB 1020**, **CS for SJR 3034**, **CS for SB 1022** and **CS for CS for SB 560** was deferred.

CS for CS for SB 1630—A bill to be entitled An act relating to the United States Marine Corps license plate; amending s. 320.08058, F.S.; revising authorized allocation of the annual use fee; providing an effective date.

—was read the third time by title.

On motion by Senator Hill, **CS for CS for SB 1630** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Argenziano	Garcia	Posey
Aronberg	Geller	Rich
Atwater	Haridopolos	Ring
Baker	Hill	Saunders
Bennett	Jones	Siplin
Bullard	Joyner	Storms
Constantine	Justice	Villalobos
Crist	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Margolis	

Nays—None

Vote after roll call:

Yea—Carlton

SPECIAL ORDER CALENDAR

SENATOR KING PRESIDING

Consideration of **SB 1202** was deferred.

By Senator Atwater—

CS for SB 1206—A bill to be entitled An act relating to warranty responsibility for motor vehicle dealers; amending s. 320.696, F.S.; providing that reasonable compensation for work, including labor and parts, is the same under warranty as under other circumstances unless the motor vehicle manufacturer, distributor, or importer demonstrates that the charges are proper; prohibiting a motor vehicle manufacturer, distributor, or importer from imposing a charge on a motor vehicle dealer for warranty work and certain products; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1206** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for SB 2434** was deferred.

By Senator Margolis—

CS for CS for SB's 352 and 240—A bill to be entitled An act relating to real property fraud; creating s. 817.545, F.S.; defining the term “mortgage lending process”; specifying the elements of the offense of real property fraud; providing that such offense is a third-degree felony; providing for venue with respect to the committed offense; providing penalties; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB's 352 and 240** was placed on the calendar of Bills on Third Reading.

By Senator Posey—

CS for CS for SB 1880—A bill to be entitled An act relating to motor vehicle insurance; requiring the Department of Financial Services and the Office of Insurance Regulation to conduct a comprehensive review of the Florida Motor Vehicle No-Fault Law; requiring a report to the Governor and the Legislature; repealing s. 19 of chapter 2003-411, Laws of Florida; abrogating the repeal of the Florida Motor Vehicle No-Fault Law as provided for in that section; reenacting ss. 627.730, 627.731, 627.732, 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403, and 627.7405, F.S., the Florida Motor Vehicle No-Fault Law, and providing for future review and repeal; providing appropriations and authorizing additional positions; providing an effective date.

—was read the second time by title.

MOTION

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

Senator Jones moved the following amendment which was adopted:

Amendment 1 (555432)(with title amendment)—On page 2, between lines 3 and 4, insert:

Section 2. (1) *By January 1 of each year, the state attorney in each judicial circuit receiving funds from the Department of Financial Services for the purposes of enforcing compliance with the Florida Motor Vehicle No-Fault Law shall provide to the department in a uniform manner the number of referrals, convictions, victims, and amount of restitution ordered and collected for cases prosecuted during the prior state fiscal year. In addition, for persons who are adjudicated guilty, the information must include the number of months of confinement and associated months of probation to which such persons were sentenced.*

(2) *The Department of Financial Services shall collect information relating to cases of insurance fraud occurring during the prior state fiscal year which involve the Florida Motor Vehicle No-Fault Law, including, but not limited to, the total number of initial referrals received, cases opened, cases presented for prosecution, cases closed, and convictions resulting from cases presented for prosecution by the Division of Insurance Fraud.*

(3) *By February 15, 2008, and each year thereafter, the Department of Financial Services shall provide a report containing the information described in subsections (1) and (2) to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 7, after the semicolon (;) insert: requiring the state attorneys in certain judicial circuits to provide information to the department concerning violations of the Florida Motor Vehicle No-Fault Law; requiring the department to collect information relating to cases of insurance fraud with respect to such law; requiring that the department report such information to the Governor and the Legislature;

Pursuant to Rule 4.19, **CS for CS for SB 1880** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By Senator Geller—

CS for CS for CS for SB 2434—A bill to be entitled An act relating to electronic gaming machines; amending s. 24.103, F.S.; providing definitions; amending s. 24.105, F.S.; providing powers and duties of the Department of the Lottery pertaining to video lottery games; creating s. 24.125, F.S.; providing for the adoption of rules; creating s. 24.126, F.S.; prohibiting certain persons from playing video lottery games; creating s. 24.127, F.S.; providing requirements for the operation of video lottery games; providing for fines and orders of suspension; providing a payout percentage; providing for a license fee; providing for the distribution of income; providing for weekly allocations; providing penalties; creating s. 24.128, F.S.; providing for the licensure of video lottery terminal vendors; providing for emergency rules; creating s. 24.129, F.S.; prohibiting certain local zoning ordinances; creating s. 24.130, F.S.; providing requirements for video lottery terminals; creating s. 24.131, F.S.; requiring video lottery terminal vendors to establish training programs for employees who service such terminals; requiring departmental approval of such programs; providing certification requirements for such employees; providing for the adoption of rules; creating s. 24.132, F.S.; requiring video lottery retailers to execute certain agreements governing the payment of purses and special thoroughbred racing awards; requiring the remittance of funds pursuant to such agreements; authorizing the department to sanction certain breeders; prohibiting the operation of video lottery games in the absence of agreements; requiring arbitration if agreements are not in place; requiring the video lottery retailer to make certain payments for the promotion of the racing industry; creating s. 24.133, F.S.; requiring operators of facilities where video lottery games are conducted to post certain signs regarding compulsive gambling; creating s. 24.134, F.S.; providing compulsive gambling programs; creating s. 24.136, F.S.; authorizing a caterer's license for video lottery retailers; creating s. 24.137, F.S.; prohibiting video lottery retailers from engaging in certain activities; creating s. 24.138, F.S.; providing for the exclusion of certain persons from a retailer's premises; creating s. 24.139, F.S.; requiring retailers to provide office space for department employees; amending s. 212.02, F.S.; excluding video lottery terminals from the definition of the term “coin-operated amusement machine” for purposes of the sales and use tax; amending s. 551.102, F.S.; defining the term “nonredeemable credits”; redefining the term “slot machine revenues”; amending s. 551.103, F.S.; deleting a requirement that the Division of Pari-mutuel Wagering annually adjust the amount of the bond supplied by a slot machine licensee; establishing the annual amount of bond required; providing for procedures for drug testing; amending s. 551.104, F.S.; providing for implementation of a drug-testing program; amending s. 551.1045, F.S.; providing procedures for temporary occupational licenses; deleting provisions for temporary licensees to be adopted within 180 days; amending s. 551.106, F.S.; establishing when payment of the annual slot machine license fee must be made by a licensee; providing for tax credits on slot machine revenues; amending s. 551.107, F.S.; authorizing the division to adopt rules to create a single occupational license; providing for validity; providing for additional disciplinary actions; amending s. 551.109, F.S.; exempting slot machine manufacturers and distributors, certain educational facilities, the division, and the Department of Law Enforcement from certain prohibitions against possessing slot machines at a place other than the licensee's facility under certain circumstances; authorizing agency rulemaking; amending s. 551.114, F.S.; increasing the number of slot machines a licensee may make available for play; amending s. 551.116, F.S.; increasing the hours that slot machine gaming areas may be open upon local government approval; amending s. 551.121, F.S.; authorizing automatic teller machines in certain areas of a pari-mutuel facility; excluding check cashing in the designated slot machine gaming areas; amending s. 849.15, F.S.; clarifying the authority to legally ship slot machines into the state under certain circumstances; providing an appropriation and authorizing additional positions; providing an effective date.

—was read the second time by title.

Senator Jones moved the following amendment which was adopted:

Amendment 1 (061112)—On page 28, line 8, delete “s. 550.105(2)(d).” and insert: *ss. 550.105 and 849.086(6).*

Pursuant to Rule 4.19, **CS for CS for CS for SB 2434** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By Senator Fasano—

CS for CS for SB 482—A bill to be entitled An act relating to motor vehicle registration; amending s. 320.02, F.S.; revising provisions relating to a voluntary check-off on motor vehicle registration and renewal application forms to distribute funds to the Miami Heart Research Institute, Inc.; authorizing a voluntary checkoff on motor vehicle registration and renewal application forms to distribute \$1 to the Children's Hearing Help Fund; providing an effective date.

—was read the second time by title.

Senator Fasano moved the following amendment which was adopted:

Amendment 1 (741404)—On page 1, line 23, delete “*stop heart disease*” and insert: *Stop Heart Disease*

Pursuant to Rule 4.19, **CS for CS for SB 482** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By Senator Fasano—

CS for SB 670—A bill to be entitled An act relating to pedestrian safety; amending ss. 316.075 and 316.130, F.S.; requiring a driver to stop at certain intersections to allow a pedestrian to cross a roadway when the pedestrian is either in the crosswalk or steps into the crosswalk; providing penalties; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 670** was placed on the calendar of Bills on Third Reading.

By Senator Jones—

CS for CS for SB's 1038 and 218—A bill to be entitled An act relating to slot machine gaming, as authorized by Section 23 of Article X of the State Constitution; amending s. 551.102, F.S.; defining the term “nonredeemable credits”; redefining the term “slot machine revenues”; amending s. 551.103, F.S.; deleting a requirement that the Division of Pari-mutuel Wagering annually adjust the amount of the bond supplied by a slot machine licensee; establishing the annual amount of bond required; providing for procedures for drug testing; amending s. 551.104, F.S.; providing for implementation of a drug-testing program; amending s. 551.1045, F.S.; providing procedures for temporary occupational licenses; deleting provisions for temporary licensees to be adopted within 180 days; amending s. 551.106, F.S.; establishing when payment of the annual slot machine license fee must be made by a licensee; amending s. 551.107, F.S.; authorizing the division to adopt rules to create a single occupational license; providing for validity; providing for additional disciplinary actions; amending s. 551.109, F.S.; exempting slot machine manufacturers and distributors, certain educational facilities, the division, and the Department of Law Enforcement from certain prohibitions against possessing slot machines at a place other than the licensee's facility under certain circumstances; authorizing agency rulemaking; amending s. 551.114, F.S.; increasing the number of slot machines a licensee may make available for play; amending s. 551.116, F.S.; increasing the hours that slot machine gaming areas may be open upon local government approval; amending s. 551.121, F.S.; authorizing automatic teller machines in certain areas of a pari-mutuel facility; excluding check cashing in the designated slot machine gaming areas; amending s. 849.15, F.S.; clarifying the authority to legally ship slot machines into the state under certain circumstances; providing an effective date.

—was read the second time by title.

Senator Jones moved the following amendments which were adopted:

Amendment 1 (382656)—On page 8, line 22, delete “s. 550.105(2)(d).” and insert: *ss. 550.105 and 849.086(6)*.

Amendment 2 (393482)(with title amendment)—On page 11, lines 17-24, delete those lines and insert:

551.116 Days and hours of operation.—Slot machine gaming areas may be open daily throughout the year. The slot machine gaming areas

may be open a cumulative amount of 18 hours per day on Monday through Friday and 24 for a maximum of 16 hours per day on Saturday and Sunday and on those holidays specified in s. 110.117(1).

And the title is amended as follows:

On page 2, lines 6 and 7, delete those lines and insert: *areas may be open*; amending s. 551.121, F.S.;

Amendment 3 (491776)(with title amendment)—On page 12, lines 20-25, delete those lines and insert:

(5) A slot machine, or the computer operating system linking the slot machine, may not be linked by any means to any other slot machine or computer operating system *within the facility* of a another slot machine licensee. A progressive system may not be used in conjunction with slot machines ~~within or~~ between licensed facilities.

And the title is amended as follows:

On page 2, line 11, after “areas,” insert: *allows for progressive games within the facility*;

Pursuant to Rule 4.19, **CS for CS for SB's 1038 and 218** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1844** was deferred.

By Senator Jones—

CS for CS for SB 902—A bill to be entitled An act relating to community associations; creating s. 712.11, F.S.; providing for the revival of certain covenants that have lapsed; amending s. 718.106, F.S.; prohibiting local governments from limiting the access of certain persons to beaches adjacent to or adjoining condominium property; providing an exception; amending s. 718.110, F.S.; revising provisions relating to the amendment of declarations; providing legislative findings and a finding of compelling state interest; providing criteria for consent to an amendment; requiring notice regarding proposed amendments to mortgagees; providing criteria for notification; providing for voiding certain amendments; amending s. 718.114, F.S.; providing that certain leaseholds, memberships, or other possessory or use interests shall be considered a material alteration or substantial addition to certain real property; amending s. 718.404, F.S.; providing retroactive application of provisions relating to mixed-use condominiums; amending s. 719.103, F.S.; providing a definition; amending s. 719.507, F.S.; prohibiting laws, ordinances, or regulations that apply only to improvements that are or may be subjected to an equity club form of ownership; amending s. 720.302, F.S.; revising governing provisions relating to corporations that operate residential homeowners' associations; amending s. 720.303, F.S.; revising application to include certain meetings; requiring the association to provide certain information to prospective purchasers or lienholders; authorizing the association to charge a reasonable fee for providing certain information; requiring the budget to provide for annual operating expenses; authorizing the budget to include reserve accounts for capital expenditures and deferred maintenance; providing a formula for calculating the amount to be reserved; authorizing the association to adjust replacement reserve assessments annually; authorizing the developer to vote to waive the reserves or reduce the funding of reserves for a certain period; revising provisions relating to financial reporting; revising time periods in which the association must complete its reporting; repealing s. 720.303(2), F.S., as amended, relating to board meetings, to remove conflicting versions of that subsection; creating s. 720.3035, F.S.; providing for architectural control covenants and parcel owner improvements; authorizing the review and approval of plans and specifications; providing limitations; providing rights and privileges for parcel owners as set forth in the declaration of covenants; amending s. 720.305, F.S.; providing that, where a member is entitled to collect attorney's fees against the association, the member may also recover additional amounts as determined by the court; amending s. 720.306, F.S.; providing that certain mergers or consolidations of an association shall not be considered a material or adverse alteration of the proportionate voting interest appurtenant to a parcel; amending s. 720.307, F.S.; requiring developers to deliver financial records to the board in any transition of association control to members; requiring certain information to be included in the records and for the records to be prepared in

a specified manner; amending s. 720.308, F.S.; providing circumstances under which a guarantee of common expenses shall be effective; providing for approval of the guarantee by association members; providing for a guarantee period and extension thereof; requiring the stated dollar amount of the guarantee to be an exact dollar amount for each parcel identified in the declaration; providing payments required from the guarantor to be determined in a certain manner; providing a formula to determine the guarantor's total financial obligation to the association; providing that certain expenses incurred in the production of certain revenues shall not be included in the operating expenses; amending s. 720.311, F.S.; revising provisions relating to dispute resolution; providing that the filing of any petition for arbitration or the serving of an offer for presuit mediation shall toll the applicable statute of limitations; providing that certain disputes between an association and a parcel owner shall be subject to presuit mediation; revising provisions to conform; providing that temporary injunctive relief may be sought in certain disputes subject to presuit mediation; authorizing the court to refer the parties to mediation under certain circumstances; requiring the aggrieved party to serve on the responding party a written offer to participate in presuit mediation; providing a form for such offer; providing that service of the offer is effected by the sending of such an offer in a certain manner; providing that the prevailing party in any subsequent arbitration or litigation proceedings is entitled to seek recovery of all costs and attorney's fees incurred in the presuit mediation process; requiring the mediator or arbitrator to meet certain certification requirements; removing a requirement relating to development of an education program to increase awareness of the operation of homeowners' associations and the use of alternative dispute resolution techniques; providing effective dates.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 902** was placed on the calendar of Bills on Third Reading.

By Senator Bullard—

SB 134—A bill to be entitled An act relating to cardrooms; amending s. 849.086, F.S.; providing for cardrooms to conduct games of dominoes; revising definitions; defining the term "dominoes"; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 134** was placed on the calendar of Bills on Third Reading.

By Senator Geller—

CS for CS for CS for SB 752 and CS for SB 1192—A bill to be entitled An act relating to cardrooms; amending s. 849.086, F.S.; defining the term "tournament"; clarifying that provisions authorizing cardrooms do not authorize video poker or certain other games or machines; revising license fees; revising hours of operation; authorizing the award of certain prizes; revising betting limits; authorizing tournaments; providing tournament requirements; providing an appropriation and authorizing additional positions; providing an effective date.

—was read the second time by title.

Senator Jones moved the following amendment which was adopted:

Amendment 1 (101940)—On page 3, line 6, delete "~~to be~~" and insert: to be

Senator Fasano moved the following amendments which were adopted:

Amendment 2 (201282)—On page 3, lines 10-26, delete those lines and insert:

(7) CONDITIONS FOR OPERATING A CARDROOM.—

(a) A cardroom may be operated only at the location specified on the cardroom license issued by the division, and such location may only be the location at which the pari-mutuel permitholder is authorized to

conduct pari-mutuel wagering activities pursuant to such permitholder's valid pari-mutuel permit or as otherwise authorized by law.

(b) *Any horserace, greyhound race, or jai alai permitholder licensed under this section may operate a cardroom at the pari-mutuel facility on any day for a cumulative amount of 12 hours if the permitholder meets the requirements under paragraph (5)(b). A cardroom may be operated at the facility*

Amendment 3 (092560)—On page 5, lines 15-25, delete those lines and insert:

(a) No wagering may be conducted using money or other negotiable currency. Games may only be played utilizing a wagering system whereby all players' money is first converted by the house to tokens or chips which shall be used for wagering only at that specific cardroom.

(b) The cardroom operator may limit the amount wagered in any game or series of games, but the maximum bet may not exceed \$5 \$2 in value. There may not be more than three raises in any round of betting. The fee charged by the cardroom for participation in the game shall not be

Pursuant to Rule 4.19, **CS for CS for CS for SB 752 and CS for SB 1192** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By Senator Saunders—

SB 1562—A bill to be entitled An act relating to operation of all-terrain vehicles; amending s. 316.2123, F.S.; authorizing a local government to limit the use of all-terrain vehicles to designated unpaved roadways under certain conditions; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1562** was placed on the calendar of Bills on Third Reading.

On motion by Senator Baker, by two-thirds vote **CS for HB 707** was withdrawn from the Committees on Transportation; and Criminal Justice.

On motion by Senator Baker—

CS for HB 707—A bill to be entitled An act relating to lights on motor vehicles; amending s. 316.2397, F.S.; revising provisions restricting the use of certain colored lights; providing for lights on vehicles owned or leased by private security agencies; removing reference to watch, guard, and patrol agencies licensed under specified provisions; providing an effective date.

—a companion measure, was substituted for **SB 1780** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 707** was placed on the calendar of Bills on Third Reading.

By Senator Crist—

CS for CS for SB 612—A bill to be entitled An act relating to wrecker services; creating chapter 508, F.S.; providing for regulatory oversight of wrecker services by the Department of Agriculture and Consumer Services; creating s. 508.101, F.S.; providing definitions; creating s. 508.102, F.S.; creating the Wrecker Operator Advisory Council within the Department of Agriculture and Consumer Services; directing the council to prepare recommendations relating to education and training and present the recommendations to the Legislature and the Commissioner of Agriculture; providing for membership, terms, and organization; providing for meeting procedures and recordkeeping; providing for reimbursement for travel and per diem expenses; directing the department to provide support services for the council; directing the council to review rules adopted by the department and to advise the department on certain matters relating to the wrecker industry; creating s. 508.103, F.S.; authorizing the department to adopt rules; creating s. 508.105,

F.S.; requiring wrecker companies to register annually with the department; providing for the registration application; providing for processing of fingerprints by the Department of Law Enforcement; requiring fees for processing; providing for issuance of registration certificate; requiring display of the certificate; providing requirements for advertisements; requiring notification of changes in registration information; requiring certain fees to be paid; requiring certain companies to obtain a local business tax receipt prior to registration renewal; requiring insurance coverage; requiring the department to notify the Department of Highway Safety and Motor Vehicles when a registration has been suspended or revoked; creating s. 508.106, F.S.; authorizing the Department of Agriculture and Consumer Services to deny, revoke, or refuse to renew the registration of a wrecker company under certain circumstances; creating s. 508.1061, F.S.; requiring a wrecker company to accept certain forms of payment; creating s. 508.107, F.S.; prohibiting certain acts; creating ss. 508.108 and 508.109, F.S.; providing administrative and civil penalties; creating s. 508.110, F.S.; providing for registration and renewal fees; creating s. 508.111, F.S.; providing for deposit and use of fees, penalties, and other funds; creating s. 508.112, F.S.; providing that the chapter does not apply to recovery agents; creating s. 508.113, F.S.; authorizing counties and municipalities to enact ordinances governing wrecker operators; providing for the department to enter into a cooperative agreement with a county or municipality for the referral, investigation, and prosecution of consumer complaints or enforcement of specified wrecker services provisions; creating s. 508.114, F.S.; requiring that a wrecker company maintain records of its services; creating s. 508.104, F.S.; prohibiting a person from owning, operating, or otherwise engaging in the business of a wrecker company without first registering with the department; requiring registration prior to issuance or renewal of local business tax receipt; excluding certain motor vehicle repair shops and dealers; creating s. 508.116, F.S.; providing criminal penalties; amending s. 120.80, F.S.; providing for appointment of a hearing officer by the director of the Division of the Florida Highway Patrol when a hearing is held to deny, suspend, or remove a wrecker company from participating in the wrecker allocation system; creating s. 205.1977, F.S.; prohibiting a county or municipality from issuing or renewing a business tax receipt for a wrecker company that is not registered with the Department of Agriculture and Consumer Services; amending s. 316.530, F.S., relating to towing requirements; conforming terminology; amending s. 320.01, F.S.; redefining the term "wrecker" for purposes of the Florida Statutes; amending s. 320.03, F.S., relating to withholding the motor vehicle registration plate or revalidation sticker; providing for application of provisions to wrecker companies rather than wrecker operators; amending s. 320.0706, F.S.; requiring a wrecker to display the registration license plate only on its front; amending s. 320.0821, F.S.; revising requirements for the issuance of wrecker license plates; requiring the license plate to be displayed on the front of the wrecker; amending s. 320.13, F.S., relating to dealer license plates; conforming terminology; reenacting ss. 316.550(4)(a) and (9) and 320.08(5)(d) and (e), F.S., relating to special wrecker permits and license taxes, to incorporate the amendment to s. 320.01, F.S., in references thereto; amending s. 321.051, F.S.; revising provisions for the Florida Highway Patrol wrecker operator system; changing the designation to "wrecker allocation system"; providing definitions; revising provisions that authorize the Division of the Florida Highway Patrol within the Department of Highway Safety and Motor Vehicles to establish the system; revising requirements for the system; limiting the system to using certain registered wrecker companies; revising wrecker eligibility requirements; revising provisions for procedures for appeal of final orders by the department denying, suspending, or revoking eligibility to participate; prohibiting an unauthorized wrecker company and wrecker operators dispatched by an unauthorized company from engaging in certain activities; requiring those operators to disclose certain information to the owner or operator of a wrecked or disabled vehicle prior to towing; providing penalties; providing for a law enforcement officer to dispatch an authorized wrecker company other than a company requested by the vehicle owner or operator or to dispatch a company out of rotation; amending s. 323.001, F.S.; revising procedures for placement of a hold on a vehicle at a storage facility; providing for placement of a hold by a law enforcement agency; providing definitions; revising provisions for payment of towing and storage charges; revising rate limitation provisions; amending s. 323.002, F.S.; revising provisions for county and municipal wrecker operator systems; changing the designation to "wrecker allocation systems"; providing definitions; limiting the systems to using certain registered wrecker companies; prohibiting an unauthorized wrecker company and wrecker operators dispatched by an unauthorized company from engaging in certain activities; requiring those operators to disclose certain information to the owner or operator of a

wrecked or disabled vehicle prior to towing; providing penalties; providing for a law enforcement officer to dispatch an authorized wrecker company other than a company requested by the vehicle owner or operator or to dispatch a company out of rotation; amending s. 713.78, F.S.; providing for claim of lien by a wrecker company for recovering, removing, or storing a vehicle or vessel; conforming provisions to changes made by the act; providing definitions; requiring notification to the vehicle or vessel owners, insurers, and lienholders; providing for a law enforcement agency to obtain information from the Department of Highway Safety and Motor Vehicles and provide the information to the wrecker company; providing notice procedures; providing for content of the notice; providing for notice to the agency of jurisdiction if the vehicle or vessel owner or lienholder cannot be identified; revising procedures for complaint by the vehicle or vessel owner; providing for release of the vehicle or vessel; requiring damages, attorney's fees, and costs to be awarded by the court; requiring immediate payment of recovery, towing, and storage fees to be ordered by the court; providing for notice and sale of the vehicle or vessel by the wrecker company; providing for distribution of proceeds; providing for discharge of liens and issuance of certificate of title; providing immunity from liability for a wrecker company, its operators, and other employees or agents under certain conditions; providing for a presumption of the use of reasonable care; requiring wrecker company information to be printed on the wrecker; specifying that failure to make good faith, best efforts to comply with notice requirements precludes imposition of storage charges; requiring a wrecker company to provide access to the vehicle or vessel; requiring release of the vehicle, vessel, or personal property to the owner or agent of the owner; requiring the wrecker company to obtain a certificate of destruction in lieu of a certificate of title when the vehicle or vessel is to be dismantled, destroyed, or changed in such a manner that it is not the motor vehicle or vessel described in the certificate of title; providing for issuance of the certificate of destruction by the county tax collector; providing requirements for application for the certificate of destruction; providing for reassignment of the certificate of destruction; authorizing the Department of Highway Safety and Motor Vehicles to adopt rules; providing penalties for specified violations; authorizing the Department of Highway Safety and Motor Vehicles to inspect wrecker company records; directing the Department of Highway Safety and Motor Vehicles, upon notice of lien from a wrecker company, to place the name of the owner of the vehicle or vessel on the list of those persons who may not be issued a license plate or revalidation sticker for a motor vehicle; providing for forms for the notice of lien; providing for dispute by the owner; providing for the owner's name to be removed from the list of those persons who may not be issued a license plate or revalidation sticker for a motor vehicle; providing for lien expiration; requiring a certificate of discharge to be issued by the wrecker company; providing for certain fees and charges; providing for application and exceptions; clarifying that the amendments made by the act do not affect the validity of prior liens; amending s. 715.07, F.S., revising provisions for the towing and storage of vehicles and vessels parked on real property without permission; providing definitions; providing requirements for storage facility operation; providing requirements for a wrecker company, its operators, and other employees or agents; prohibiting a wrecker company, a wrecker operator, or another employee or agent of a wrecker company from paying or accepting payment for the privilege of removing vehicles or vessels from a particular location; revising requirements for tow-away signs to be posted by property owners; requiring a wrecker company to maintain rate schedules with the local law enforcement agency and to post rates and contracts at its storage facility; revising requirements for certain signage on a wrecker; providing immunity from liability for a wrecker company, its operators, and other employees or agents if entry into the vehicle or vessel is performed with reasonable care; revising provisions for release of the vehicle or vessel; providing that failure to comply with notice requirements precludes a wrecker company from imposing certain towing or storage charges; providing penalties; repealing s. 1.01(15), F.S., relating to the definition of the term "wrecker operator"; providing an appropriation and authorizing additional positions; providing effective dates.

—was read the second time by title.

Pursuant to Rule 4.19, CS for CS for SB 612 was placed on the calendar of Bills on Third Reading.

By Senator Geller—

CS for SB 314—A bill to be entitled An act relating to condominiums; amending s. 718.117, F.S.; substantially revising provisions relating to the termination of the condominium form of ownership of a property; providing legislative findings; providing grounds for termination; providing powers and duties of the board of administration of the association; waiving certain notice requirements following natural disasters; providing requirements for a plan of termination; providing for the allocation of proceeds from the sale of condominium property; providing powers and duties of a termination trustee; providing notice requirements; providing a procedure for contesting a plan of termination; providing for award or recovery of attorney's fees and costs; providing rules for the distribution of property and sale proceeds; providing for the association's status following termination; allowing the creation of another condominium by the trustee; specifying an exclusion; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 314** was placed on the calendar of Bills on Third Reading.

By Senator Fasano—

SB 320—A bill to be entitled An act relating to trespass; amending s. 810.011, F.S.; providing that property that is owned or leased by a railroad or railway company does not have to satisfy the definition of "posted land" in order to obtain the benefits of ss. 810.09 and 810.12, F.S., in certain circumstances; reenacting s. 810.09(1)(a), F.S., relating to trespass on property other than structure or conveyance, for the purpose of incorporating the amendment to s. 810.011, F.S., in a reference thereto; providing an effective date.

—was read the second time by title.

Senator Siplin moved the following amendment which failed:

Amendment 1 (400186)(with title amendment)—On page 2, between lines 12 and 13, insert:

A railroad company may not close or obstruct a railroad crossing, easement, right of use, or other right of access over railroad land if such closure or obstruction would prevent ingress or egress to any real property abutting such railroad land.

And the title is amended as follows:

On page 1, line 8, after the semicolon (;) insert: prohibiting railroads from obstructing access to real property abutting railroad land;

Pursuant to Rule 4.19, **SB 320** was placed on the calendar of Bills on Third Reading.

By Senator Baker—

CS for SB 1722—A bill to be entitled An act relating to motor vehicle dealers; amending s. 320.64, F.S.; revising provisions for grounds for denial, suspension, or revocation of license of a motor vehicle manufacturer, factory branch, distributor, or importer licensed by the Department of Highway Safety and Motor Vehicles to enter into franchise agreements with dealers; prohibiting certain charge-backs of warranty service payments made to a dealer unless certain procedures are followed; revising such procedures; prohibiting applicant or licensee from refusing to allow, limiting, or restricting a motor vehicle dealer acquisition or addition of operations for another line-make of motor vehicles without a showing that the acquisition or addition would impair the dealer's ability to adequately sell or service such applicant's or licensee's motor vehicles; amending s. 320.641, F.S.; revising procedures for a determination that a discontinuation, cancellation, or nonrenewal of a franchise agreement by the applicant or licensee is unfair; providing for a 180-day notice to cure an alleged breach of the agreement; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1722** was placed on the calendar of Bills on Third Reading.

CS for SB 2180—A bill to be entitled An act relating to trespass; amending s. 810.011, F.S.; defining the term "construction site" for specified purposes; amending s. 810.09, F.S.; revising provisions relating to trespassing on a construction site; providing for signage to notify the public of a covered construction site; providing an effective date.

—was read the second time by title.

Senator Bennett moved the following amendment which was adopted:

Amendment 1 (042734)(with directory and title amendments)—On page 2, between lines 11 and 12, insert:

(3) As used in this section, the term "authorized person" or "person authorized" means any owner, or his or her agent, or a community association authorized as an agent for the owner, or any law enforcement officer whose department has received written authorization from the owner, or his or her agent, or a community association authorized as an agent for the owner, to communicate an order to leave the property in the case of a threat to public safety or welfare.

And the directory clause is amended as follows:

On page 1, lines 18 and 19, delete said lines and insert:

Section 2. Paragraph (d) of subsection (2) and subsection (3) of section 810.09, Florida Statutes, are amended to read:

And the title is amended as follows:

On page 1, delete line 8 and insert: construction site; revising the definition of the terms "authorized person" or "person authorized"; providing an effective date.

MOTION

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

Senator Bennett moved the following amendment:

Amendment 2 (064782)(with title amendment)—On page 1, line 12 through page 2, line 11, delete those lines and insert:

Section 1. Subsection (5) of section 810.011, Florida Statutes, is amended, and subsection (13) is added to that section, to read:

810.011 Definitions.—As used in this chapter:

(5)(a) "Posted land" is that land upon which:

1. Signs are placed not more than 500 feet apart along, and at each corner of, the boundaries of the land, upon which signs there appears prominently, in letters of not less than 2 inches in height, the words "no trespassing" and in addition thereto the name of the owner, lessee, or occupant of said land. Said signs shall be placed along the boundary line of posted land in a manner and in such position as to be clearly noticeable from outside the boundary line; or

2.a. *Conspicuous purple paint marks are placed on trees or posts on the property, provided that the marks are:*

(I) *Vertical lines at least 1 inch in width and at least 8 inches in length;*

(II) *Placed so that the bottom of the mark is not less than 3 feet from the ground or more than 5 feet from the ground; and*

(III) *Placed at locations that are readily visible to any person approaching the property and no more than 1,000 feet apart on forest land.*

b. *Beginning October 1, 2007, when a landowner uses the purple posting to identify a "no trespassing" area, those marks shall be accompanied by signs placed conspicuously and at all places where entry to the property is normally expected explaining that the purple paint marks mean no trespassing, property restricted, or a similar explanation of what the purple paint marks indicate. Property that is fenced or not fenced and using the purple paint marks shall have signs placed conspicuously and at all places where entry to the property is normally expected. On and after October 1, 2009, no sign shall be required to explain the purple posting.*

(b) It shall not be necessary to give notice by posting on any enclosed land or place not exceeding 5 acres in area on which there is a dwelling house in order to obtain the benefits of ss. 810.09 and 810.12 pertaining to trespass on enclosed lands.

(13) “Construction site” means any property upon which there is construction for which a building permit is a requirement.

Section 2. Paragraph (d) of subsection (2) of section 810.09, Florida Statutes, is amended to read:

810.09 Trespass on property other than structure or conveyance.—

(2)

(d)1. The offender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property trespassed upon is a construction site greater than 1 acre in area which that is legally posted and identified in substantially the following manner: “THIS AREA IS A DESIGNATED CONSTRUCTION SITE, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY.”

2. The offender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property trespassed upon is a construction site of 1 acre or less in area and is identified as such with a sign that appears prominently, in letters of not less than 2 inches in height, and reads in substantially the following manner: “THIS AREA IS A DESIGNATED CONSTRUCTION SITE, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY.” The sign shall be placed at the location on the property where the permits for construction are located. For construction sites of 1 acre or less as provided in this subparagraph, it is not necessary to give notice by posting as defined in s. 810.011(5).

Section 3. Section 810.10, Florida Statutes, is amended to read:

810.10 Posted land; removing notices unlawful; penalty.—

(1) It is unlawful for any person to willfully remove, destroy, mutilate, or commit any act designed to remove, mutilate, or reduce the legibility or effectiveness of any posted notice placed by the owner, tenant, lessee, or occupant of legally enclosed or legally posted land pursuant to any law of this state for the purpose of legally enclosing the same.

(2) Any person violating the provisions of this section commits ~~shall be guilty of a felony~~ ~~misdemeanor~~ of the ~~third~~ ~~second~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

Section 4. Subsection (1) of section 810.115, Florida Statutes, is amended to read:

810.115 Breaking or injuring fences.—

(1) Whoever willfully and maliciously breaks down, mars, injures, defaces, cuts, or otherwise creates or causes to be created an opening, gap, interruption, or break in any fence, or any part thereof, belonging to or enclosing land not his or her own, or whoever causes to be broken down, marred, injured, defaced, or cut any fence belonging to or enclosing land not his or her own, commits a ~~felony~~ ~~misdemeanor~~ of the ~~third~~ ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

Section 5. Section 810.125, Florida Statutes, is created to read:

810.125 Injury to certain trespassers on agricultural land; recovery limited.—Any person intentionally and knowingly trespassing on agricultural property who is injured or harmed on such property shall be barred from bringing suit against a person owning or controlling an interest in the real property that is the subject of the trespass for any injury or harm arising to the trespasser during the course and scope of his or her unlawful conduct.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 3-8, delete those lines and insert: 810.011, F.S.; revising the definition of “posted land” to provide an alternative method of posting; defining the term “construction site” for specified purposes;

amending s. 810.09, F.S.; revising provisions relating to trespassing on a construction site; providing for signage to notify the public of a covered construction site; amending s. 810.10, F.S.; increasing criminal penalties for certain offenses relating to notices on posted land; amending s. 810.115, F.S.; increasing criminal penalties for certain offenses relating to breaking or injuring fences; creating s. 810.125, F.S.; limiting liability for injury to certain trespassers on agricultural property; providing an effective date.

On motion by Senator Bennett, further consideration of **CS for SB 2180** with pending **Amendment 2 (064782)** was deferred.

By Senator Wise—

CS for CS for SB 920—A bill to be entitled An act relating to cosmetology; amending s. 477.013, F.S.; providing and revising definitions; redefining “cosmetology” to include hair technician, esthetician, and nail technician services; including body wrapping within esthetician services; removing a distinction between specialty salons and other salons; defining the terms “cosmetology intern” and “internship sponsor”; creating s. 477.0131, F.S.; authorizing licensure for hair technicians, estheticians, nail technicians, and cosmetologists; amending s. 477.0132, F.S.; eliminating future body wrapping registrations; authorizing renewal of current body wrapping registrations; specifying that only the Board of Cosmetology may review, evaluate, and approve required text; amending s. 477.014, F.S.; revising requirements for qualification to practice under ch. 477, F.S.; authorizing current specialists to sit for licensure examinations in certain circumstances; providing for the renewal of current specialty registrations; amending s. 477.019, F.S.; revising qualification, education, licensure and renewal, supervised practice, and endorsement requirements for cosmetologist licenses to include and differentiate qualification, education, licensure and renewal, supervised practice, and endorsement requirements for hair technician, esthetician, and nail technician licenses; requiring the board to adopt certain procedures relating to licensure by endorsement; amending s. 477.0212, F.S.; requiring the board to adopt certain rules relating to license renewal or continuing education; amending s. 477.023, F.S.; stipulating that the Department of Education is not prevented from issuing grooming and salon services certification; creating s. 477.0231, F.S.; providing for the selection and placement of cosmetology interns; requiring a school program to provide written notice to the board regarding the internship sponsor and the cosmetology intern; providing requirements and duties of the internship sponsor; requiring a cosmetology salon to post notice regarding services of a student intern; requiring a cosmetology intern to possess written authorization to practice cosmetology; requiring the board to establish education prerequisites for cosmetology internships; authorizing the board to terminate an internship of a cosmetology intern or the sponsorship of an internship sponsor; requiring the board to give notice of termination; amending s. 477.025, F.S., relating to cosmetology and specialty salons, requisites, licensure, inspection, and mobile cosmetology salons, to conform; amending s. 477.026, F.S.; revising fee provisions to conform; amending s. 477.0263, F.S., to conform; specifying circumstances under which cosmetology or specialty services may be practiced outside of a licensed salon; amending s. 477.0265, F.S., relating to prohibited acts, to conform; amending s. 477.028, F.S., relating to disciplinary proceedings, to conform; amending s. 477.029, F.S., relating to penalties, to conform; repealing s. 477.0201, F.S., relating to specialty registration, qualifications, registration renewal, and endorsement; providing an appropriation; providing effective dates.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 920** was placed on the calendar of Bills on Third Reading.

By Senator Haridopolos—

CS for CS for CS for SB 2488—A bill to be entitled An act relating to recreational vehicle manufacturers, distributors, dealers, and importers; creating s. 320.3201, F.S.; providing legislative intent; creating s. 320.3202, F.S.; providing definitions; creating s. 320.3203, F.S.; providing requirements for a manufacturer/dealer agreement; requiring designation of the area of sales responsibility; providing conditions for sales outside the dealer’s area of sales responsibility; creating s. 320.3205, F.S.; providing requirements and procedures for termination, cancella-

tion, or nonrenewal of a manufacturer/dealer agreement by a manufacturer or a dealer; providing for the repurchase by the manufacturer of vehicles, accessories, parts and equipment, tools, signage, and machinery; requiring notification of a manufacturer when a dealer takes on an additional line-make; creating s. 320.3206, F.S.; providing for change in ownership by a dealer; requiring notice to the manufacturer; providing requirements for objection by the manufacturer; providing for a dealer to name a family member as a successor in case of retirement, incapacitation, or death of the dealer; providing requirements for objection to the successor by the manufacturer; creating s. 320.3207, F.S.; providing requirements for warrantors, manufacturers, and dealers with respect to warranty obligations; providing requirements for compensation of the dealer; authorizing warranty audits by the warrantor; requiring cause for denial of compensation; providing for disposition of warranty claims; prohibiting certain acts by the warrantor and the dealer; requiring notice of certain pending suits; creating s. 320.3208, F.S.; providing for inspection and rejection of a recreational vehicle upon delivery to a dealer; creating s. 320.3209, F.S.; prohibiting a manufacturer or distributor from coercing a dealer to perform certain acts; creating s. 320.3210, F.S.; providing for resolution when a dealer, manufacturer, distributor, or warrantor is injured by another party's violation; authorizing civil action; providing for mediation; providing for remedies; creating s. 320.3211, F.S.; providing administrative and criminal penalties for violations; providing for an administrative hearing to contest a penalty imposed by the department; amending s. 320.8225, F.S.; providing licensure requirements for distributors and importers; providing for severability; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for SB 2488** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for SB 998** was deferred.

By Senator Saunders—

CS for CS for CS for SB 1980—A bill to be entitled An act relating to the management of wildlife and saltwater fisheries; amending s. 320.08056, F.S.; increasing the annual use fee for the Sea Turtle specialty license plate; amending s. 320.08058, F.S.; authorizing the use of certain annual fees for specialty license plates to promote and market the plates; incorporating the amendments made to s. 370.12, F.S., in a reference thereto; amending s. 370.0603, F.S.; authorizing the deposit of certain funds into the Marine Resources Conservation Trust Fund; providing purposes for which funds may be used; amending s. 370.1105, F.S.; correcting a reference; amending s. 370.12, F.S.; authorizing use of certain annual use fees for specialty license plates to promote and market the plates; authorizing the Fish and Wildlife Conservation Commission to use certain annual use fees to buy back certain specialty license plates; amending s. 370.13, F.S.; authorizing the waiver of replacement tag fees for stone crab traps under certain conditions; providing for legislative approval of commission rules establishing equitable rent; deleting the suspension of stone crab endorsements for first violations; amending s. 370.135, F.S.; establishing certain endorsement fees for the taking of blue crabs; establishing an annual trap tag fee; authorizing the commission to establish an amount of equitable rent by rule; providing for legislative approval of the rule; authorizing the commission to waive endorsement and trap tag fees for a 1-year period; authorizing the waiver of blue crab trap replacement tag fees under certain conditions; requiring the deposit of certain proceeds into the Marine Resources Conservation Trust Fund; specifying the use of such proceeds; providing for the adoption of rules; providing administrative penalties for certain violations; prohibiting the unauthorized possession of blue crab trap gear or removal of blue crab trap contents and providing penalties therefor; providing penalties for certain other prohibited activities relating to blue crab traps, lines, buoys, and trap tags; providing penalties for fraudulent reports related to endorsement transfers; prohibiting certain activities during endorsement suspension and revocation; preserving state jurisdiction for certain convictions; providing requirements for certain license renewal; providing for the expiration of certain provisions unless reenacted by the Legislature; appropriating certain fee revenues to the commission for blue crab effort management program costs; amending ss. 370.14, 370.1405, and 370.142, F.S.; clarifying provisions regulating spiny lobsters; providing for legislative approval of rules establishing equitable rent; authorizing the waiver of spiny lobster trap

replacement fees under certain conditions; providing administrative penalties for certain violations concerning spiny lobsters; prohibiting transfer of spiny lobster certificates under certain conditions; amending s. 861.021, F.S.; clarifying provisions regulating spiny lobsters; amending s. 370.143, F.S.; revising provisions for certain trap retrieval programs and fees; authorizing the waiver of trap retrieval fees under certain conditions; amending s. 372.09, F.S.; authorizing the use of certain annual use fees for specialty license plates to promote and market the plates; amending s. 372.672, F.S.; authorizing use of certain annual use fees for specialty license plates to promote and market the plates; amending s. 372.83, F.S.; correcting cross-references; reenacting s. 380.511(1)(c), F.S., relating to deposit of proceeds from sale of certain specialty license plates, to incorporate the amendments made to s. 320.08058, F.S., in a reference thereto; amending s. 20.331, F.S.; requiring the Fish and Wildlife Conservation Commission to adopt and publish a rule establishing due process procedures; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for SB 1980** was placed on the calendar of Bills on Third Reading.

By Senator Saunders—

CS for CS for SB 1982—A bill to be entitled An act relating to recreational licenses and permits issued by the Fish and Wildlife Conservation Commission; amending s. 372.561, F.S.; authorizing the commission, tax collectors, and certain subagents to request and collect donations when selling a recreational license or permit; requiring the transfer of such donations to the Wildlife Foundation of Florida, Inc., to be used for specified purposes; amending s. 372.562, F.S.; revising the exemption under which a resident need not possess a license in order to fish in salt water from land or from a structure fixed to land; amending s. 372.57, F.S.; increasing the fees charged to residents and nonresidents for certain hunting and fishing licenses; requiring the commission to provide to the Governor and Legislature a report on activities funded from the sale of snook permits; creating a 3-day freshwater fishing license for nonresidents; correcting a reference to spiny lobster; authorizing the commission to increase license and permit fees every 5 years by rule; amending ss. 372.571 and 372.661, F.S.; conforming cross-references; reenacting ss. 372.5712(1), 372.5715(1), and 372.573, F.S., relating to revenues from the waterfowl permit, the wild turkey permit, and management area permits, to incorporate the amendment to s. 372.57, F.S., in references thereto; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1982** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 2836** was deferred.

By Senator Bennett—

CS for CS for SB 1198—A bill to be entitled An act relating to emergency communications systems; amending s. 365.171, F.S.; redesignating the Florida Emergency Telephone Act as the “Florida Emergency Communications Number E911 State Plan Act”; providing legislative intent; redefining the term “office” to mean the Technology Program designated by the Secretary of Management Services; revising the duties of the office regarding the state E911 system plan; revising provisions for content of the plan; designating the secretary as the director of the statewide emergency communications number E911 system; removing a provision authorizing the director to employ certain persons; directing the Public Service Commission to adopt rules relating to coin-free 911 calls to be followed by the telecommunications industry; requiring approval of the office for establishing or expanding an emergency communications number E911 system; removing a provision for existing emergency telephone service; authorizing the secretary of the department to apply for and accept federal funding assistance; removing provisions relating to imposition and collection of the 911 fee and to the indemnification of local telephone companies; removing a penalty for reporting false information that may result in an emergency response; amending s. 365.172, F.S.; redesignating the Wireless Emergency Communica-

tions Act as the “Emergency Communications Number E911 Act”; providing legislative intent; revising definitions; providing for administration of the fees collected; redesignating the Wireless 911 Board as the E911 Board; revising membership, powers, duties, and responsibilities of the board; redesignating the Wireless E911 Fee as the E911 Fee; requiring a study relating to collecting the fee on the sale of prepaid wireless service; revising provisions for use of revenue collected; providing for certain disbursements; providing for rates and collection from consumers of voice communication services; providing for the authorized use of the fees collected; providing for indemnification and limitation of liability for local exchange carriers; providing penalties for the misuse of the E911 system; exempting certain prepaid phone cards from provisions limiting expiration dates; authorizing additional positions and providing appropriations; providing an effective date.

—was read the second time by title.

Senator Bennett moved the following amendment which was adopted:

Amendment 1 (130378)—On page 55, lines 13 and 14, delete those lines and insert: *created in CS for CS for CS for Senate Bill 1638 or similar legislation, does not apply to prepaid calling arrangements as defined in s. 212.05(1)(e), Florida Statutes, including prepaid cards for wireless or wireline*

MOTION

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

Senator Bennett moved the following amendment which was adopted:

Amendment 2 (112582)—On page 18, line 12 through page 23, line 11, delete those lines and insert:

(q) “Medium county” means any county that has a population of 75,000 or more but less than 750,000.

(r) “Mobile telephone number” or “MTN” means the telephone number assigned to a wireless telephone at the time of initial activation.

(s) “Nonwireless category” means the revenues to the fund received from voice communications services providers other than wireless providers.

(t)(s) “Office” means the Technology Program within the Department of Management Services, as designated by the secretary of the department State Technology Office.

(u)(t) “Order” means:

1. The following orders and rules of the Federal Communications Commission issued in FCC Docket No. 94-102:

a. Order adopted on June 12, 1996, with an effective date of October 1, 1996, the amendments to s. 20.03 and the creation of s. 20.18 of Title 47 of the Code of Federal Regulations adopted by the Federal Communications Commission pursuant to such order.

b. Memorandum and Order No. FCC 97-402 adopted on December 23, 1997.

c. Order No. FCC DA 98-2323 adopted on November 13, 1998.

d. Order No. FCC 98-345 adopted December 31, 1998.

2. Orders and rules subsequently adopted by the Federal Communications Commission relating to the provision of wireless 911 services, including Order Number FCC-05-116, adopted May 19, 2005.

(v)(t) “Prepaid calling arrangements” has the same meaning as defined in s. 212.05(1)(e) ~~wireless telephone service” means wireless telephone service that is activated in advance by payment for a finite dollar amount of service or for a finite set of minutes that terminate either upon use by a customer and delivery by the wireless provider of an agreed-upon amount of service corresponding to the total dollar amount paid in advance or within a certain period of time following the initial purchase or activation, unless additional payments are made.~~

(v) “Provider” or “wireless provider” means a person or entity who provides service and either:

1. Is subject to the requirements of the order; or
2. Elects to provide wireless 911 service or E911 service in this state.

(w) “Public agency” means the state and any municipality, county, municipal corporation, or other governmental entity, public district, or public authority located in whole or in part within this state which provides, or has authority to provide, firefighting, law enforcement, ambulance, medical, or other emergency services.

(x) “Public safety agency” means a functional division of a public agency which provides firefighting, law enforcement, medical, or other emergency services.

(y) “Rural county” means any county that has a population of fewer than 75,000.

(z) “Service identifier” means the service number, access line, or other unique subscriber identifier assigned to a subscriber and established by the Federal Communications Commission for purposes of routing calls whereby the subscriber has access to the E911 system.

~~(z) “Service” means “commercial mobile radio service” as provided under ss. 3(27) and 332(d) of the Federal Telecommunications Act of 1996, 47 U.S.C., ss. 151 et seq., and the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66, August 10, 1993, 107 Stat. 312. The term “service” includes the term “wireless” and service provided by any wireless real-time two-way wire communication device, including radio-telephone communications used in cellular telephone service; personal communications service; or the functional or competitive equivalent of a radio-telephone communications line used in cellular telephone service, a personal communications service, or a network radio access line. The term does not include wireless providers that offer mainly dispatch service in a more localized, noncellular configuration; providers offering only data, one-way, or stored-voice services on an interconnected basis; providers of air-to-ground services; or public coast stations.~~

(aa) “Service number” means the unique 10-digit wireless telephone number assigned to a service subscriber.

(bb) “Sufficient positive balance” means a dollar amount greater than or equal to the monthly wireless surcharge amount.

(aa)(ee) “Tower” means any structure designed primarily to support a wireless provider’s antennae.

(bb) “Voice communications services” means two-way voice service, through the use of any technology, which actually provides access to E911 services, and includes communications services, as defined in s. 202.11, which actually provide access to E911 services and which are required to be included in the provision of E911 services pursuant to orders and rules adopted by the Federal Communications Commission. The term includes voice-over-Internet-protocol service. For the purposes of this section, the term “voice-over-Internet-protocol service” or “VoIP service” means interconnected VoIP services having the following characteristics:

1. The service enables real-time, two-way voice communications;
2. The service requires a broadband connection from the user’s locations;
3. The service requires IP-compatible customer premises equipment; and
4. The service offering allows users generally to receive calls that originate on the public switched telephone network and to terminate calls on the public switched telephone network.

(cc) “Voice communications services provider” or “provider” means any person or entity providing voice communications services, except that the term does not include any person or entity that resells voice communications service and was assessed the fee by its resale supplier.

(dd) “Wireless 911 system” or “wireless 911 service” means an emergency telephone system or service that provides a subscriber with the ability to reach an answering point by accessing the digits “911.”

(ee) "Wireless category" means the revenues to the fund received from a wireless provider.

(ff)(dd) "Wireless communications facility" means any equipment or facility used to provide service and may include, but is not limited to, antennae, towers, equipment enclosures, cabling, antenna brackets, and other such equipment. Placing a wireless communications facility on an existing structure does not cause the existing structure to become a wireless communications facility.

(gg) "Wireless provider" means a person who provides wireless service and:

1. Is subject to the requirements of the order; or
2. Elects to provide wireless 911 service or E911 service in this state.

(hh) "Wireless service" means "commercial mobile radio service" as provided under ss. 3(27) and 332(d) of the Federal Telecommunications Act of 1996, 47 U.S.C., ss. 151 et seq., and the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66, August 10, 1993, 107 Stat. 312. The term includes service provided by any wireless real-time two-way wire communication device, including radio-telephone communications used in cellular telephone service; personal communications service; or the functional or competitive equivalent of a radio-telephone communications line used in cellular telephone service, a personal communications service, or a network radio access line. The term does not include wireless providers that offer mainly dispatch service in a more localized, noncellular configuration; providers offering only data, one-way, or stored-voice services on an interconnected basis; providers of air-to-ground services; or public coast stations.

(ee) "Wireless 911 system" or "wireless 911 service" means an emergency telephone system or service that provides a subscriber with the ability to reach an answering point by dialing the digits "911." A wireless 911 system is complementary to a wired 911 system as provided for in s. 365.171.

Pursuant to Rule 4.19, **CS for CS for SB 1198** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By Senator Bennett—

CS for CS for SB 1200—A bill to be entitled An act relating to wireless communications funds; amending s. 365.173, F.S.; redesignating the Wireless Emergency Telephone System Fund as the "Emergency Communications Number E911 System Fund"; requiring that all revenues derived from a fee levied by a county on local exchange subscribers be paid into the State Treasury by a specified date and that the moneys be accounted for in a special fund; providing a methodology for the distribution of the funds; requiring counties to return money to the fund under certain circumstances; requiring a wireless provider to submit sworn invoices in order to support claims for reimbursement of allowable costs; requiring that funds in the E911 system fund on a specified date be returned to wireless providers for costs incurred before a specified date; providing procedures for reimbursement; requiring the Auditor General to annually audit the fund; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1200** was placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Atwater, by two-thirds vote **SB 720** was withdrawn from the Committee on Criminal and Civil Justice Appropriations; and **CS for CS for SB 1864** and **CS for SB 2498** were withdrawn from the Committee on General Government Appropriations.

On motion by Senator Dockery, by two-thirds vote **CS for SB 2534** was withdrawn from the Committee on Criminal and Civil Justice Appropriations; and **CS for SB 1934** was withdrawn from the Committee on Judiciary.

On motion by Senator Saunders, by two-thirds vote **CS for CS for SB 2858** was withdrawn from the Committee on Criminal Justice; **CS for SB 108** was withdrawn from the Committee on Education Pre-K - 12 Appropriations; and **CS for SB 760** and **CS for SB 2508** were withdrawn from the Committee on Health and Human Services Appropriations.

RECESS

On motion by Senator King, the Senate recessed at 12:56 p.m. to reconvene at 2:00 p.m.

AFTERNOON SESSION

SENATOR KING PRESIDING

The Senate was called to order by the President at 2:00 p.m. A quorum present—37:

Mr. President	Dockery	Peaden
Alexander	Fasano	Posey
Argenziano	Gaetz	Rich
Aronberg	Garcia	Ring
Atwater	Geller	Saunders
Baker	Hill	Siplin
Bennett	Jones	Storms
Bullard	Joyner	Villalobos
Constantine	Justice	Webster
Crist	King	Wilson
Dawson	Lynn	Wise
Deutch	Margolis	
Diaz de la Portilla	Oelrich	

SPECIAL ORDER CALENDAR, continued

By Senator Ring—

CS for SB 1844—A bill to be entitled An act relating to condominiums and cooperatives; amending s. 718.116, F.S.; prohibiting a condominium association from initiating a foreclosure action for assessments owed earlier than 30 days after the condominium association has given the unit owner written notice of the condominium association's intent to foreclose its lien to collect the unpaid assessments secured by the lien; providing procedures for delivery of the written notice to the unit owner; providing an exception; providing that if a unit owner makes a qualifying offer, the condominium association must suspend its foreclosure action or collection efforts and agree to allow the unit owner to pay all amounts due plus interest within 60 days after receipt of the qualifying offer; defining the term "qualifying offer"; providing procedures for acceptance of the qualifying offer; providing an exception; amending s. 719.108, F.S.; providing that if a unit owner makes a qualifying offer, the cooperative association must suspend its foreclosure action or collection efforts and agree to allow the unit owner to pay all amounts due plus interest within 60 days after receipt of the qualifying offer; defining the term "qualifying offer"; providing procedures for acceptance of the qualifying offer; providing an exception; providing an effective date.

—was read the second time by title.

MOTION

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

Senator Ring moved the following amendments which were adopted:

Amendment 1 (934576)(with title amendment)—On page 2, line 6 through page 5, line 18, delete those lines and insert:

Section 1. Section 720.3085, Florida Statutes, is created to read:

720.3085 *Payment for assessments; lien claims.*—

(1) *A parcel owner, regardless of how his or her title to property has been acquired, including by purchase at a foreclosure sale or by deed in lieu of foreclosure, is liable for all assessments that come due while he or she is the parcel owner. The parcel owner's liability for assessments may*

not be avoided by waiver or suspension of the use or enjoyment of any common area or by abandonment of the parcel upon which the assessments are made.

(2) A parcel owner is jointly and severally liable with the previous parcel owner for all unpaid assessments that came due up to the time of transfer of title. This liability is without prejudice to any right the present parcel owner may have to recover any amounts paid by the present owner from the previous owner.

(3) Assessments and installments on assessments that are not paid when due bear interest from the due date until paid at the rate provided in the declaration of covenants or the bylaws of the association, which rate may not exceed the rate allowed by law. If no rate is provided in the declaration or bylaws, interest accrues at the rate of 18 percent per year.

(a) If the declaration or bylaws so provide, the association may also charge an administrative late fee in an amount not to exceed the greater of \$25 or 5 percent of the amount of each installment that is paid past the due date.

(b) Any payment received by an association and accepted shall be applied first to any interest accrued, then to any administrative late fee, then to any costs and reasonable attorney's fees incurred in collection, and then to the delinquent assessment. This paragraph applies notwithstanding any restrictive endorsement, designation, or instruction placed on or accompanying a payment. A late fee is not subject to the provisions of chapter 687 and is not a fine.

And the title is amended as follows:

On page 1, lines 2-23, delete those lines and insert: An act relating to homeowners' associations; creating s. 720.3085, F.S.; providing that a parcel owner is liable for all assessments on a parcel; providing for the payment of interest and late fees on unpaid assessments; prioritizing the application of any payment received; prohibiting the placement of a restriction statement on the payment;

Amendment 2 (550318)(with title amendment)—On page 5, line 19 through page 7, line 2, delete those lines and insert:

(4) A homeowners' association may not file a claim of lien against a parcel for unpaid assessments unless a written notice or demand for past due assessments as well as any other amounts owed to the association pursuant to its governing documents has been made by the association. The written notice or demand must:

(a) Provide the owner with 45 days to make payment for all amounts due, including, but not limited to, any attorney's fees and actual costs associated with the preparation and delivery of the written demand.

(b) Be sent by registered or certified mail, return receipt requested, and by first-class United States Mail to the parcel owner at his or her last address as reflected in the records of the association, if the address is within the United States, and to the parcel owner subject to the demand at the address of the parcel if the owner's address as reflected in the records of the association is not the parcel address. If the address reflected in the records is outside the United States, then sending the notice to that address and to the parcel address by first-class United States mail is sufficient.

(5) The association may bring an action in its name to foreclose a lien for unpaid assessments secured by a lien in the same manner that a mortgage of real property is foreclosed and may also bring an action to recover a money judgment for the unpaid assessments without waiving any claim of lien. Such action may not be brought until 45 days after the parcel owner has been provided notice of the association's intent to foreclose and collect the unpaid amount.

(a) The association may recover any reasonable attorney's fees incurred in a lien foreclosure action or in an action to recover a money judgment for the unpaid assessments.

(b) The association may purchase the parcel at the foreclosure sale and hold, lease, mortgage, or convey the parcel.

(6) If after service of a summons on a complaint to foreclose a lien the parcel is not the subject of a mortgage foreclosure or a notice of tax certificate sale, or the parcel owner is not a debtor in bankruptcy proceedings, the parcel owner may serve and file with the court a qualifying offer

at any time before the entry of a foreclosure judgment. For purposes of this subsection, the term "qualifying offer" means a written offer to pay all amounts secured by the lien of the association plus interest accruing during the pendency of the offer at the rate of interest provided in this section. The parcel owner may make only one qualifying offer during the pendency of a foreclosure action.

(a) The parcel owner shall deliver a copy of the filed qualifying offer to the association's attorney by hand delivery or by certified mail, return receipt requested.

(b) The parcel owner's filing of the qualifying offer with the court stays the foreclosure action for the period stated in the qualifying offer, which may not exceed 60 days, to permit the parcel owner to pay the qualifying offer to the association plus any interest accruing during the pendency of the offer.

(c) The qualifying offer of the parcel owner must be in writing, be signed by the owner of the parcel and the spouse of the owner if the spouse holds a homestead interest in the parcel, be acknowledged by a notary public, state the total amount due the association, state that the total amount due the association is secured by the lien of the association, state that the association is entitled to foreclose the lien and obtain a foreclosure judgment for the total amount due if the parcel owner breaches the qualifying offer, state that the parcel owner will not endanger the priority of the lien of the association or the amounts secured by the lien, and state the actual date or dates the association will receive the total amount due from the parcel owner. If the parcel owner makes a qualifying offer under this subsection, the association may not add the cost of any legal fees incurred by the association within the period of the stay other than costs acquired in defense of a mortgage foreclosure action concerning the parcel, a bankruptcy proceeding in which the parcel owner is a debtor, or in response to filings by a party other than the association in the lien foreclosure action of the association.

(d) If the parcel owner breaches the qualifying offer, the stay shall be vacated and the association may proceed in its action to obtain a foreclosure judgment against the parcel and the parcel owners for the amount in the qualifying offer and any amounts accruing after the date of the qualifying offer.

And the title is amended as follows:

On page 1, line 24 through page 2, line 2, delete those lines and insert: providing for the filing of a claim of lien for unpaid assessments; providing for the foreclosure of the lien; providing for notice to the owner; providing for a qualifying offer from the owner; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 1844** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for CS for CS for SB 998—A bill to be entitled An act relating to communications; providing a short title; amending s. 202.11, F.S.; providing a definition; amending s. 202.24, F.S.; prohibiting counties and municipalities from negotiating terms and conditions relating to cable and video services; deleting authorization to negotiate; revising application to existing ordinances or franchise agreements; amending s. 337.401, F.S.; deleting authorization for counties and municipalities to award cable service franchises and a restriction that cable service companies not operate without such a franchise; amending s. 337.4061, F.S.; revising definitions; creating ss. 610.102, 610.103, 610.104, 610.105, 610.106, 610.107, 610.108, 610.109, 610.112, 610.113, 610.114, 610.115, 610.116, 610.117, and 610.118, F.S.; designating the Department of State as the authorizing authority; providing definitions; requiring state authorization to provide cable and video services; providing requirements and procedures; providing for fees; providing duties and responsibilities of the Department of State; providing application procedures and requirements; providing for issuing certificates of franchise authority; providing eligibility requirements and criteria for a certificate; providing for amending a certificate; providing for transferability of certificates; providing for termination of certificates under certain circumstances; providing for challenging a department rejection of an application; providing that the department shall function in a ministerial capacity for certain purposes; providing for an application form; providing for an application fee; requiring certain information updates; providing for a processing fee; providing for cancellation upon notice that information

updates and processing fees are not received; providing for an opportunity to cure; providing for transfer of such fees to the Department of Agriculture and Consumer Services; requiring the department to maintain a separate account for cable franchise revenues; providing for fees to the Department of State for certain activities; prohibiting the department from imposing additional taxes, fees, or charges on a cable or video service provider to issue a certificate; prohibiting imposing buildout, construction, and deployment requirements on a certificateholder; imposing certain customer service requirements on cable service providers; requiring the Department of Agriculture and Consumer Services to receive customer service complaints; requiring provision of public, educational, and governmental access channels or capacity equivalent; providing criteria, requirements, and procedures; providing responsibilities of municipalities and counties relating to such channels; providing for enforcement; providing for future repeal; prohibiting counties and municipalities from imposing additional requirements on certificateholders; prohibiting discrimination among cable and video service subscribers; providing for enforcement; providing for a period of time to cure certain noncompliance; providing for the use of alternative technology; clarifying local government and department authority over communications services; providing requirements for cable service providers under certain court orders; providing for payment by certificateholders of certain amounts to municipalities and counties under certain circumstances; providing procedures for payment of such amounts; providing service requirements for certificateholders; authorizing separate statement of certain fees on a customer bill; preserving certain rights of certificateholders; authorizing certificateholders to intervene in certain court actions; requiring the Office of Program Policy Analysis and Government Accountability to report to the Legislature on the status of competition in the cable and video service industry; providing report requirements; requiring the Department of Agriculture and Consumer Services to make recommendations to the Legislature; providing duties of the Department of State; providing severability; amending ss. 350.81 and 364.0361, F.S.; conforming cross-references; amending s. 364.051, F.S.; deleting provisions under which certain telecommunications companies may elect alternative regulation; amending s. 364.10, F.S.; requiring each state agency that determines that a person is eligible for Lifeline service to act immediately to ensure that the person is enrolled in the Lifeline service program; requiring a state agency to include an option for not subscribing to the program; requiring that the Public Service Commission and the Department of Children and Family Services adopt rules by a specified date; requiring the Public Service Commission, the Department of Children and Family Services, and the Office of Public Counsel to enter into a memorandum of understanding regarding their respective duties under the Lifeline service program; amending s. 364.163, F.S.; providing for a cap on certain switched network access service rates; deleting a time period in which intrastate access rates are capped; prohibiting interexchange telecommunications companies from instituting any intrastate connection fee; deleting provisions for regulatory oversight of intrastate access rates; amending s. 364.385, F.S.; providing for continuing effect of certain rates and charges approved by the Public Service Commission; providing for an exception; repealing s. 166.046, F.S., relating to definitions and minimum standards for cable television franchises imposed upon counties and municipalities; repealing s. 364.164, F.S., relating to competitive market enhancement; providing an effective date.

—was read the second time by title.

Amendments were considered and failed and amendments were considered and adopted to conform **CS for CS for CS for SB 998** to **CS for CS for HB 529**.

Pending further consideration of **CS for CS for CS for SB 998** as amended, on motion by Senator Bennett, by two-thirds vote **CS for CS for HB 529** was withdrawn from the Committees on Communications and Public Utilities; Community Affairs; and General Government Appropriations.

On motion by Senator Bennett—

CS for CS for HB 529—A bill to be entitled An act relating to regulation of communications media technology services; providing a short title; amending s. 202.11, F.S.; providing a definition; amending s. 202.24, F.S.; prohibiting counties and municipalities from negotiating terms and conditions relating to cable and video services; deleting authorization to negotiate; revising application to existing ordinances or franchise agreements; amending s. 337.401, F.S.; deleting authorization for

counties and municipalities to award cable service franchises and a restriction that cable service companies not operate without such a franchise; amending s. 337.4061, F.S.; revising definitions; creating ss. 610.102, 610.103, 610.104, 610.105, 610.106, 610.107, 610.108, 610.109, 610.112, 610.113, 610.114, 610.115, 610.116, 610.117, and 620.118, F.S.; designating the Department of State as the authorizing authority; providing definitions; requiring state authorization to provide cable and video services; providing requirements and procedures; providing for fees; providing duties and responsibilities of the Department of State; providing application procedures and requirements; providing for issuing certificates of franchise authority; providing eligibility requirements and criteria for a certificate; providing for amending a certificate; providing for transferability of certificates; providing for termination of certificates under certain circumstances; providing for challenging a department rejection of an application; providing that the department shall function in a ministerial capacity for certain purposes; providing for an application form; providing for an application fee; requiring certain information updates; providing for a processing fee; providing for cancellation upon notice that information updates and processing fees are not received; providing for an opportunity to cure; providing for transfer of such fees to the Department of Agriculture and Consumer Services; requiring the department to maintain a separate account for cable franchise revenues; providing for fees to the Department of State for certain activities; prohibiting the department from imposing additional taxes, fees, or charges on a cable or video service provider to issue a certificate; prohibiting imposing buildout, construction, and deployment requirements on a certificateholder; requiring certificateholders to make cable and video service available at certain public buildings under certain circumstances; imposing certain customer service requirements on cable service providers; requiring the Department of Agriculture and Consumer Services to receive customer service complaints; requiring provision of public, educational, and governmental access channels or capacity equivalent; providing criteria, requirements, and procedures; providing exceptions; providing responsibilities of municipalities and counties relating to such channels; providing for enforcement; providing requirements for and limitations on counties and municipalities relating to access to public right-of-way; prohibiting counties and municipalities from imposing additional requirements on certificateholders; authorizing counties and municipalities to require permits of certificateholders relating to public right-of-way; providing permit criteria and requirements; prohibiting discrimination among cable and video service subscribers; providing for enforcement; providing requirements for a request for enforcement; requiring the department to engage certain parties in nonbinding mediation under certain circumstances; providing for filing a complaint in court; providing for a period of time to cure certain noncompliance; providing for an award of costs and attorney's fees; providing for determinations of violations; providing for enforcement of compliance by certificateholders; providing requirements for cable service providers under certain court orders; providing for payment by nonincumbent certificateholders of certain amounts to municipalities and counties under certain circumstances; providing procedures for payment of such amounts; providing service requirements for nonincumbent certificateholders; authorizing separate statement of certain fees on a customer bill; preserving certain rights of nonincumbent service providers; authorizing certificateholders to intervene in certain court actions; requiring the Office of Program Policy Analysis and Government Accountability to report to the Legislature on the status of competition in the cable and video service industry; providing report requirements; requiring the Department of Agriculture and Consumer Services to make recommendations to the Legislature; providing duties of the Department of State; providing severability; amending ss. 350.81 and 364.0361, F.S.; conforming cross-references; amending s. 364.051, F.S.; deleting provisions under which certain telecommunications companies may elect alternative regulation; amending s. 364.10, F.S.; providing requirements for enrolling certain persons in the Lifeline service program; requiring the Public Service Commission to adopt rules by a specified date; requiring the commission, the Department of Children and Family Services, and the Office of Public Counsel to enter into a memorandum of understanding of respective duties under the Lifeline service program; amending s. 364.163, F.S.; providing for a cap on certain switched network access service rates; deleting a time period in which intrastate access rates are capped; prohibiting interexchange telecommunications companies from instituting any intrastate connection fee; deleting provisions for regulatory oversight of intrastate access rates; amending s. 364.385, F.S.; providing for continuing effect of certain rates and charges approved by the Public Service Commission; providing for an exception; repealing s. 166.046, F.S., relating to definitions and minimum standards for cable television franchises imposed upon counties

and municipalities; repealing s. 364.164, F.S., relating to competitive market enhancement; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 998** as amended and read the second time by title.

MOTION

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

Senator Bennett moved the following amendments which were adopted:

Amendment 1 (825438)(with title amendment)—On page 25, line 686 through page 36, line 1006, delete those lines and insert:

610.109 Public, educational, and governmental access channels.—

(1) *A certificateholder, not later than 180 days following a request by a municipality or county within whose jurisdiction the certificateholder is providing cable or video service, shall designate a sufficient amount of capacity on its network to allow the provision of public, educational, and governmental access channels for noncommercial programming as set forth in this section.*

(2) *A certificateholder shall designate a sufficient amount of capacity on its network to allow the provision of the same number of public, educational, and governmental access channels or their functional equivalent that a municipality or county has activated under the incumbent cable or video service provider's franchise agreement as of July 1, 2007. For the purposes of this section, a public, educational, or governmental channel is deemed activated if the channel is being used for public, educational, or governmental programming within the municipality or county. The municipality or county may request additional channels or their functional equivalent permitted under the incumbent cable or video service provider's franchise agreement as of July 1, 2007.*

(3) *If a municipality or county did not have public, educational, or governmental access channels activated under the incumbent cable or video service provider's franchise agreement as of July 1, 2007, after the expiration date of the incumbent cable or video service provider's franchise agreement and within 6 months after a request by the municipality or county within whose jurisdiction a certificateholder is providing cable or video service, the certificateholder shall furnish up to two public, educational, or governmental channels or their functional equivalent. The usage of the channels or their functional equivalent shall be determined by a majority of all the video service provider's subscribers in the jurisdiction in order of preference of all video service subscribers. Cable or video service subscribers must be provided with clear, plain language informing them that public access is unfiltered programming and contains adult content.*

(4) *If a municipality or county has not used the number of access channels or their functional equivalent permitted by subsection (3), access to the additional channels or their functional equivalent allowed in subsection (3) shall be provided upon 6 months' written notice.*

(5) *A public, educational, or governmental access channel authorized by this section is deemed activated and substantially used if the channel is being used for public, educational, or governmental access programming within the municipality or county for at least 10 hours per day, of which at least 5 hours must be nonrepeat programming and as measured on a quarterly basis. Static information screens or bulletin-board programming shall not count toward this 10-hour requirement. If the applicable access channel does not meet this utilization criterion, the video service provider shall notify the applicable access provider in writing of this failure. If the access provider fails to meet this utilization criterion in the subsequent quarter, the cable or video service provider may reprogram the channel at its discretion. The cable or video service provider shall work in good faith with the access provider to attempt to provide future carriage of the applicable access channel within the limits of this section if the access provider can make reasonable assurances that its future programming will meet the utilization criteria set out in this subsection.*

(6) *A cable or video service provider may locate any public, educational, or governmental access channel on its lowest digital tier of service offered to the provider's subscribers. A cable or video service provider*

must notify its customers and the applicable municipality or county at least 120 days prior to relocating the applicable educational or governmental access channel.

(7) *The operation of any public, educational, or governmental access channel or its functional equivalent provided under this section shall be the responsibility of the municipality or county receiving the benefit of such channel or its functional equivalent, and a certificateholder bears only the responsibility for the transmission of such channel content. A certificateholder shall be responsible for the cost of providing the connectivity to one origination point for each public, educational, or governmental access channel up to 200 feet from the certificateholder's activated video service distribution plant.*

(8) *The municipality or county shall ensure that all transmissions, content, or programming to be transmitted over a channel or facility by a certificateholder are provided or submitted to the cable or video service provider in a manner or form that is capable of being accepted and transmitted by a provider without any requirement for additional alteration or change in the content by the provider, over the particular network of the cable or video service provider, which is compatible with the technology or protocol used by the cable or video service provider to deliver services. To the extent that a public, educational, or governmental channel content provider has authority, the delivery of public, educational, or governmental content to a certificateholder constitutes authorization for the provider to carry such content, including, at the provider's option, authorization to carry the content beyond the jurisdictional boundaries of the municipality or county.*

(9) *Where technically feasible, a certificateholder and an incumbent cable service provider shall use reasonable efforts to interconnect their networks for the purpose of providing public, educational, and governmental programming. Interconnection may be accomplished by direct cable, microwave link, satellite, or other reasonable method of connection. Certificateholders and incumbent cable service providers shall negotiate in good faith and incumbent cable service providers may not withhold interconnection of public, educational, and governmental channels. The requesting party shall bear the cost of such interconnection.*

(10) *A certificateholder is not required to interconnect for, or otherwise to transmit, public, educational, and governmental content that is branded with the logo, name, or other identifying marks of another cable or video service provider, and a municipality or county may require a cable or video service provider to remove its logo, name, or other identifying marks from public, educational, and governmental content that is to be made available to another provider. This subsection does not apply to the logo, name, or other identifying marks of the public, educational, or governmental programmer or producer.*

(11) *A municipality or county that has activated at least one public, educational, or governmental access channel pursuant to this section may require cable or video service providers to remit public, educational, and governmental support contributions in an amount equal to a lump-sum or recurring per-subscriber funding obligation to support public, educational, and governmental access channels, or other related costs as provided for in the incumbent's franchise that exists prior to July 1, 2007, until the expiration date of the incumbent cable or video service provider's franchise agreement. Any prospective lump-sum payment shall be made on an equivalent per-subscriber basis calculated as follows: the amount of prospective funding obligations divided by the number of subscribers being served by the incumbent cable or video service provider at the time of payment, divided by the number of months remaining in the incumbent cable or video service provider's franchise equals the monthly per-subscriber amount to be paid by the certificateholder. The obligations set forth in this subsection apply until the earlier of the expiration date of the incumbent cable or video service provider's franchise agreement or July 1, 2012. For purposes of this subsection, an incumbent cable or video service provider is the service provider serving the largest number of subscribers as of July 1, 2007.*

(12) *A court of competent jurisdiction shall have exclusive jurisdiction to enforce any requirement under this section.*

610.112 Cable or video services for public facilities.—Upon a request by a municipality or county, a certificateholder shall provide, within 90 days after receipt of the request, one active basic cable or video service outlet to K-12 public schools, public libraries, or local government administrative buildings, to the extent such buildings are located within 200

feet of the certificateholder's activated video distribution plant. At the request of the municipality or county, the certificateholder shall extend its distribution plant to serve such buildings located more than 200 feet from the certificateholder's activated video distribution plant. In such circumstances, the governmental entity owning or occupying the building is responsible for the time and material costs incurred in extending the certificateholder's activated video distribution plant to within 200 feet adjacent to the building. The cable or video services provided under this section shall not be available in an area viewed by the general public and may not be used for any commercial purpose.

610.113 Nondiscrimination by municipality or county.—

(1) A municipality or county shall allow a certificateholder to install, construct, and maintain a network within a public right-of-way and shall provide a certificateholder with comparable, nondiscriminatory, and competitively neutral access to the public right-of-way in accordance with the provisions of s. 337.401. All use of a public right-of-way by a certificateholder is nonexclusive.

(2) A municipality or county may not discriminate against a certificateholder regarding:

- (a) The authorization or placement of a network in a public right-of-way;
- (b) Access to a building or other property; or
- (c) Utility pole attachment terms and conditions.

610.114 Limitation on local authority.—

(1) A municipality or county may not impose additional requirements on a certificateholder, including, but not limited to, financial, operational, and administrative requirements, except as expressly permitted by this chapter. A municipality or county may not impose on activities of a certificateholder a requirement:

- (a) That particular business offices be located in the municipality or county;
- (b) Regarding the filing of reports and documents with the municipality or county that are not required by state or federal law and that are not related to the use of the public right-of-way. Reports and documents other than schematics indicating the location of facilities for a specific site that are provided in the normal course of the municipality's or county's permitting process, that are authorized by s. 337.401 for communications services providers, or that are otherwise required in the normal course of such permitting process shall not be considered related to the use of the public right-of-way for communications service providers. A municipality or county may not request information concerning the capacity or technical configuration of a certificateholder's facilities;
- (c) For the inspection of a certificateholder's business records; or
- (d) For the approval of transfers of ownership or control of a certificateholder's business, except that a municipality or county may require a certificateholder to provide notice of a transfer within a reasonable time.

(2) Notwithstanding any other provision of law, a municipality or county may require the issuance of a permit in accordance with and subject to s. 337.401 to a certificateholder that is placing and maintaining facilities in or on a public right-of-way in the municipality or county. In accordance with s. 337.402, the permit may require the permit holder to be responsible, at the permit holder's expense, for any damage resulting from the issuance of such permit and for restoring the public right-of-way to its original condition before installation of such facilities. The terms of the permit shall be consistent with construction permits issued to other providers of communications services placing or maintaining communications facilities in a public right-of-way.

610.115 Discrimination prohibited.—

- (1) The purpose of this section is to prevent discrimination among potential residential subscribers.
- (2) A cable or video service provider may not deny access to service to any individual or group of potential residential subscribers because of the

race or income of the residents in the local area in which the individual or group resides. Enforcement of this section shall be in accordance with s. 501.2079.

610.116 Compliance.—If a certificateholder is found by a court of competent jurisdiction not to be in compliance with the requirements of this chapter, the certificateholder shall have a reasonable period of time, as specified by the court, to cure such noncompliance.

610.117 Limitation.—Nothing in this chapter shall be construed to give any local government or the department any authority over any communications service other than cable or video services whether offered on a common carrier or private contract basis.

610.118 Impairment; court-ordered operations.—

(1) If an incumbent cable or video service provider is required to operate under its existing franchise and is legally prevented by a lawfully issued order of a court of competent jurisdiction from exercising its right to terminate its existing franchise pursuant to the terms of s. 610.105, any certificateholder providing cable service or video service in whole or in part within the service area that is the subject of the incumbent cable or video service provider's franchise shall, for as long as the court order remains in effect, comply with the following franchise terms and conditions as applicable to the incumbent cable or video service provider in the service area:

(a) The certificateholder shall pay to the municipality or county:

1. Any prospective lump-sum or recurring per-subscriber funding obligations to support public, educational, and governmental access channels or other prospective franchise-required monetary grants related to public, educational, or governmental access facilities equipment and capital costs. Prospective lump-sum payments shall be made on an equivalent per-subscriber basis calculated as follows: the amount of the prospective funding obligations divided by the number of subscribers being served by the incumbent cable service provider at the time of payment, divided by the number of months remaining in the incumbent cable or video service provider's franchise equals the monthly per subscriber amount to be paid by the certificateholder until the expiration or termination of the incumbent cable or video service provider's franchise; and

2. If the incumbent cable or video service provider is required to make payments for the funding of an institutional network, the certificateholder shall pay an amount equal to the incumbent's funding obligations but not to exceed 1 percent of the sales price, as defined in s. 202.11(13), for the taxable monthly retail sales of cable or video programming services the certificateholder received from subscribers in the affected municipality or county. All definitions and exemptions under chapter 202 apply in the determination of taxable monthly retail sales of cable or video programming services.

(b) Payments are not due under this subsection until 45 days after the municipality or county notifies the respective providers.

(c) Any certificateholder may designate that portion of that subscriber's bill attributable to any fee imposed pursuant to this section as a separate item on the bill and recover such amount from the subscriber.

(2) The provisions of subsection (1) do not alter the rights of a cable service or video service provider with respect to service areas designated pursuant to s. 610.104(2)(e)5. Any certificateholder providing cable service or video service in a service area covered by the terms of an existing cable or video service provider's franchise that is subject to a court or other proceeding challenging the ability of an incumbent cable or video service provider to exercise its legal right to terminate its existing cable franchise pursuant to s. 610.105 has the right to intervene in such proceeding.

610.119 Reports to the Legislature.—

(1) The Office of Program Policy Analysis and Government Accountability shall submit to the President of the Senate, the Speaker of the House of Representatives, and the majority and minority leaders of the Senate and House of Representatives, by December 1, 2009, and December 1, 2014, a report on the status of competition in the cable and video service industry, including, by each municipality and county, the number of cable and video service providers, the number of cable and video subscribers served, the number of areas served by fewer than two cable or

video service providers, the trend in cable and video service prices, and the identification of any patterns of service as they impact demographic and income groups.

(2) By January 15, 2008, the Department of Agriculture and Consumer Services shall make recommendations to the President of the Senate, the Speaker of the House of Representatives, and the majority and minority leaders of the Senate and House of Representatives regarding the workload and staffing requirements associated with consumer complaints related to video and cable certificateholders. The Department of State shall provide to the Department of Agriculture and Consumer Services, for inclusion in the report, the workload requirements for processing the certificates of franchise authority. In addition, the Department of State shall provide the number of applications filed for cable and video certificates of franchise authority and the number of amendments received to original applications for franchise certificate authority.

610.120 Severability.—If any provision of ss. 610.102-610.119 or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of ss. 610.102-610.119 which can be given effect without the invalid provision or application, and to this end the provisions of ss. 610.102-610.119 are severable.

And the title is amended as follows:

On page 2, line 52 through page 3, line 81, delete those lines and insert: their functional equivalent; providing criteria, requirements, and procedures; providing exceptions; providing responsibilities of municipalities and counties relating to such channels; providing for cable or video services for certain public facilities; providing requirements for and limitations on counties and municipalities relating to access to public right-of-way; prohibiting counties and municipalities from imposing additional requirements on certificateholders; authorizing counties and municipalities to require permits of certificateholders relating to public right-of-way; providing permit criteria and requirements; prohibiting discrimination among cable and video service subscribers; providing for enforcement; clarifying local government and department authority over communications services; providing for enforcement of compliance by certificateholders; providing for court-ordered operation under existing franchise agreements; providing requirements for cable service providers under certain court orders;

Amendment 2 (371058)—On page 14, line 368, delete that line and insert: 610.115, 610.116, 610.117, 610.118, 610.119, and 610.120, Florida Statutes, are

Amendment 3 (243918)—On page 37, line 1011, after “cable” insert: *or video*

Amendment 4 (115654)—On page 12, line 311 through page 13, line 337, delete those lines and insert: the selection *or use* of such video programming or other programming service.

(b) “Cable system” means a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within a community, but such term does not include:

1. A facility that serves only to retransmit the television signals of one or more television broadcast stations;
 2. A facility that serves only subscribers in one or more multiple-unit dwellings under common ownership, control, or management, unless such facility or facilities use any public right-of-way;
 3. A facility that serves subscribers without using any public right-of-way.
- 4.3. A facility of a common carrier that is subject, in whole or in part, to the provisions of Title II of the federal Communications Act of 1934, except that such facility shall be considered a cable system other than for purposes of 47 U.S.C. Section 541(c) to the extent such facility is used in the transmission of video programming directly to subscribers, unless the extent of such use is solely to provide interactive on-demand services; ~~or~~
- 5.4. Any facilities of any electric utility used solely for operating its electric utility systems; *or*:

6. An open video system that complies with 47 U.S.C. Section 573.

MOTION

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

Senator Fasano moved the following amendment which was adopted:

Amendment 5 (642104)(with title amendment)—On page 42, between lines 1170 and 1171, insert:

Section 14. Section 501.2079, Florida Statutes, is created to read:

501.2079 Violations involving discrimination in the provision of video services.—

- (1) As used in this section, the term:
 - (a) “Cable service” has the same meaning as in s. 610.103(1).
 - (b) “Video service” has the same meaning as in s. 610.103(11).
 - (c) “Resident” means a resident residing within a service area as set out in ss. 610.104(2)(e)5. and 610.104(6).
 - (d) “Provider” means a cable or video service provider that has been issued and holds a statutory certificate of franchise authority from the Department of State.
 - (e) “Discrimination” means the denial of access to cable or video service to any individual or group of residents because of the race or income of the residents in the local area in which such individual or group resides. Such discrimination shall be prohibited as to residents throughout the service area of the municipality or county within which service is provided.

(2) Discrimination among residents by a provider of cable or video services is declared unlawful and constitutes a violation of this section.

(3) For purposes of determining whether a provider has violated subsection (2), a cable or video service provider may satisfy the nondiscrimination requirements of this section through the use of alternative technology that offers service, functionality, and content that is demonstrably similar to that provided through the provider’s system and may include a technology that does not require the use of any public right-of-way. The technology used to comply with the requirements of this section is subject to all the requirements of chapter 610. If a provider makes cable or video service available within a reasonable period of time from the initiation of service to residents in its service area, the provider shall be presumed to be in compliance with subsection (2). A provider is not required to offer or provide service to end users residing in an area having a density of fewer than 30 homes per linear cable mile from the provider’s nearest activated video distribution plant. This section does not impose a build-out requirement.

(4) For purposes of determining whether a provider has violated subsection (2), cost, density, distance, and technological or commercial limitations shall be taken into account. The inability to provide access to cable or video service because a provider is prohibited from placing its own facilities in a building or property or due to natural disasters is not a violation of subsection (2).

(5) The Department of Legal Affairs shall be the sole enforcing authority to bring an action pursuant to subsection (2) and may initiate such action on its own, or on behalf of a resident or an applicable local government. A private right of action is not created by subsection (2).

(6) In addition to all other remedies in this section, only the enforcing authority may bring an action to enjoin discrimination in the delivery of cable or video services and to compel compliance with this section.

(7) Upon a finding by a court of competent jurisdiction that a provider has engaged in unlawful discrimination, the provider shall have a reasonable period of time as specified by the court to cure such noncompliance. If the provider fails to cure within a specified time, any provider who is found to have violated subsection (2) is liable for a civil penalty of not more than \$15,000 for each such violation and attorney’s fees to the Department of Legal Affairs. For purposes of this section, discrimination

against each individual member of a group constitutes a separate violation and is subject to a separate penalty as set forth in this section; however, the total penalty may not exceed more than \$50,000 per month.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 112, after the semicolon (;) insert: creating s. 501.2079, F.S.; providing for violations involving discrimination in delivery of video service; providing definitions; prohibiting discrimination; providing a time to cure; providing criteria; designating Department of Legal Affairs as the sole enforcing authority; providing remedies;

MOTION

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

Senator Bennett moved the following amendments which were adopted:

Amendment 6 (232114)—On page 39, line 1090 through page 40, line 1110, delete those lines and insert:

(h)1. By December 31, 2007 ~~2003~~, each state agency that provides benefits to persons eligible for Lifeline service shall undertake, in cooperation with the Department of Children and Family Services, the Department of Education, the commission, the Office of Public Counsel, and telecommunications companies providing Lifeline services, the development of procedures to promote Lifeline participation.

2. If any state agency determines that a person is eligible for Lifeline services, the agency shall immediately forward the information to the commission to ensure that the person is automatically enrolled in the program with the appropriate eligible telecommunications carrier. The state agency shall include an option for an eligible customer to choose not to subscribe to the Lifeline service. The Public Service Commission and the Department of Children and Family Services shall, no later than December 31, 2007, adopt rules creating procedures to automatically enroll eligible customers in Lifeline service.

3. The commission, the Department of Children and Family Services, and the Office of Public Counsel shall enter into a memorandum of understanding establishing the respective duties of the commission, the department, and the public counsel with respect to the automatic enrollment procedures no later than December 31, 2007.

Amendment 7 (353374)—In title, on page 1, lines 2-16, delete those lines and insert: An act relating to communications; providing a short title; providing legislative intent; amending s. 202.11, F.S.; providing a definition; amending s. 202.24, F.S.; prohibiting counties and municipalities from negotiating terms and conditions relating to cable and video services; deleting authorization to negotiate; revising application to existing ordinances or franchise agreements; amending s. 337.401, F.S.; deleting authorization for counties and municipalities to award cable service franchises and a restriction that cable service companies not operate without such a franchise; amending s. 337.4061, F.S.; revising definitions; creating ss. 610.102, 610.103, 610.104, 610.105, 610.106, 610.107, 610.108, 610.109, 610.112, 610.113, 610.114, 610.115, 610.116, 610.117, 610.118, 610.119 and 610.120, F.S.; designating the

Amendment 8 (960200)(with title amendment)—On page 5, between lines 118 and 119, insert:

Section 2. *The Legislature finds that providing an incumbent cable or video service provider with the option to secure a statutory certificate franchise through the preemption of an existing cable franchise between a cable or video service provider and any political subdivision of the state, including, but not limited to, any municipality or county, is an essential element of the new regulatory framework established by this act as a matter of statewide concern to best ensure equal protection and parity among providers and technologies, as well as to achieve the goals stated by the Legislature in enacting this act.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 3, after the second semicolon (;) insert: providing legislative findings;

Amendment 9 (602640)(with title amendment)—On page 14, line 381 through page 25, line 685, delete those lines and insert:

the selection or use of such video programming or other programming service.

(2) *“Cable service provider” means a person that provides cable service over a cable system.*

(3) *“Cable system” means a facility consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service that includes video programming and that is provided to multiple subscribers within a community, but such term does not include:*

(a) *A facility that serves only to retransmit the television signals of one or more television broadcast stations;*

(b) *A facility that serves only subscribers in one or more multiple-unit dwellings under common ownership, control, or management, unless such facility or facilities use any public right-of-way;*

(c) *A facility that serves subscribers without using any public right-of-way;*

(d) *A facility of a common carrier that is subject, in whole or in part, to the provisions of Title II of the federal Communications Act of 1934 except that such facility shall be considered a cable system other than for purposes of 47 U.S.C. Section 541(c) to the extent such facility is used in the transmission of video programming directly to subscribers, unless the extent of such use is solely to provide interactive on-demand services;*

(e) *Any facilities of any electric utility used solely for operating its electric utility systems; or*

(f) *An open video system that complies with 47 U.S.C. Section 573.*

(4) *“Certificateholder” means a cable or video service provider that has been issued and holds a certificate of franchise authority from the department.*

(5) *“Department” means the Department of State.*

(6) *“Franchise” means an initial authorization or renewal of an authorization, regardless of whether the authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement, or otherwise, to construct and operate a cable system or video service provider network facilities in the public right-of-way.*

(7) *“Franchise authority” means any governmental entity empowered by federal, state, or local law to grant a franchise.*

(8) *“Incumbent cable service provider” means a cable or video service provider providing cable or video service on July 1, 2007.*

(9) *“Public right-of-way” means the area on, below, or above a public roadway, highway, street, sidewalk, alley, or waterway, including, without limitation, a municipal, county, state, district, or other public roadway, highway, street, sidewalk, alley, or waterway.*

(10) *“Video programming” means programming provided by, or generally considered comparable to programming provided by, a television broadcast station as set forth in 47 U.S.C. s. 522(20).*

(11) *“Video service” means video programming services, including cable services, provided through wireline facilities located at least in part in the public rights-of-way without regard to delivery technology, including Internet protocol technology. This definition does not include any video programming provided by a commercial mobile service provider as defined in 47 U.S.C. s. 332(d), video programming provided as part of, and via a service that enables end users to access content, information, electronic mail, or other services offered over the public Internet.*

(12) *“Video service provider” means an entity providing video service.*

610.104 *State authorization to provide cable or video service.—*

(1) *An entity or person seeking to provide cable or video service in this state after July 1, 2007, shall file an application for a state-issued certifi-*

cate of franchise authority with the department as required by this section.

(2) An applicant for a state-issued certificate of franchise authority to provide cable or video service shall submit to the Department of State an application that contains:

- (a) The official name of the cable or video service provider.
- (b) The street address of the principal place of business of the cable or video service provider.
- (c) The federal employer identification number or the Department of State's document number.
- (d) The name, address, and telephone number of an officer, partner, owner, member, or manager as a contact person for the cable or video service provider to whom questions or concerns may be addressed.
- (e) A duly executed affidavit signed by an officer, partner, owner, or managing member affirming and containing:

1. That the applicant is fully qualified under the provisions of this chapter to file an application and affidavit for a certificate of franchise authority.

2. That the applicant has filed or will timely file with the Federal Communications Commission all forms required by that agency in advance of offering cable or video service in this state.

3. That the applicant agrees to comply with all applicable federal and state laws and regulations, to the extent such state laws and rules are not in conflict with or superseded by the provisions of this chapter or other applicable state law.

4. That the applicant agrees to comply with all state laws and rules and municipal and county ordinances and regulations regarding the placement and maintenance of communications facilities in the public rights-of-way that are generally applicable to providers of communications services in accordance with s. 337.401.

5. A description of the service area for which the applicant seeks a certificate of franchise authority provided on a municipal or countywide basis. The description may be provided in a manner that does not disclose competitively sensitive information. Notwithstanding the foregoing:

a. For incumbent cable or video service providers that have existing local franchise agreements, the service area shall be coextensive with the provider's service area description in the existing local franchise.

b. For applicants using telecommunications facilities to provide video services, the service area shall be described in terms of entire wire centers that may or may not be consistent with municipal or county boundaries except any portion of a specific wire center which will remain subject to an existing cable or video franchise agreement until the earlier of the agreement's expiration or termination.

6. The location of the applicant's principal place of business, the names of the applicant's principal executive officers, and a physical address sufficient for the purposes of chapter 48.

7. That the applicant will file with the department a notice of commencement of service within 5 business days after first providing service in each area described in subparagraph 5.

8. A statement affirming that the applicant will notify the department of any change of address or contact person.

9. The applicant's system shall comply with the Federal Communications Commission's rules and regulations of the Emergency Alert System.

(3) Before the 10th business day after the department receives the application, the department shall notify the applicant whether the application and affidavit described in subsection (3) are complete. If the department rejects the application and affidavit, the department shall specify with particularity the reasons for the rejection and permit the applicant to amend the application or affidavit to cure any deficiency. The department shall act upon the amended application or affidavit within 10 business days after the department's receipt of the amended application or affidavit.

(4) The department shall issue a certificate of franchise authority to the applicant before the 15th business day after receipt of an accepted application. The certificate of franchise authority issued by the department shall contain:

- (a) The name of the certificateholder and its identification number.
- (b) A grant of authority to provide cable or video service as requested in the application.
- (c) A grant of authority to construct, maintain, and operate facilities through, upon, over, and under any public right-of-way or waters, subject to the applicable governmental permitting or authorization from the Board of Trustees of the Internal Improvement Trust Fund.
- (d) A statement that the grant of authority is subject to lawful operation of the cable or video service by the applicant or its successor in interest.
- (e) A statement that describes the service area for which this certificate of authority applies.
- (f) A statement that includes the issuance date that shall be the effective date of the commencement of this authority.

(5) If the department fails to act on the accepted application within 30 business days after receiving the accepted application, the application shall be deemed approved by the department without further action.

(6) A certificateholder that seeks to include additional service areas in its current certificate shall file an amendment to the certificate with the department. Such amendment shall specify the name and address of the certificateholder, the new service area or areas to be served, consistent with subparagraph (2)(e)5., but need not be coextensive with municipal or county boundaries, and the effective date of commencement of operations in the new service area or areas. Such amendment shall be filed with the department within 5 business days after first providing service in each such additional area.

(7) The certificate of franchise authority issued by the department is fully transferable to any successor in interest to the applicant to which the certificate is initially granted. A notice of transfer shall be filed with the department and the relevant municipality or county within 14 business days following the completion of such transfer.

(8) The certificate of franchise authority issued by the department may be terminated by the cable or video service provider by submitting notice to the department.

(9) An applicant may challenge a rejection of an application by the department in a court of competent jurisdiction through a petition for mandamus.

(10) In executing the provisions of this section, the department shall function in a ministerial capacity accepting information contained in the application and affidavit at face value. The applicant shall ensure continued compliance with all applicable business formation, registration, and taxation provisions of law.

(11) The application shall be accompanied by a one-time fee of \$10,000. A parent company may file a single application covering itself and all of its subsidiaries and affiliates intending to provide cable or video service in the service areas throughout the state as described in paragraph (3)(d), but the entity actually providing such service in a given area shall otherwise be considered the certificateholder under this act.

(12) Beginning 5 years after approval of the certificateholder's initial certificate of franchise issued by the department, and every 5 years thereafter, the certificateholder shall update the information contained in the original application for a certificate of franchise. At the time of filing the information update, the certificateholder shall pay a processing fee of \$1,000. Any certificateholder that fails to file the updated information and pay the processing fee on the 5-year anniversary dates shall be subject to cancellation of its state-issued certificate of franchise authority if, upon notice given to the certificateholder at its last address on file with the department, the certificateholder fails to file the updated information and pay the processing fee within 30 days after the date notice was mailed. The application and processing fees imposed in this section shall be paid to the Department of State for deposit into the Operating Trust

Fund for immediate transfer by the Chief Financial Officer to the General Inspection Trust Fund of the Department of Agriculture and Consumer Services. The Department of Agriculture and Consumer Services shall maintain a separate account within the General Inspection Trust Fund to distinguish cable franchise revenues from all other funds. The application, any amendments to the certificate, or information updates must be accompanied by a fee to the Department of State equal to that for filing articles of incorporation pursuant to s. 607.0122(1).

610.105 Eligibility for state-issued franchise.—

(1) *After July 1, 2007, an incumbent cable or video service provider is immediately eligible at its option to apply for a state-issued certificate of franchise authority under this chapter and shall file a written notice with the applicable municipality or county in which the provider provides cable or video service simultaneously with any filing with the department under this chapter. The applicable municipal or county franchise is terminated under this section on the date the department issues the state-issued certificate of franchise authority.*

(2) *If an incumbent cable or video service provider has been granted a state-issued certificate of franchise authority that covers all or a portion of a municipality or county, any obligation under any existing municipal or county franchise that exceeds the obligations imposed on the certificateholder in the area covered by the certificate shall be against public policy and void.*

610.106 Franchise fees prohibited.—*Except as otherwise provided in this chapter, the department may not impose any taxes, fees, charges, or other impositions on a cable or video service provider as a condition for the issuance of a state-issued certificate of franchise authority. No municipality or county may impose any taxes, fees, charges, or other exactions on certificateholders in connection with use of public right-of-way as a condition of a certificateholder doing business in the municipality or county, or otherwise, except such taxes, fees, charges, or other exactions permitted by chapter 202, s. 337.401(6), or s. 610.117.*

610.107 Buildout.—*No franchising authority, state agency, or political subdivision may impose any buildout, system construction, or service deployment requirements on a certificateholder.*

610.108 Customer service standards.—

(1) *All cable or video service providers shall comply with customer service requirements in 47 C.F.R. s. 76.309(c).*

(2) *Any municipality or county that, as of January 1, 2007, has an office or department dedicated to responding to cable or video service customer complaints may continue to respond to such complaints until July 1, 2009. Beginning July 1, 2009, the Department of Agriculture and Consumer Services shall have the sole authority to respond to all cable or video service customer complaints. This provision does not permit the municipality, county, or department to impose customer service standards inconsistent with the requirements in 47 C.F.R. s. 76.309(c).*

(3) *The Department of Agriculture and Consumer Services shall receive service quality complaints from customers of a cable or video service provider and shall address such complaints in an expeditious manner by assisting in the resolution of such complaint between the complainant and the cable or video service provider. The Department of Agriculture and Consumer Services may adopt any procedural rules pursuant to ss. 120.536(1) and 120.54 necessary to administer this section, but shall not have any authority to impose any customer service requirements inconsistent with*

MOTION

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

Senator Constantine moved the following amendment which was adopted:

Amendment 10 (141014)(with title amendment)—Between lines 1170 and 1171, insert:

Section 14. *Notwithstanding chapter 610, Florida Statutes, a cable or video services provider, which means a provider of video programing services, including cable services provided through wireless facilities located at least in part in the public right-of-way without regard to delivery*

technology, including Internet protocol technology, is subject to and shall comply with chapter 337, Florida Statutes, and in the event of any conflict with chapter 610, Florida Statutes, the provisions of chapter 337, Florida Statutes, shall govern.

(Redesignate subsequent sections.)

And the title is amended as follows:

On line 112, after the semicolon (;) insert: providing that a cable or video services provider of video programing services is subject to and must comply with ch. 337, F.S., and in the event of any conflict with ch. 610, F.S., the provisions of ch. 337, F.S., govern;

Pursuant to Rule 4.19, **CS for CS for HB 529** was placed on the calendar of Bills on Third Reading.

By Senator Constantine—

CS for CS for SB 2836—A bill to be entitled An act relating to the Florida Building Commission; requiring the commission to review the requirements in the National Electrical Code which relate to bonding and grounding systems for swimming pools; authorizing the commission to adopt a rule for bonding and grounding which is an alternative to that of the National Electrical Code; providing legislative intent relating to retrofitting buildings to prevent hurricane and storm damage; directing the commission to consider the costs and benefits of any mitigation techniques before adoption of a rule; requiring the commission to develop and adopt within the Florida Building Code appropriate mitigation techniques to use to retrofit buildings constructed before the code was implemented; requiring the commission to make certain determinations before eliminating gravel and stone roofing systems; amending s. 468.609, F.S.; increasing the number of days a newly employed person can be a plan examiner or building inspector without certification; amending s. 553.73, F.S.; authorizing the commission to approve certain amendments to the code; amending s. 553.775, F.S.; providing that, upon written application by substantially affected persons, the Florida Building Commission must issue, or cause to be issued, a formal interpretation of the code; amending s. 553.791, F.S.; defining terms; requiring that certain forms be signed at the completion of a required inspection; requiring that a deficiency notice be posted at the job site whenever an element is found to be not in conformance with the building code or the permitting documents; providing for corrective actions; prohibiting the charging of certain fees; amending s. 553.841, F.S.; providing legislative intent regarding education and outreach for understanding the Florida Building Code; requiring the Department of Community Affairs to administer an education and outreach program; requiring that the education and outreach program be provided by a private, nonprofit corporation under contract with the department; requiring the department to consider certain criteria when selecting the corporation; requiring the commission to provide certain courses to accredited persons subject to the building code; authorizing the commission to adopt rules; amending s. 553.842, F.S.; providing for certification of products; authorizing the commission to impose penalties for violation of the product validation process; amending s. 633.081, F.S.; deleting the requirement that a certified firesafety inspector be a resident of Florida; requiring that a firesafety inspector be 18 years of age or older; establishing grounds under which an inspector's license may be suspended or revoked; amending s. 633.521, F.S.; providing for provisional permits for inspectors of certain fire protection systems; providing a time limitation for such permits; amending s. 633.537, F.S.; revising continuing education requirements; requiring the commission to review certain modifications recommended by the commission's technical advisory committee; authorizing the commission to adopt or modify the modifications in response to public comments; contingent upon appropriations, directing the commission to conduct a study to evaluate certain specified activities related to mitigation of property loss; requiring the commission to deliver a report to the Governor and others by a specified date; providing for the content of the report; authorizing the commission to adopt provisions preserving the use of gravel roof systems; directing the commission to work with others to review the Florida Energy Code and to compare that code to other energy efficiency codes; requiring the commission to deliver a report to the Legislature by a specified date; providing appropriations; providing an effective date.

—was read the second time by title.

Senator Constantine moved the following amendments which were adopted:

Amendment 1 (745364)—On page 11, lines 17 and 18, delete those lines and insert: *written statement, written directive, or written order which states the reason for the order and the conditions under which the cited work will be permitted to resume.*

Amendment 2 (133696)—On page 14, line 6, delete “may” and insert: *shall*

Amendment 3 (402218)—On page 15, lines 12-14, delete those lines and insert: *private provider or representative before being concealed. Reinspection or reaudit fees shall not be charged by the local jurisdiction as a result of the local jurisdiction’s audit inspection occurring before the performance of the private*

Amendment 4 (073826)(with title amendment)—On page 18, line 22 through page 25, line 2, delete those lines and insert:

Section 8. Section 553.841, Florida Statutes, is amended to read:

553.841 Building code compliance and mitigation program education and outreach program.—

(1) The Legislature finds that *knowledge and understanding by persons licensed in the design and construction industries of the importance and need for complying with the Florida Building Code is vital to the public health, safety, and welfare of this state, especially for mitigating damage caused by hurricanes to residents and visitors to the state. The Legislature further finds that the Florida Building Code can be effective only if all participants in the design and construction industries maintain a thorough knowledge of the code and additions thereto which improve construction standards to protect against storm and other damage. Consequently, the Legislature finds that there is a need for a program to provide ongoing education and outreach activities concerning compliance with the Florida Building Code and hurricane mitigation the effectiveness of the building codes of this state depends on the performance of all participants, as demonstrated through knowledge of the codes and commitment to compliance with code directives, and that to strengthen compliance by industry and enforcement by government, a building code education and outreach program is needed.*

(2) *The Department of Community Affairs shall administer a program, designated as the Florida Building Code Compliance and Mitigation Program, to develop, coordinate, and maintain education and outreach to persons required to comply with the Florida Building Code and ensure consistent education, training, and communication of the code’s requirements, including, but not limited to, methods for mitigation of storm-related damage. The program shall also operate a clearinghouse through which design, construction, and building code enforcement licensees, suppliers, and consumers in this state may find others in order to exchange information relating to mitigation and facilitate repairs in the aftermath of a natural disaster. There is created the Building Code Education and Outreach Council to coordinate, develop, and maintain education and outreach to ensure administration and enforcement of the Florida Building Code.*

(3) *All services and materials under the Florida Building Code Compliance and Mitigation Program must be provided by a private, nonprofit corporation under contract with the department. The term of the contract shall be for 4 years, with the option of one 4-year renewal at the end of the contract term. The initial contract must be in effect no later than November 1, 2007. The private, nonprofit corporation must be an organization whose membership includes trade and professional organizations whose members consist primarily of persons and entities that are required to comply with the Florida Building Code and that are licensed under part XII of chapter 468, chapter 471, chapter 481, or chapter 489. When selecting the private, nonprofit corporation for the program, the department must give primary consideration to the corporation’s demonstrated experience and the ability to:*

(a) *Develop and deliver building code-related education, training, and outreach;*

(b) *Directly access the majority of persons licensed in the occupations of design, construction, and building code enforcement individually and through established statewide trade and professional association networks;*

(c) *Serve as a clearinghouse to deliver education and outreach throughout the state. The clearinghouse must serve as a focal point at which persons licensed to design, construct, and enforce building codes and suppliers and consumers can find each other in order to exchange information relating to mitigation and facilitate repairs in the aftermath of a natural disaster;*

(d) *Accept input from the Florida Building Commission, licensing regulatory boards, local building departments, and the design and construction industries in order to improve its education and outreach programs; and*

(e) *Promote design and construction techniques and materials for mitigating hurricane damage at a Florida-based trade conference that includes participants from the broadest possible range of design and construction trades and professions, including from those private and public-sector entities having jurisdiction over building codes and design and construction licensure. The Building Code Education and Outreach Council shall be composed of the following members:*

(a) ~~Three representatives of the Florida Building Commission, one of whom must be a member of a Florida-based organization of persons with disabilities or a nationally chartered organization of persons with disabilities having chapters in this state, selected by the commission;~~

(b) ~~One representative of the Florida Building Code Administrators and Inspectors Board, selected by that board;~~

(c) ~~One representative of the Construction Industry Licensing Board, selected by that board;~~

(d) ~~One representative of the Electrical Contractors’ Licensing Board, selected by that board;~~

(e) ~~One representative of the Florida Board of Professional Engineers, selected by that board;~~

(f) ~~One architect representative of the Board of Architecture and Interior Design, selected by that board;~~

(g) ~~One interior designer representative of the Board of Architecture and Interior Design, selected by that board;~~

(h) ~~One representative of the Board of Landscape Architecture, selected by that board;~~

(i) ~~One representative from the office of the State Fire Marshal, selected by that office; and~~

(j) ~~One representative with experience and expertise in K-12 public school construction.~~

~~Each member of the board shall be appointed to a 2-year term and may be reappointed at the discretion of the appointing body. A chair shall be elected by majority vote of the council and shall serve a term of 1 year.~~

~~(4) The Building Code Education and Outreach Council shall meet in Tallahassee no more than semiannually. The council may meet more often but not more than monthly, and such additional meetings shall be by telephone conference call. Travel costs, if any, shall be borne by the respective appointing entity. The Department of Community Affairs shall provide administrative support to the council; however, the department may contract with an entity that has previous experience with building code training, development, and coordination to provide administrative support for the council.~~

~~(5) The Building Code Education and Outreach Council shall:~~

~~(a) Consider and determine any policies or procedures needed to administer ss. 489.109(3) and 489.509(3).~~

~~(b) Administer the provisions of this section.~~

~~(c) Determine the areas of priority for which funds should be expended for education and outreach.~~

~~(d) Review all proposed subjects for advanced courses concerning the Florida Building Code and recommend to the commission any related subjects that should be approved for advanced courses.~~

~~(4)(6) The department, in administering the Florida Building Code Compliance and Mitigation Program, Building Code Education and Outreach Council shall maintain, update, develop, or cause to be developed:~~

(a) A core curriculum that is prerequisite to the advanced module coursework.

(b) Advanced modules designed for use by each profession.

(c) The core curriculum developed under this subsection must be approved by the commission and submitted to the Department of Business and Professional Regulation for approval. Advanced modules developed under this paragraph must be approved by the commission and submitted to the respective boards for approval.

~~(5)(7) The core curriculum shall cover the information required to have all categories of participants appropriately informed as to their technical and administrative responsibilities in the effective execution of the code process by all individuals currently licensed under part XII of chapter 468, chapter 471, chapter 481, or chapter 489, except as otherwise provided in s. 471.017. The core curriculum shall be prerequisite to the advanced module coursework for all licensees and shall be completed by individuals licensed in all categories under part XII of chapter 468, chapter 471, chapter 481, or chapter 489 within the first 2-year period after initial licensure. Core course hours taken by licensees to complete this requirement shall count toward fulfillment of required continuing education units under part XII of chapter 468, chapter 471, chapter 481, or chapter 489.~~

~~(6)(8) Each biennium, upon receipt of funds by the Department of Community Affairs from the Construction Industry Licensing Board and the Electrical Contractors' Licensing Board provided under ss. 489.109(3) and 489.509(3), the department council shall determine the amount of funds available for the Florida Building Code Compliance and Mitigation Program education and outreach projects from the proceeds of contractor licensing fees and identify, solicit, and accept funds from other sources for education and outreach projects.~~

~~(7)(9) If the funds collected for education and outreach projects provided through the Florida Building Code Compliance and Mitigation Program in any state fiscal year do not require the use of all available funds, the unused funds shall be carried forward and allocated for use during the following fiscal year.~~

~~(8) The Florida Building Commission shall provide by rule for the accreditation of courses related to the Florida Building Code by accreditors approved by the commission. The commission shall establish qualifications of accreditors and criteria for the accreditation of courses by rule. The commission may revoke the accreditation of a course by an accreditor if the accreditation is demonstrated to violate this part or the rules of the commission.~~

~~(9) This section does not prohibit or limit the subject areas or development of continuing education or training on the Florida Building Code by any qualified entity.~~

~~(10) The commission shall consider and approve or reject the recommendations made by the council for subjects for education and outreach concerning the Florida Building Code. Any rejection must be made with specificity and must be communicated to the council.~~

~~(11) The commission shall adopt rules for establishing procedures and criteria for the approval of advanced courses. This section does not modify or eliminate the continuing education course requirements or authority of any licensing board under part XII of chapter 468, chapter 471, chapter 481, or chapter 489.~~

And the title is amended as follows:

On page 2, lines 12-14, delete those lines and insert: Affairs to administer a compliance and mitigation program; requiring that the compliance and mitigation program be provided by a private,

Amendment 5 (390582)—On page 33, delete line 13 and insert: *the Florida Building Code Compliance and Mitigation Program.*

Pursuant to Rule 4.19, **CS for CS for SB 2836** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett, the Senate resumed consideration of—

CS for SB 2180—A bill to be entitled An act relating to trespass; amending s. 810.011, F.S.; defining the term “construction site” for specified purposes; amending s. 810.09, F.S.; revising provisions relating to trespassing on a construction site; providing for signage to notify the public of a covered construction site; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 2 (064782)** by Senator Bennett was withdrawn.

Pursuant to Rule 4.19, **CS for SB 2180** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for SB 2848—A bill to be entitled An act relating to municipal incorporation; prohibiting counties from requiring certain municipalities to pay charges, assessments, taxes, fees, or other consideration for certain residents' actions; providing that the provisions of the act are not preempted by law; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 2848** to **HB 7167**.

Pending further consideration of **CS for SB 2848** as amended, on motion by Senator Diaz de la Portilla, by two-thirds vote **HB 7167** was withdrawn from the Committees on Community Affairs; and Finance and Tax.

On motion by Senator Diaz de la Portilla—

HB 7167—A bill to be entitled An act relating to municipal incorporation; prohibiting counties from requiring certain municipalities to pay charges, assessments, taxes, fees, or other considerations for certain residents' actions; providing that the provisions of the act are not preempted; providing an effective date.

—a companion measure, was substituted for **CS for SB 2848** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 7167** was placed on the calendar of Bills on Third Reading.

By Senator Dawson—

CS for SB 732—A bill to be entitled An act relating to child abductions; creating s. 985.6011, F.S.; requiring the Department of Juvenile Justice to establish an immigration status screening program; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 732** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

SB 1202—A bill to be entitled An act relating to power plants; amending s. 366.93, F.S.; revising definitions related to certain power plants to include integrated gasification combined cycle power plants; requiring the Public Service Commission to implement rules related to integrated gasification combined cycle power plant cost recovery; requiring a report; amending s. 403.519, F.S.; providing requirements and procedures for determination of need for integrated gasification combined cycle power plants; providing an exemption from purchased power supply bid rules under certain circumstances; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 1202** to **HB 549**.

Pending further consideration of **SB 1202** as amended, on motion by Senator Bennett, by two-thirds vote **HB 549** was withdrawn from the

Committees on Communications and Public Utilities; Environmental Preservation and Conservation; and General Government Appropriations.

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

HB 549—A bill to be entitled An act relating to power plants; amending s. 366.93, F.S.; revising definitions related to certain power plants to include integrated gasification combined cycle power plants; requiring the Public Service Commission to implement rules related to integrated gasification combined cycle power plant cost recovery; requiring a report; amending s. 403.502, F.S.; providing legislative intent for the consideration of renewable energy sources and technologies and conservation measures in actions related to electrical power plant and transmission line siting; amending s. 403.519, F.S.; providing requirements and procedures for determination of need for integrated gasification combined cycle power plants; requiring consideration of renewable energy sources and technologies and conservation measures in power plant siting determinations; providing an exemption from purchased power supply bid rules under certain circumstances; providing an effective date.

—a companion measure, was substituted for **SB 1202** as amended and by two-thirds vote read the second time by title.

MOTION

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

Senator Bennett moved the following amendment which was adopted:

Amendment 1 (303752)—Delete lines 122-194, and insert:

Section 2. Subsection (4) is added to section 403.502, Florida Statutes, to read:

403.502 Legislative intent.—The Legislature finds that the present and predicted growth in electric power demands in this state requires the development of a procedure for the selection and utilization of sites for electrical generating facilities and the identification of a state position with respect to each proposed site. The Legislature recognizes that the selection of sites and the routing of associated transmission lines will have a significant impact upon the welfare of the population, the location and growth of industry, and the use of the natural resources of the state. The Legislature finds that the efficiency of the permit application and review process at both the state and local level would be improved with the implementation of a process whereby a permit application would be centrally coordinated and all permit decisions could be reviewed on the basis of standards and recommendations of the deciding agencies. It is the policy of this state that, while recognizing the pressing need for increased power generation facilities, the state shall ensure through available and reasonable methods that the location and operation of electrical power plants will produce minimal adverse effects on human health, the environment, the ecology of the land and its wildlife, and the ecology of state waters and their aquatic life and will not unduly conflict with the goals established by the applicable local comprehensive plans. It is the intent to seek courses of action that will fully balance the increasing demands for electrical power plant location and operation with the broad interests of the public. Such action will be based on these premises:

(4) *To assure the citizens of Florida that renewable energy sources and technologies, as well as conservation measures, are utilized to the extent reasonably available.*

Section 3. Subsections (3) and (4) of section 403.519, Florida Statutes, are amended to read:

403.519 Exclusive forum for determination of need.—

(3) The commission shall be the sole forum for the determination of this matter, which accordingly shall not be raised in any other forum or in the review of proceedings in such other forum. In making its determination, the commission shall take into account the need for electric system reliability and integrity, the need for adequate electricity at a reasonable cost, the need for fuel diversity and supply reliability, and whether the proposed plant is the most cost-effective alternative available, and whether renewable energy sources and technologies, as well as

conservation measures, are utilized to the extent reasonably available. The commission shall also expressly consider the conservation measures taken by or reasonably available to the applicant or its members which might mitigate the need for the proposed plant and other matters within its jurisdiction which it deems relevant. The commission's determination of need for an electrical power plant shall create a presumption of public need and necessity and shall serve as the commission's report required by s. 403.507(4). An order entered pursuant to this section constitutes final agency action.

(4) In making its determination on a proposed electrical power plant using nuclear materials or synthesis gas produced by integrated gasification combined cycle power plant as fuel, the commission shall hold a hearing within 90 days after the filing of the petition to determine need and shall issue an order granting or denying the petition within 135 days after the date of the filing of the petition. The commission shall be the sole forum for the determination of this matter and the issues addressed in the petition, which accordingly shall not be reviewed in any other forum, or in the review of proceedings in such other forum. In making its determination to either grant or deny the petition, the commission shall consider the need for electric system reliability and integrity, including fuel diversity, the need for base-load generating capacity, and the need for adequate electricity at a reasonable cost, and whether renewable energy sources and technologies, as well as conservation measures, are utilized to the extent reasonably available.

Pursuant to Rule 4.19, **HB 549** as amended was placed on the calendar of Bills on Third Reading.

By Senator Lawson—

CS for SB 2036—A bill to be entitled An act relating to inmate death notification; amending s. 944.09, F.S.; requiring the Department of Corrections to adopt procedures for providing notice of the death of an inmate in the state correctional system; prescribing written information to be provided to the person designated by the inmate to receive notice of the inmate's death; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2036** was placed on the calendar of Bills on Third Reading.

By Senator Aronberg—

CS for CS for SB 624—A bill to be entitled An act relating to premarital agreements; creating s. 61.079, F.S.; providing a short title; defining the terms "premarital agreements" and "property"; requiring that a premarital agreement be in writing and signed by both parties; providing that the agreement is enforceable without consideration; authorizing the parties to a premarital agreement to contract with respect to certain specified issues; providing that an agreement becomes effective upon marriage; providing for amendments to, revocation, and abandonment of an agreement; providing for enforcement of an agreement; providing for application of the act; providing for severability; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 624** was placed on the calendar of Bills on Third Reading.

By Senator Geller—

SJR 166—A joint resolution proposing an amendment to Section 2 of Article I of the State Constitution, relating to basic rights.

—was read the second time by title.

Pursuant to Rule 4.19, **SJR 166** was placed on the calendar of Bills on Third Reading.

By Senator Constantine—

CS for CS for SB's 960 and 1010—A bill to be entitled An act relating to elections; amending s. 97.021, F.S.; redefining the term “third-party registration organization”; amending s. 97.0575, F.S.; revising fines applicable to violations of requirements relating to third-party voter registrations; amending s. 103.121, F.S.; revising the dates relating to the presidential preference primary; amending s. 101.75, F.S.; authorizing municipalities to move their election date by ordinance to coincide with the presidential preference primary; amending s. 101.151, F.S.; authorizing the use of ballot-on-demand technology to produce certain marksense ballots; creating s. 101.56075, F.S.; requiring all voting to be by marksense ballot; providing an exemption for voters with disabilities; requiring voter interface devices for individuals with disabilities by a specified date; amending s. 101.5612, F.S.; requiring the use of certain marksense ballots for pre-election testing; amending s. 101.591, F.S.; requiring post-election, random audits of voting systems; providing general audit procedures; mandating that audit results be reported to the Department of State; prescribing requirements for audit reports; granting rulemaking authority to the department to adopt detailed, uniform audit procedures and a standard audit reporting form; providing procedures for the purchase of new voting systems and ballot equipment and the disposition of existing touchscreen voting systems for certain counties; authorizing the Department of State to purchase optical scan voting equipment and ballot-on-demand equipment for certain counties; appropriating funds for such purpose; amending s. 97.041, F.S.; authorizing qualified persons to preregister to vote on or after receipt of a valid driver's license; amending s. 97.053, F.S.; requiring an applicant for voter registration to be notified when the application cannot be verified; providing for registration upon presentation of evidence of a driver's license number, identification card number, or the last four digits of the applicant's social security number; changing the time within which a person casting a provisional ballot may present evidence of eligibility to vote; changing the time for voter registrations to be entered into the statewide voter registration system; amending s. 99.021, F.S.; prescribing form of oath for candidates for federal office; amending s. 99.061, F.S.; prescribing times for qualifying for nomination or election; prescribing specific procedures for qualifying for special district office; providing that the filing fee of a candidate for a special district election need not be drawn on a campaign account; amending s. 99.095, F.S.; prescribing the number of signatures required for a candidate for special district office to qualify by petition; prescribing the time for certification to the Division of Elections of certain candidates qualifying by petition; amending s. 99.096, F.S.; changing manner of candidate selection by minor political parties; repealing s. 99.0965, F.S., relating to the selection of minor party candidates; amending s. 100.041, F.S.; prescribing the time when a county commissioner is deemed elected; amending s. 100.051, F.S.; revising requirements relating to candidates' whose names must be printed on general election ballots; amending s. 100.061, F.S.; changing the date of the primary election; amending s. 100.111, F.S.; revising provisions relating to choosing political party nominees for a special election; amending s. 100.191, F.S.; revising the time for canvassing special election returns; amending s. 100.371, F.S.; requiring initiative petition forms to be signed by the constitutionally required distribution of electors; amending timeframes for verifying petition signatures; prescribing information that must be on a petition initiative form, and conditions with which the elector signing it must comply, before the form may be verified; providing procedures for revocation of a signature on a petition form; amending s. 101.043, F.S.; revising forms of identification accepted at the polls; amending s. 101.048, F.S.; changing the time within which a person casting a provisional ballot may present evidence of eligibility to vote; amending s. 101.573, F.S.; changing the time for filing precinct-level election results; requiring such results to be filed with respect to special elections; prescribing requirements for such data; amending s. 101.6103, F.S.; changing the time to begin canvassing mail ballots; amending s. 101.62, F.S.; revising the period of effectiveness of a request for an absentee ballot; revising the time for sending an absentee ballot to an overseas elector; revising time period for providing absentee ballots; amending s. 101.68, F.S.; changing the time to begin canvassing absentee ballots; amending s. 102.112, F.S.; changing the deadline for submitting county returns to the Department of State; amending s. 102.141, F.S.; requiring submission of preliminary returns in certain format by election night to the Department of State; changing the time to submit unofficial returns; amending s. 102.166, F.S.; conforming a cross-reference; amending s. 103.081, F.S.; allowing political parties to file with the Department of State names of groups associated with a party; prescribing conditions on the use of those filed names; amending s. 103.091, F.S.; revising the number of and the qualifications for state committeemen and committeewomen; changing the times for qualifying for election to a political party executive committee;

amending s. 103.141, F.S.; providing that officers and members of a county executive committee may be removed from office pursuant to s. 103.161; repealing s. 103.151, F.S., relating to the removal of a state executive committee member for violation of the member's oath of office; creating s. 103.161, F.S.; providing for the removal or suspension of officers and members of a state or county executive committee for violation of the officer's or member's oath of office; prescribing procedures for such removal and restrictions after removal; amending s. 105.031, F.S.; changing the times for qualifying for school board candidates; amending s. 106.021, F.S.; revising qualifications for a campaign treasurer and deputy treasurer for a candidate or political committee; amending s. 106.04, F.S.; authorizing certain entities to collect and forward membership dues to committees of continuous existence; amending s. 106.055, F.S.; prescribing valuation method for travel on a private aircraft; amending s. 106.08, F.S.; prescribing procedures for receiving and transferring contributions made to political committees and committees of continuous existence; amending s. 106.09, F.S.; revising prohibition on making or accepting a cash contribution; amending s. 106.143, F.S.; providing disclosure requirements for political advertisements made pursuant to s. 106.021(3)(d), F.S.; amending s. 106.17, F.S.; revising who may authorize or conduct polls or surveys relating to candidates; amending s. 106.25, F.S.; revising requirements for complaints filed alleging violations of chapters 106 and 104, F.S.; revising procedures after certain complaints are filed; providing for the withdrawal of certain complaints; providing for the Florida Elections Commission to maintain a searchable database of all final orders and agency actions and providing requirements for such database; amending s. 106.35, F.S.; revising the time for the Division of Elections to distribute funds to candidates; amending s. 112.51, F.S.; providing for filling vacancies created when a municipal officer has been removed from office; repealing s. 106.37, F.S., relating to willful violations of campaign finance laws; amending s. 189.405, F.S.; revising qualification procedures for candidates for special district office; amending s. 191.005, F.S.; revising qualification procedures for candidates for independent special fire control district boards of commissioners; amending s. 582.18, F.S.; revising qualification procedures for candidates for soil and water conservation district supervisors; amending s. 876.05, F.S.; exempting candidates for federal office from taking the public employees' oath; providing effective dates.

—was read the second time by title.

Senator Aronberg moved the following amendment:

Amendment 1 (914508)(with title amendment)—On page 12, line 27 through page 23, line 8, delete those lines and insert:

Section 5. Effective July 1, 2008, subsection (1) and paragraph (a) of subsection (2) of section 101.151, Florida Statutes, are amended to read:

101.151 Specifications for ballots.—

(1)(a) Marksense ballots shall be printed on paper of such thickness that the printing cannot be distinguished from the back and shall meet the specifications of the voting system that will be used to tabulate the ballots.

(b) *Early voting sites may employ a ballot-on-demand production system to print individual marksense ballots, including provisional ballots, for eligible electors pursuant to s. 101.657. Ballot-on-demand technology may be used to produce marksense absentee ballots. Not later than 30 days before an election, the Secretary of State may also authorize in writing the use of ballot-on-demand technology for the production of election-day ballots.*

(2)(a) The ballot shall have headings under which shall appear the names of the offices and the names of the candidates for the respective offices in the following order: the heading “President and Vice President” and thereunder the names of the candidates for President and Vice President of the United States nominated by the political party that received the highest vote for Governor in the last general election of the Governor in this state. Then shall appear the names of other candidates for President and Vice President of the United States who have been properly nominated. Then shall follow the heading “Congressional” and thereunder the offices of United States Senator and Representative in Congress; then the heading “State” and thereunder the offices of Governor and Lieutenant Governor, Attorney General, Chief Financial Officer, Commissioner of Agriculture, state attorney, and public defender, together with the names of the candidates for each office and the title

of the office which they seek; then the heading "Legislative" and thereunder the offices of state senator and state representative; then the heading "County" and thereunder clerk of the circuit court, clerk of the county court (when authorized by law), sheriff, property appraiser, tax collector, district superintendent of schools, and supervisor of elections. Thereafter follows: members of the board of county commissioners, and such other county and district offices as are involved in the election, in the order fixed by the Department of State, followed, in the year of their election, by "Party Offices," and thereunder the offices of state and county party executive committee members. In a general election, in addition to the names printed on the ballot, a blank space shall be provided under each heading for an office for which a write-in candidate has qualified. With respect to write-in candidates, if two or more candidates are seeking election to one office, only one blank space shall be provided. *However, if all party candidates for a particular office share the same party affiliation, and if a write-in candidate for that office has the same party affiliation as those party candidates, a blank space must be placed on the primary ballot instead of the general election ballot. If two or more write-in candidates seek election for an office and each write-in candidate has the same party affiliation as all party candidates for that office, only one blank space may be provided on the primary ballot.*

Section 6. Effective July 1, 2008, section 101.56075, Florida Statutes, is created to read:

101.56075 Voting methods.—

(1) *Except as provided in subsection (2), all voting shall be by mark-sense ballot utilizing a marking device for the purpose of designating ballot selections.*

(2) *Persons with disabilities may vote on a voter interface device that meets the voting system accessibility requirements for individuals with disabilities pursuant to section 301 of the federal Help America Vote Act of 2002 and s. 101.56062.*

(3) *By 2012, persons with disabilities shall vote on a voter interface device that meets the voter accessibility requirements for individuals with disabilities under section 301 of the federal Help America Vote Act of 2002 and s. 101.56062, which are consistent with subsection (1) of this section.*

Section 7. Effective July 1, 2008, subsection (5) is added to section 101.5612, Florida Statutes, to read:

101.5612 Testing of tabulating equipment.—

(5) *Any tests involving marksense ballots pursuant to this section shall employ pre-printed ballots, if pre-printed ballots will be used in the election, and ballot-on-demand ballots, if ballot-on-demand technology will be used to produce ballots in the election, or both.*

Section 8. Effective July 1, 2008, section 101.591, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 101.591, F.S., for present text.)

101.591 Voting system audit.—

(1) *Immediately following the certification of each election, the county canvassing board or the local board responsible for certifying the election shall conduct a manual audit of the voting systems used in randomly selected precincts.*

(2) *The audit shall consist of a public manual tally of the votes cast in the "President and Vice President" or "Governor and Lieutenant Governor" race that appears at the top of the ballot or, if neither appears, the first race appearing on the ballot pursuant to s. 101.151(2), or, in the case of a purely municipal election, the first municipal race or issue on that ballot. The tally shall include election-day, absentee, early voting, provisional, and overseas ballots, in at least 1 percent but no more than 2 percent of the precincts chosen at random by the county canvassing board or the local board responsible for certifying the election. If 1 percent of the precincts is less than one entire precinct, the audit shall be conducted using at least one precinct chosen at random by the county canvassing board or the local board responsible for certifying the election. Such precincts shall be selected at a publicly-noticed canvassing board meeting.*

(3) *The canvassing board shall post a notice of the audit, including the date, time, and place, in four conspicuous places in the county and on the home page of the county supervisor of elections web site.*

(4) *The audit must be completed and the results made public no later than 11:59 p.m. on the 7th day following certification of the election by the county canvassing board or the local board responsible for certifying the election.*

(5) *Within 15 days after completion of the audit, the county canvassing board or the board responsible for certifying the election shall provide a report with the results of the audit to the Department of State in a standard format as prescribed by the department. The report shall contain, but is not limited to, the following items:*

- (a) *The overall accuracy of audit.*
- (b) *A description of any problems or discrepancies encountered.*
- (c) *The likely cause of such problems or discrepancies.*
- (d) *Recommended corrective action with respect to avoiding or mitigating such circumstances in future elections.*

Section 9. *Effective upon this act becoming a law, the Department of State shall adopt rules to implement the provisions of s. 101.591, Florida Statutes, as amended by section 8 which prescribe detailed audit procedures for each voting system, which shall be uniform to the extent practicable, along with the standard form for audit reports.*

Section 10. *Effective upon this act becoming a law:*

(1) *Notwithstanding ss. 101.292-101.295 and s. 101.5604, Florida Statutes, as a condition of the state purchasing optical scan voting equipment and ballot-on-demand equipment to replace touchscreen equipment as provided in section 11, each recipient county hereby authorizes the Secretary of State to act as its agent to negotiate the purchase of new equipment and the sale, exchange, or other disposition of existing touchscreen voting equipment that is not necessary to conduct voting for individuals with disabilities. Further, each such county hereby designates the Secretary of State as the authorized recipient of all proceeds realized from the sale, exchange, or other disposition of the voting equipment up to and including the state's cost to fund the county's new equipment. The secretary shall deposit the proceeds in the Grants and Donations Trust Fund within 60 days after the sale, exchange, or other disposition.*

(2) *A county commission may choose to opt out of this state funding scheme by filing a notice to that effect with the Department of State no later than June 30, 2007. Any county choosing to opt out shall continue to be governed by the provisions of ss. 101.292-101.295 and s. 101.5604, Florida Statutes, with respect to the purchase of new voting systems and equipment.*

Section 11. *Effective July 1, 2007:*

(1) *The Department of State is authorized to purchase:*

(a) *Election-day optical scan voting equipment, for the following counties: Broward, Charlotte, Collier, Hillsborough, Indian River, Lake, Lee, Martin, Miami-Dade, Nassau, Palm Beach, Pasco, Pinellas, Sarasota, and Sumter.*

(b) *Ballot-on-demand equipment for use at early voting sites, including optical scan tabulators, for the following counties: Bay, Brevard, Broward, Charlotte, Clay, Collier, Escambia, Hillsborough, Indian River, Jackson, Lake, Lee, Levy, Marion, Martin, Miami-Dade, Nassau, Okaloosa, Orange, Osceola, Palm Beach, Pasco, Pinellas, Santa Rosa, Sarasota, St. Johns, Sumter, Taylor, and Washington.*

(2) *The sum of \$27,861,850 is appropriated from the Grants and Donations Trust Fund to the Division of Elections within the Department of State for the purpose of implementing this section.*

Section 12. Paragraph (b) of subsection (1) of section 97.041, Florida Statutes, is amended to read:

97.041 Qualifications to register or vote.—

(1)

(b) A person who is otherwise qualified may preregister on or after that person's 17th birthday or receipt of a valid Florida driver's license, whichever occurs earlier, and may vote in any election occurring on or after that person's 18th birthday.

Section 13. Subsections (6) and (7) of section 97.053, Florida Statutes, are amended to read:

97.053 Acceptance of voter registration applications.—

(6) A voter registration application may be accepted as valid only after the department has verified the authenticity or nonexistence of the driver's license number, the Florida identification card number, or the last four digits of the social security number provided by the applicant. If a completed voter registration application has been received by the book-closing deadline but the driver's license number, the Florida identification card number, or the last four digits of the social security number provided by the applicant cannot be verified, the applicant shall be notified that the application is incomplete and that the voter must provide evidence to the supervisor sufficient to verify the authenticity of the number provided on the application. If the voter provides the necessary evidence, the supervisor shall place the voter's name on the registration rolls as an active voter. If the voter has not provided the necessary evidence or the number has not otherwise been verified prior to the applicant presenting himself or herself to vote, the applicant shall be provided a provisional ballot. The provisional ballot shall be counted only if the application is verified by the end of the canvassing period or if the applicant presents evidence to the supervisor of elections sufficient to verify the authenticity of the driver's license number, Florida identification card number, or last four digits of the social security number provided on the application no later than 5 p.m. of the second ~~third~~ day following the election.

(7) All voter registration applications received by a voter registration official shall be entered into the statewide voter registration system within 13 ~~15~~ days after receipt. Once entered, the application shall be immediately forwarded to the appropriate supervisor of elections.

Section 14. Paragraph (a) of subsection (1) of section 99.021, Florida Statutes, is amended, present paragraph (c) is redesignated as paragraph (d), and a new paragraph (c) is added to that subsection, to read:

99.021 Form of candidate oath.—

(1)(a)1. Each candidate, whether a party candidate, a candidate with no party affiliation, or a write-in candidate, in order to qualify for nomination or election to any office other than a judicial office as defined in chapter 105 or a federal office, shall take and subscribe to an oath or affirmation in writing. A printed copy of the oath or affirmation shall be furnished to the candidate by the officer before whom such candidate seeks to qualify and shall be substantially in the following form:

State of Florida
County of . . .

Before me, an officer authorized to administer oaths, personally appeared (please print name as you wish it to appear on the ballot), to me well known, who, being sworn, says that he or she is a candidate for the office of . . . ; that he or she is a qualified elector of . . . County, Florida; that he or she is qualified under the Constitution and the laws of Florida to hold the office to which he or she desires to be nominated or elected; that he or she has taken the oath required by ss. 876.05-876.10, Florida Statutes; that he or she has qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with that of the office he or she seeks; and that he or she has resigned from any office from which he or she is required to resign pursuant to s. 99.012, Florida Statutes.

(Signature of candidate)
(Address)

Sworn to and subscribed before me this . . . day of . . . , (year), at . . . County, Florida.

(Signature and title of officer administering oath)

2. Each candidate for federal office, whether a party candidate, a candidate with no party affiliation, or a write-in candidate, in order to qualify for nomination or election to office shall take and subscribe to an oath or affirmation in writing. A printed copy of the oath or affirmation shall be furnished to the candidate by the officer before whom such candidate seeks to qualify and shall be substantially in the following form:

State of Florida
County of _____

Before me, an officer authorized to administer oaths, personally appeared (please print name as you wish it to appear on the ballot), to me well known, who, being sworn, says that he or she is a candidate for the office of _____; that he or she is qualified under the Constitution and laws of the United States to hold the office to which he or she desires to be nominated or elected; that he or she has qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with that of the office he or she seeks; and that he or she has resigned from any office from which he or she is required to resign pursuant to s. 99.012, Florida Statutes.

(Signature of candidate) _____

(Address)

Sworn to and subscribed before me this _____ day of _____ (year), at _____ County, Florida.

(Signature and title of officer administering oath)

(c) In addition to the requirements set forth in paragraph (a), any person seeking to qualify as a write-in candidate shall, at the time of subscribing to the oath or affirmation, state in writing:

- 1. The party of which the person is a member. If the person is not a member of any party, that person shall so indicate by writing "no party affiliation."
- 2. That the person has had the same party affiliation, or "no party affiliation," for the immediately preceding 6-month period.

(d)(e) The officer before whom such person qualifies shall certify the name of such person to the supervisor of elections in each county affected by such candidacy so that the name of such person may be printed on the ballot. Each person seeking election as a write-in candidate shall subscribe to the oath prescribed in this section in order to be entitled to have write-in ballots cast for him or her counted.

Section 15. Section 99.061, Florida Statutes, is amended to read:

99.061 Method of qualifying for nomination or election to federal, state, county, or district office.—

(1) The provisions of any special act to the contrary notwithstanding, each person seeking to qualify for nomination or election to a federal, state, or multicounty district office, other than election to a judicial office as defined in chapter 105 or the office of school board member, shall file his or her qualification papers with, and pay the qualifying fee, which shall consist of the filing fee and election assessment, and party assessment, if any has been levied, to, the Department of State, or qualify by the petition process pursuant to s. 99.095 with the Department of State, at any time after noon of the 1st day for qualifying, which shall be as follows: the 120th day prior to the primary election, but not later than noon of the 116th day prior to the date of the primary election, for persons seeking to qualify for nomination or election to federal office or to the office of the state attorney or the public defender; and noon of the 71st 50th day prior to the primary election, but not later than noon of the 67th 46th day prior to the date of the primary election, for persons seeking to qualify for nomination or election to a state or multicounty district office, other than the office of the state attorney or the public defender.

(2) The provisions of any special act to the contrary notwithstanding, each person seeking to qualify for nomination or election to a county office, or district or special district office not covered by subsection (1), shall file his or her qualification papers with, and pay the qualifying fee, which shall consist of the filing fee and election assessment, and party assessment, if any has been levied, to, the supervisor of elections of the county, or shall qualify by the petition process pursuant to s. 99.095 with the supervisor of elections, at any time after noon of the 1st day for qualifying, which shall be the 71st 50th day prior to the primary election or special district election, but not later than noon of the 67th 46th day prior to the date of the primary election or special district election. However, if a special district election is held at the same time as the general election, qualifying shall be the 50th day prior to the primary election, but not later than noon of the 46th day prior to the date of the primary election. Within 30 days after the closing of qualifying time, the

supervisor of elections shall remit to the secretary of the state executive committee of the political party to which the candidate belongs the amount of the filing fee, two-thirds of which shall be used to promote the candidacy of candidates for county offices and the candidacy of members of the Legislature.

(3) *Notwithstanding the provisions of any special act to the contrary, each person seeking to qualify for election to a special district office shall qualify between noon of the 71st day prior to the primary election and noon of the 67th day prior to the date of the primary election. Candidates for single county special districts shall qualify with the supervisor of elections in the county in which the district is located. If the district is a multicounty district, candidates shall qualify with the Department of State. All special district candidates shall qualify by paying a filing fee of \$25 or qualify by the petition process pursuant to s. 99.095. Notwithstanding s. 106.021, a candidate who does not collect contributions and whose only expense is the filing fee or signature verification fee is not required to appoint a campaign treasurer or designate a primary campaign depository.*

(4)(g)(a) Each person seeking to qualify for election to office as a write-in candidate shall file his or her qualification papers with the respective qualifying officer at any time after noon of the 1st day for qualifying, but not later than noon of the last day of the qualifying period for the office sought.

(b) Any person who is seeking election as a write-in candidate shall not be required to pay a filing fee, election assessment, or party assessment. A write-in candidate ~~is shall~~ not be entitled to have his or her name printed on any ballot; however, space for the write-in candidate's name to be written in ~~must shall~~ be provided on the general election ballot or primary election ballot as required in s. 101.151(2). A ~~No~~

And the title is amended as follows:

On page 1, line 15 through page 2, line 24, delete those lines and insert: produce certain marksense ballots; providing for the placement of spaces for write-in candidates on primary and general election ballots; creating s. 101.56075, F.S.; requiring all voting to be by marksense ballot; providing an exemption for voters with disabilities; requiring voter interface devices for individuals with disabilities by a specified date; amending s. 101.5612, F.S.; requiring the use of certain marksense ballots for pre-election testing; amending s. 101.591, F.S.; requiring post-election, random audits of voting systems; providing general audit procedures; mandating that audit results be reported to the Department of State; prescribing requirements for audit reports; granting rulemaking authority to the department to adopt detailed, uniform audit procedures and a standard audit reporting form; providing procedures for the purchase of new voting systems and ballot equipment and the disposition of existing touchscreen voting systems for certain counties; authorizing the Department of State to purchase optical scan voting equipment and ballot-on-demand equipment for certain counties; appropriating funds for such purpose; amending s. 97.041, F.S.; authorizing qualified persons to preregister to vote on or after receipt of a valid driver's license; amending s. 97.053, F.S.; requiring an applicant for voter registration to be notified when the application cannot be verified; providing for registration upon presentation of evidence of a driver's license number, identification card number, or the last four digits of the applicant's social security number; changing the time within which a person casting a provisional ballot may present evidence of eligibility to vote; changing the time for voter registrations to be entered into the statewide voter registration system; amending s. 99.021, F.S.; prescribing form of oath for candidates for federal office; requiring write-in candidates to state certain information in writing; amending s.

POINT OF ORDER

Senator Fasano raised a point of order that pursuant to rule 7.1 **Amendment 1 (914508)** contained language of a bill not reported favorably by a Senate committee and was therefore out of order.

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

Consideration of **Amendment 1** was deferred with pending point of order.

Senator Bennett moved the following amendment:

Amendment 2 (323610)(with title amendment)—On page 13, between lines 10 and 11, insert:

Section 1. Effective July 1, 2007, present subsection (8) of section 101.151, Florida Statutes, is redesignated as subsection (9), and a new subsection (8) is added to that section, to read:

101.151 Specifications for ballots.—

(8) *For each office on the ballot, in addition to the names of candidates or a blank space for a write-in candidate, the ballot must include a selection that states "I choose not to vote." If the "I choose not to vote" selection receives the greatest number of votes, the candidate having the most votes shall be the winner.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 15, after the semicolon (;) insert: amending s. 101.151, F.S.; requiring that each ballot include a selection allowing the voter to indicate that he or she chooses not to vote for any candidate;

POINT OF ORDER

Senator Fasano raised a point of order that pursuant to rule 7.1 **Amendment 2 (323610)** contained language of a bill not reported favorably by a Senate committee and was therefore out of order.

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

Consideration of **Amendment 2** was deferred with pending point of order.

Senator Constantine moved the following amendment:

Amendment 3 (434130)—On page 15, line 25 to page 16, line 2, delete those lines and insert: *section 8 which prescribe detailed audit procedures for each voting system, which shall be uniform to the extent practicable, along with the standard form for audit reports.*

Section 10. *Effective upon this act becoming a law:*

(1) *Notwithstanding ss. 101.292-101.295 and s. 101.5604, Florida Statutes, as a condition of the state purchasing optical scan voting equipment and ballot-on-demand equipment to replace touchscreen equipment as provided in section 11, each recipient county hereby authorizes the*

MOTION

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

Senator Constantine moved the following substitute amendment:

Amendment 4 (500940)—On page 15, line 25 to page 16, line 2, delete those lines and insert: *section 9 which prescribe detailed audit procedures for each voting system, which shall be uniform to the extent practicable, along with the standard form for audit reports.*

Section 10. *Effective upon this act becoming a law:*

(1) *Notwithstanding ss. 101.292-101.295 and s. 101.5604, Florida Statutes, as a condition of the state purchasing optical scan voting equipment and ballot-on-demand equipment to replace touchscreen equipment as provided in section 12, each recipient county hereby authorizes the*

Consideration of **Amendment 3 (434130)** and **Substitute Amendment 4 (500940)** was deferred.

MOTION

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

Senator Constantine moved the following amendment which was adopted:

Amendment 5 (221350)—On page 34, line 31 through page 35, line 5, delete those lines and insert:

- (d)(f) Debit or credit card.
- (e)(g) Military identification.
- (f)(h) Student identification.
- (g)(i) Retirement center identification.
- (h)(j) Neighborhood association identification.
- (i)(k) Public assistance identification.

MOTION

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

Senator Constantine moved the following amendment:

Amendment 6 (130206)—On page 33, delete line 20 and insert: *be revoked within 30 days of the date on which he or she signed the petition form by submitting to the appropriate supervisor of*

Consideration of **Amendment 6 (130206)** was deferred.

MOTION

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

Senator Constantine moved the following amendment which was adopted:

Amendment 7 (222900)—On page 16, delete line 10 and insert: *voting equipment, after satisfying obligations or indebtedness associated with the voting equipment, up to and including the state's cost to fund*

MOTION

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

Senator Rich offered the following amendment which was moved by Senator Ring and adopted:

Amendment 8 (121608)—On page 33, lines 3-9, delete those lines and insert:

(c) *The form accurately sets forth the purported elector's name, street address, county, and voter registration number or date of birth.*

(d) *The purported elector is, at the time he or she*

MOTION

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

Senators Geller and Wilson offered the following amendment which was moved by Senator Geller and failed:

Amendment 9 (432676)—On page 9, delete line 24 and insert: *party shall, on the first second Tuesday in February March in*

MOTION

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

Senator Constantine moved the following amendment:

Amendment 10 (191548)—On page 8, line 14 to page 9, line 18, delete those lines and insert:

(a) A fine in the amount of \$50 ~~\$250~~ for each application received by the division or the supervisor of elections more than 10 days after the applicant delivered the completed voter registration application to the third-party voter registration organization or any person, entity, or agent acting on its behalf. *A fine in the amount of \$250 for each applica-*

tion received if the third-party registration organization or person, entity, or agency acting on its behalf acted willfully.

(b) A fine in the amount of \$100 ~~\$500~~ for each application collected by a third-party voter registration organization or any person, entity, or agent acting on its behalf, prior to book closing for any given election for federal or state office and received by the division or the supervisor of elections after the book closing deadline for such election. *A fine in the amount of \$500 for each application received if the third-party registration organization or person, entity, or agency acting on its behalf acted willfully.*

(c) A fine in the amount of \$500 ~~\$5,000~~ for each application collected by a third-party voter registration organization or any person, entity, or agent acting on its behalf, which is not submitted to the division or supervisor of elections. *A fine in the amount of \$1,000 for any application not submitted if the third-party registration organization or person, entity, or agency acting on its behalf acted willfully.*

The aggregate fine pursuant to this subsection which may be assessed against a third-party voter registration organization, including affiliate organizations, for violations committed in a calendar year shall be \$6,000. The fines provided in this subsection shall be reduced by three-fourths in cases in which the third-party voter registration organization has complied with subsection (1). The secretary shall waive the fines described in this subsection upon a showing that the failure to deliver the voter registration application promptly is based upon force majeure or impossibility of performance.

MOTION

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

Senator Ring moved the following amendment to **Amendment 10** which was adopted:

Amendment 10A (585166)—On page 2, line 18, delete “\$6,000” and insert: *\$1,000*

Amendment 10 as amended was adopted.

MOTION

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

Senator Constantine moved the following amendments which were adopted:

Amendment 11 (080988)—On page 27, line 7; and on page 28, line 19, delete “. Section” and insert: *. Effective upon this act becoming a law, section*

Amendment 12 (080932)—On page 28, line 3, delete “Section” and insert: *Effective upon this act becoming a law, section*

Amendment 13 (862262)—On page 29, line 10, delete “Subsection” and insert: *Effective upon this act becoming a law, subsection*

MOTION

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

Senator Constantine moved the following amendment which failed:

Amendment 14 (055796)(with title amendment)—On page 18, between lines 19 and 20, insert:

Section 14. Subsection (7) of section 99.012, Florida Statutes, is amended to read:

99.012 Restrictions on individuals qualifying for public office.—

(7) This section does not apply to:

(a) Political party offices.

(b) Persons serving without salary as members of an appointive board or authority.

(c) *Persons seeking the office of President or Vice President of the United States of America.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 22, immediately after the semicolon (;) insert: amending s. 99.012, F.S.; creating an exemption from the resign-to-run law for persons seeking the office of U.S. President or Vice President;

MOTION

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

Senator Rich moved the following amendment which was adopted:

Amendment 15 (202726)—On page 14, lines 16-22, delete those lines and insert:

(2) *The audit shall consist of a public manual tally of the votes cast in one randomly selected race that appears on the ballot. The tally sheet shall include election-day,*

MOTION

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

Senator Ring moved the following amendment which was adopted:

Amendment 16 (101290)(with title amendment)—On page 72, between lines 15 and 16, insert:

Section 55. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 2, after the semicolon (;) insert: providing for severability;

The Senate resumed consideration of **Amendment 6 (130206)** by Senator Constantine which was previously considered and deferred.

MOTION

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

Senator Posey moved the following amendment to **Amendment 6** which was adopted:

Amendment 6A (515368)—On page 1, line 16, delete “30” and insert: 150

Amendment 6 as amended was adopted.

POINT OF ORDER RULING

The Senate resumed consideration of **Amendment 2 (323610)** by Senator Bennett, which was previously considered and deferred with pending point of order. The pending point of order was withdrawn. The question recurred on **Amendment 2** which was withdrawn.

The Senate resumed consideration of **Amendment 1 (914508)** by Senator Aronberg, which was previously considered and deferred with pending point of order. On recommendation of Senator Wilson, Vice Chair of the Committee on Rules, the President ruled the point well taken and the amendment out of order.

The Senate resumed consideration of **Amendment 3 (434130)** and **Substitute Amendment 4 (500940)** by Senator Constantine, which were previously considered. **Substitute Amendment 4** was withdrawn. The question recurred on **Amendment 3** which was adopted.

MOTION

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

Senator Aronberg moved the following amendment which was adopted:

Amendment 17 (891618)(with title amendment)—On page 72, between lines 15 and 16, insert:

Section 55. *At the time of qualification, all write-in candidates must reside within the district represented by the office sought.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 6, line 2, after the semicolon (;) insert: requiring that all write-in candidates reside within the district of the office sought at the time of qualification;

Pursuant to Rule 4.19, **CS for CS for SB's 960 and 1010** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

RECONSIDERATION OF BILL

On motion by Senator Bennett, the Senate recalled—

CS for CS for HB 529—A bill to be entitled An act relating to regulation of communications media technology services; providing a short title; amending s. 202.11, F.S.; providing a definition; amending s. 202.24, F.S.; prohibiting counties and municipalities from negotiating terms and conditions relating to cable and video services; deleting authorization to negotiate; revising application to existing ordinances or franchise agreements; amending s. 337.401, F.S.; deleting authorization for counties and municipalities to award cable service franchises and a restriction that cable service companies not operate without such a franchise; amending s. 337.4061, F.S.; revising definitions; creating ss. 610.102, 610.103, 610.104, 610.105, 610.106, 610.107, 610.108, 610.109, 610.112, 610.113, 610.114, 610.115, 610.116, 610.117, and 620.118, F.S.; designating the Department of State as the authorizing authority; providing definitions; requiring state authorization to provide cable and video services; providing requirements and procedures; providing for fees; providing duties and responsibilities of the Department of State; providing application procedures and requirements; providing for issuing certificates of franchise authority; providing eligibility requirements and criteria for a certificate; providing for amending a certificate; providing for transferability of certificates; providing for termination of certificates under certain circumstances; providing for challenging a department rejection of an application; providing that the department shall function in a ministerial capacity for certain purposes; providing for an application form; providing for an application fee; requiring certain information updates; providing for a processing fee; providing for cancellation upon notice that information updates and processing fees are not received; providing for an opportunity to cure; providing for transfer of such fees to the Department of Agriculture and Consumer Services; requiring the department to maintain a separate account for cable franchise revenues; providing for fees to the Department of State for certain activities; prohibiting the department from imposing additional taxes, fees, or charges on a cable or video service provider to issue a certificate; prohibiting imposing buildout, construction, and deployment requirements on a certificateholder; requiring certificateholders to make cable and video service available at certain public buildings under certain circumstances; imposing certain customer service requirements on cable service providers; requiring the Department of Agriculture and Consumer Services to receive customer service complaints; requiring provision of public, educational, and governmental access channels or capacity equivalent; providing criteria, requirements, and procedures; providing exceptions; providing responsibilities of municipalities and counties relating to such channels; providing for enforcement; providing requirements for and limitations on counties and municipalities relating to access to public right-of-way; prohibiting counties and municipalities from imposing additional requirements on certificateholders; authorizing counties and municipalities to require permits of certificateholders relating to public right-of-way; providing permit criteria and requirements; prohibiting discrimination among cable and video service sub-

scribers; providing for enforcement; providing requirements for a request for enforcement; requiring the department to engage certain parties in nonbinding mediation under certain circumstances; providing for filing a complaint in court; providing for a period of time to cure certain noncompliance; providing for an award of costs and attorney's fees; providing for determinations of violations; providing for enforcement of compliance by certificateholders; providing requirements for cable service providers under certain court orders; providing for payment by nonincumbent certificateholders of certain amounts to municipalities and counties under certain circumstances; providing procedures for payment of such amounts; providing service requirements for nonincumbent certificateholders; authorizing separate statement of certain fees on a customer bill; preserving certain rights of nonincumbent service providers; authorizing certificateholders to intervene in certain court actions; requiring the Office of Program Policy Analysis and Government Accountability to report to the Legislature on the status of competition in the cable and video service industry; providing report requirements; requiring the Department of Agriculture and Consumer Services to make recommendations to the Legislature; providing duties of the Department of State; providing severability; amending ss. 350.81 and 364.0361, F.S.; conforming cross-references; amending s. 364.051, F.S.; deleting provisions under which certain telecommunications companies may elect alternative regulation; amending s. 364.10, F.S.; providing requirements for enrolling certain persons in the Lifeline service program; requiring the Public Service Commission to adopt rules by a specified date; requiring the commission, the Department of Children and Family Services, and the Office of Public Counsel to enter into a memorandum of understanding of respective duties under the Lifeline service program; amending s. 364.163, F.S.; providing for a cap on certain switched network access service rates; deleting a time period in which intrastate access rates are capped; prohibiting interexchange telecommunications companies from instituting any intrastate connection fee; deleting provisions for regulatory oversight of intrastate access rates; amending s. 364.385, F.S.; providing for continuing effect of certain rates and charges approved by the Public Service Commission; providing for an exception; repealing s. 166.046, F.S., relating to definitions and minimum standards for cable television franchises imposed upon counties and municipalities; repealing s. 364.164, F.S., relating to competitive market enhancement; providing an effective date.

—for further consideration.

RECONSIDERATION OF AMENDMENT

On motion by Senator Bennett, the Senate reconsidered the vote by which **Amendment 9 (602640)** was adopted. **Amendment 9** was withdrawn.

MOTION

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

Senator Bennett moved the following amendment which was adopted:

Amendment 11 (181662)(with title amendment)—On page 14, line 381 through page 25, line 685, delete those lines and insert:

the selection or use of such video programming or other programming service.

(2) “Cable service provider” means a person that provides cable service over a cable system.

(3) “Cable system” means a facility consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service that includes video programming and that is provided to multiple subscribers within a community, but such term does not include:

(a) A facility that serves only to retransmit the television signals of one or more television broadcast stations;

(b) A facility that serves only subscribers in one or more multiple-unit dwellings under common ownership, control, or management, unless such facility or facilities use any public right-of-way;

(c) A facility that serves subscribers without using any public right-of-way;

(d) A facility of a common carrier that is subject, in whole or in part, to the provisions of Title II of the federal Communications Act of 1934 except that such facility shall be considered a cable system other than for purposes of 47 U.S.C. Section 541(c) to the extent such facility is used in the transmission of video programming directly to subscribers, unless the extent of such use is solely to provide interactive on-demand services;

(e) Any facilities of any electric utility used solely for operating its electric utility systems; or

(f) An open video system that complies with 47 U.S.C. Section 573.

(4) “Certificateholder” means a cable or video service provider that has been issued and holds a certificate of franchise authority from the department.

(5) “Department” means the Department of State.

(6) “Franchise” means an initial authorization or renewal of an authorization, regardless of whether the authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement, or otherwise, to construct and operate a cable system or video service provider network facilities in the public right-of-way.

(7) “Franchise authority” means any governmental entity empowered by federal, state, or local law to grant a franchise.

(8) “Incumbent cable service provider” means a cable or video service provider providing cable or video service on July 1, 2007.

(9) “Public right-of-way” means the area on, below, or above a public roadway, highway, street, sidewalk, alley, or waterway, including, without limitation, a municipal, county, state, district, or other public roadway, highway, street, sidewalk, alley, or waterway.

(10) “Video programming” means programming provided by, or generally considered comparable to programming provided by, a television broadcast station as set forth in 47 U.S.C. s. 522(20).

(11) “Video service” means video programming services, including cable services, provided through wireline facilities located at least in part in the public rights-of-way without regard to delivery technology, including Internet protocol technology. This definition does not include any video programming provided by a commercial mobile service provider as defined in 47 U.S.C. s. 332(d), video programming provided as part of, and via a service that enables end users to access content, information, electronic mail, or other services offered over the public Internet.

(12) “Video service provider” means an entity providing video service.

610.104 State authorization to provide cable or video service.—

(1) An entity or person seeking to provide cable or video service in this state after July 1, 2007, shall file an application for a state-issued certificate of franchise authority with the department as required by this section.

(2) An applicant for a state-issued certificate of franchise authority to provide cable or video service shall submit to the Department of State an application that contains:

(a) The official name of the cable or video service provider.

(b) The street address of the principal place of business of the cable or video service provider.

(c) The federal employer identification number or the Department of State's document number.

(d) The name, address, and telephone number of an officer, partner, owner, member, or manager as a contact person for the cable or video service provider to whom questions or concerns may be addressed.

(e) A duly executed affidavit signed by an officer, partner, owner, or managing member affirming and containing:

1. That the applicant is fully qualified under the provisions of this chapter to file an application and affidavit for a certificate of franchise authority.

2. That the applicant has filed or will timely file with the Federal Communications Commission all forms required by that agency in advance of offering cable or video service in this state.

3. That the applicant agrees to comply with all applicable federal and state laws and regulations, to the extent such state laws and rules are not in conflict with or superseded by the provisions of this chapter or other applicable state law.

4. That the applicant agrees to comply with all state laws and rules and municipal and county ordinances and regulations regarding the placement and maintenance of communications facilities in the public rights-of-way that are generally applicable to providers of communications services in accordance with s. 337.401.

5. A description of the service area for which the applicant seeks a certificate of franchise authority provided on a municipal or countywide basis. The description may be provided in a manner that does not disclose competitively sensitive information. Notwithstanding the foregoing:

a. For incumbent cable or video service providers that have existing local franchise agreements, the service area shall be coextensive with the provider's service area description in the existing local franchise.

b. For applicants using telecommunications facilities to provide video services, the service area shall be described in terms of entire wire centers that may or may not be consistent with municipal or county boundaries except any portion of a specific wire center which will remain subject to an existing cable or video franchise agreement until the earlier of the agreement's expiration or termination.

6. The location of the applicant's principal place of business, the names of the applicant's principal executive officers, and a physical address sufficient for the purposes of chapter 48.

7. That the applicant will file with the department a notice of commencement of service within 5 business days after first providing service in each area described in subparagraph 5.

8. A statement affirming that the applicant will notify the department of any change of address or contact person.

9. The applicant's system shall comply with the Federal Communications Commission's rules and regulations of the Emergency Alert System.

(3) Before the 10th business day after the department receives the application, the department shall notify the applicant whether the application and affidavit described in subsection (3) are complete. If the department rejects the application and affidavit, the department shall specify with particularity the reasons for the rejection and permit the applicant to amend the application or affidavit to cure any deficiency. The department shall act upon the amended application or affidavit within 10 business days after the department's receipt of the amended application or affidavit.

(4) The department shall issue a certificate of franchise authority to the applicant before the 15th business day after receipt of an accepted application. The certificate of franchise authority issued by the department shall contain:

(a) The name of the certificateholder and its identification number.

(b) A grant of authority to provide cable or video service as requested in the application.

(c) A grant of authority to construct, maintain, and operate facilities through, upon, over, and under any public right-of-way or waters, subject to the applicable governmental permitting or authorization from the Board of Trustees of the Internal Improvement Trust Fund.

(d) A statement that the grant of authority is subject to lawful operation of the cable or video service by the applicant or its successor in interest.

(e) A statement that describes the service area for which this certificate of authority applies.

(f) A statement that includes the issuance date that shall be the effective date of the commencement of this authority.

(5) If the department fails to act on the accepted application within 30 business days after receiving the accepted application, the application shall be deemed approved by the department without further action.

(6) A certificateholder that seeks to include additional service areas in its current certificate shall file an amendment to the certificate with the department. Such amendment shall specify the name and address of the certificateholder, the new service area or areas to be served, consistent with subparagraph (2)(e)5., but need not be coextensive with municipal or county boundaries, and the effective date of commencement of operations in the new service area or areas. Such amendment shall be filed with the department within 5 business days after first providing service in each such additional area.

(7) The certificate of franchise authority issued by the department is fully transferable to any successor in interest to the applicant to which the certificate is initially granted. A notice of transfer shall be filed with the department and the relevant municipality or county within 14 business days following the completion of such transfer.

(8) The certificate of franchise authority issued by the department may be terminated by the cable or video service provider by submitting notice to the department.

(9) An applicant may challenge a rejection of an application by the department in a court of competent jurisdiction through a petition for mandamus.

(10) In executing the provisions of this section, the department shall function in a ministerial capacity accepting information contained in the application and affidavit at face value. The applicant shall ensure continued compliance with all applicable business formation, registration, and taxation provisions of law.

(11) The application shall be accompanied by a one-time fee of \$10,000. A parent company may file a single application covering itself and all of its subsidiaries and affiliates intending to provide cable or video service in the service areas throughout the state as described in paragraph (3)(d), but the entity actually providing such service in a given area shall otherwise be considered the certificateholder under this act.

(12) Beginning 5 years after approval of the certificateholder's initial certificate of franchise issued by the department, and every 5 years thereafter, the certificateholder shall update the information contained in the original application for a certificate of franchise. At the time of filing the information update, the certificateholder shall pay a processing fee of \$1,000. Any certificateholder that fails to file the updated information and pay the processing fee on the 5-year anniversary dates shall be subject to cancellation of its state-issued certificate of franchise authority if, upon notice given to the certificateholder at its last address on file with the department, the certificateholder fails to file the updated information and pay the processing fee within 30 days after the date notice was mailed. The application and processing fees imposed in this section shall be paid to the Department of State for deposit into the Operating Trust Fund for immediate transfer by the Chief Financial Officer to the General Inspection Trust Fund of the Department of Agriculture and Consumer Services. The Department of Agriculture and Consumer Services shall maintain a separate account within the General Inspection Trust Fund to distinguish cable franchise revenues from all other funds. The application, any amendments to the certificate, or information updates must be accompanied by a fee to the Department of State equal to that for filing articles of incorporation pursuant to s. 607.0122(1).

610.105 Eligibility for state-issued franchise.—

(1) After July 1, 2007, an incumbent cable or video service provider is immediately eligible at its option to apply for a state-issued certificate of franchise authority under this chapter and shall file a written notice with the applicable municipality or county in which the provider provides cable or video service simultaneously with any filing with the department under this chapter. The applicable municipal or county franchise is terminated under this section on the date the department issues the state-issued certificate of franchise authority.

(2) If an incumbent cable or video service provider has been granted a state-issued certificate of franchise authority that covers all or a portion of a municipality or county, any obligation under any existing municipal or county franchise that exceeds the obligations imposed on the certifi-

cateholder in the area covered by the certificate shall be against public policy and void.

610.106 Franchise fees prohibited.—Except as otherwise provided in this chapter, the department may not impose any taxes, fees, charges, or other impositions on a cable or video service provider as a condition for the issuance of a state-issued certificate of franchise authority. No municipality or county may impose any taxes, fees, charges, or other exactions on certificateholders in connection with use of public right-of-way as a condition of a certificateholder doing business in the municipality or county, or otherwise, except such taxes, fees, charges, or other exactions permitted by chapter 202, s. 337.401(6), or s. 610.117.

610.107 Buildout.—No franchising authority, state agency, or political subdivision may impose any buildout, system construction, or service deployment requirements on a certificateholder.

610.108 Customer service standards.—

(1) All cable or video service providers shall comply with customer service requirements in 47 C.F.R. s. 76.309(c).

(2) Any municipality or county that, as of January 1, 2007, has an office or department dedicated to responding to cable or video service customer complaints may continue to respond to such complaints until July 1, 2009. Beginning July 1, 2009, the Department of Agriculture and Consumer Services shall have the sole authority to respond to all cable or video service customer complaints. This provision does not permit the municipality, county, or department to impose customer service standards inconsistent with the requirements in 47 C.F.R. s. 76.309(c).

(3) The Department of Agriculture and Consumer Services shall receive service quality complaints from customers of a cable or video service provider and shall address such complaints in an expeditious manner by assisting in the resolution of such complaint between the complainant and the cable or video service provider. The Department of Agriculture and Consumer Services may adopt any procedural rules pursuant to ss. 120.536(1) and 120.54 necessary to administer this section, but shall not have any authority to impose any customer service requirements inconsistent with those contained in 47 C.F.R. s. 76.309(c).

And the title is amended as follows:

On page 2, lines 40 through 48, delete and insert: activities; providing for incumbent cable service provider eligibility for state-issued franchises; providing for certain notice to municipal or county franchise authority; providing for termination of a municipal or county franchise; declaring certain additional obligations on a franchisee against public policy and void; prohibiting the department from imposing additional taxes, fees, or charges on a cable or video service provider to issue a certificate; prohibiting imposing buildout, construction, and deployment requirements on a certificateholder; imposing certain customer service requirements on cable service providers; allowing a municipality or county to respond to complaints for a time certain; requiring the

Pursuant to Rule 4.19, **CS for CS for HB 529** as amended was placed on the calendar of Bills on Third Reading.

By Senator Posey—

CS for SB 900—A bill to be entitled An act relating to initiative petitions; providing a short title; amending s. 100.371, F.S.; requiring initiative petition forms to be signed by the constitutionally required distribution of electors; providing procedures for revocation of a signature on a petition form; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 900** was placed on the calendar of Bills on Third Reading.

By Senator Fasano—

CS for SB 1920—A bill to be entitled An act relating to ballot initiatives; amending s. 100.371, F.S.; authorizing private property owners and others to prohibit or regulate activity on their property which opposes or supports ballot initiatives; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1920** was placed on the calendar of Bills on Third Reading.

By Senator Deutch—

CS for SB 2142—A bill to be entitled An act relating to investments of the State Board of Administration; creating s. 215.442, F.S.; providing reporting requirements for the executive director of the State Board of Administration; requiring the State Board of Administration to publish certain quarterly reports on its website; creating s. 215.473, F.S.; providing legislative findings; providing definitions; requiring the State Board of Administration to identify all companies in which public moneys are invested that are doing certain types of business in or with Sudan and Iran; requiring the board to create and maintain certain scrutinized companies lists that name all such companies; requiring the board to periodically contact all scrutinized companies and encourage them to refrain from engaging in certain types of business in or with Sudan and Iran; requiring the board to inform scrutinized companies of their status as a scrutinized company and to ask for clarification as to the nature of each company's business activities; providing that a company may be removed from the list under certain conditions; providing for reintroduction of a company onto the list; requiring the board to divest of all publicly traded securities of a scrutinized company under certain conditions; providing exceptions to the divestment requirement; prohibiting the board from acquiring securities of scrutinized companies that have active business operations; providing exceptions to the investment prohibition; providing an additional exception from the divestment requirement and the investment prohibition to certain indirect holdings in actively managed investment funds; requiring the board to request that the managers of such investment funds consider removing scrutinized companies from the fund or create a similar fund that excludes such companies; requiring the board to file a report with the Governor, the Legislature, and Attorney General within a specified period after creation of each scrutinized companies list; requiring the annual filing of an updated report; requiring that all such reports be made available to the public; requiring that the report include certain information; providing for the expiration of the act; exempting the board from certain statutory or common law obligations; authorizing the board to cease divesting or to reinvest in certain scrutinized companies if the value for all assets under management by the board becomes equal to or less than a specified amount; requiring the board to provide a written report to the Governor, the Legislature, and Attorney General before such reinvestment; requiring that the report contain certain information; requiring semiannual updates to such reports when applicable; providing for severability; providing an effective date.

—was read the second time by title.

Senator Deutch moved the following amendments which were adopted:

Amendment 1 (415506)(with title amendment)—On page 7, line 17, insert:

Section 1. *This act may be cited as the “Protecting Florida’s Investments Act.”*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 3, following the semicolon (;) insert: creating the “Protecting Florida’s Investments Act”;

Amendment 2 (331680)—On page 15, line 4, delete “Laws” and insert: *Reviewing the laws*

Amendment 3 (503862)—On page 15, lines 26 and 27, delete those lines and insert: *subparagraph (1)(t)1., subparagraph (1)(t)2., or subparagraph (1)(t)3.*

Amendment 4 (812578)(with title amendment)—On page 21, line 27 through page 22, line 2, delete those lines and insert:

(6) **INVESTMENT POLICY STATEMENT OBLIGATIONS.**—*The public fund’s actions taken in compliance with this act, including all*

good faith determinations regarding companies as required by this act, shall be adopted and incorporated into the public fund's investment policy statement (the IPS) as set forth in s. 215.475.

And the title is amended as follows:

On page 2, lines 20-22, delete those lines and insert: for the expiration of the act; requiring certain information to be included in the investment policy statement; authorizing the board to cease

Pursuant to Rule 4.19, **CS for SB 2142** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 564** was deferred.

By Senator Dockery—

CS for SB 680—A bill to be entitled An act relating to growth management; amending s. 1013.738, F.S.; revising the eligibility criteria for the High Growth District Capital Outlay Assistance Grant Program; revising provisions for allocating funds provided by the General Appropriations Act to the Public Education Capital Outlay and Debt Service Trust Fund; providing an appropriation; providing an effective date.

—was read the second time by title.

The Committee on Education Facilities Appropriations recommended the following amendment which was moved by Senator Dockery and adopted:

Amendment 1 (230124)—On page 1, line 29 through page 2, line 14, delete those lines and insert:

(b) *The district must have received in the prior fiscal year revenue from the collection of an impact fee specifically for schools and meet one of the following criteria:*

1. *Have received revenue from a local government infrastructure sales surtax authorized in s. 212.055(2) in which a portion is dedicated for the construction of schools in such prior fiscal year or for satisfaction of debt service pledged for the construction of schools.*

2. *Have received revenue from a school capital outlay surtax authorized in s. 212.055(6). If the school capital outlay surtax is used to meet the conditions of paragraph (a), the amount of the school capital outlay surtax collected must be in excess of the amount in paragraph (a).*

3. *Have received revenue from a local bond referendum as authorized in ss. 1010.40-1010.55.*

4. *Have paid debt service in the prior fiscal year for a local bond referendum as authorized in ss. 1010.40-1010.55.*

Senator Dockery moved the following amendment which was adopted:

Amendment 2 (953826)—On page 5, line 10, delete “*funds and*” and insert: *funds*,

Pursuant to Rule 4.19, **CS for SB 680** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By Senator Bennett—

CS for SB 574 and CS for SB 1228—A bill to be entitled An act relating to school districts; creating s. 1003.621, F.S.; providing criteria for designating academically high-performing school districts; providing exceptions for such districts to be exempt from certain statutes and rules; providing compliance requirements; providing for district governing boards; providing for reports; providing for a review by the State Board of Education of certain reporting requirements; amending s. 200.065, F.S.; providing for notice concerning property and casualty insurance costs; amending s. 1011.71, F.S., relating to the district school tax; providing criteria for using funds; authorizing the use of funds for specified purposes; eliminating restrictions on the use of funds; providing an effective date.

—was read the second time by title.

MOTION

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

Senator Deutch moved the following amendment which failed:

Amendment 1 (721940)—On page 10, delete line 19 and insert: *requirements in its traditional public schools regarding class size for the current year*

Pursuant to Rule 4.19, **CS for SB 574 and CS for SB 1228** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 224—A bill to be entitled An act relating to suicide prevention; creating s. 14.2019, F.S.; creating the Statewide Office for Suicide Prevention as a unit of the Office of Drug Control in the Executive Office of the Governor; providing the goals and objectives of the office; creating the position of statewide coordinator for the statewide office, contingent upon a specific appropriation; authorizing the Statewide Office for Suicide Prevention to seek and accept grants or funds from any source to support its operation; requiring that revenues from grants be deposited into the Grants and Donations Trust Fund within the Executive Office of the Governor; creating s. 14.20195, F.S.; creating the Suicide Prevention Coordinating Council within the Statewide Office for Suicide Prevention; providing the scope of activities for the coordinating council; authorizing the coordinating council to assemble an ad hoc committee to advise the coordinating council; providing for membership on the coordinating council; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 224** to **CS for HB 139**.

Pending further consideration of **CS for CS for SB 224** as amended, on motion by Senator Lynn, by two-thirds vote **CS for HB 139** was withdrawn from the Committees on Children, Families, and Elder Affairs; Governmental Operations; and Health and Human Services Appropriations.

On motion by Senator Lynn—

CS for HB 139—A bill to be entitled An act relating to suicide prevention; creating s. 14.2019, F.S.; creating the Statewide Office for Suicide Prevention as a unit of the Office of Drug Control in the Executive Office of the Governor; providing the goals and objectives of the office; creating the position of statewide coordinator for the statewide office, contingent upon a specific appropriation; authorizing the Statewide Office for Suicide Prevention to seek and accept grants or funds from any source to support its operation; requiring that revenues from grants be deposited into the Grants and Donations Trust Fund within the Executive Office of the Governor; creating s. 14.20195, F.S.; creating the Suicide Prevention Coordinating Council within the Statewide Office for Suicide Prevention; providing the scope of activities for the coordinating council; authorizing the coordinating council to assemble an ad hoc committee to advise the coordinating council; providing for membership on the coordinating council; providing an appropriation and authorizing additional positions; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 224** as amended and read the second time by title.

Senator Lynn moved the following amendment which was adopted:

Amendment 1 (554260)(with title amendment)—Lines 173-177, delete those lines and renumber subsequent section.

And the title is amended as follows:

Lines 19 and 20, delete those lines and insert: on the coordinating council; providing an

Pursuant to Rule 4.19, **CS for HB 139** as amended was placed on the calendar of Bills on Third Reading.

By Senator Wise—

CS for CS for SB 918—A bill to be entitled An act relating to public postsecondary need-based student financial assistance; amending s. 1009.77, F.S.; providing that the Florida Work Experience Program is available to students in specified career education programs and educator preparation institutes; lowering the percentage of student wages that must be reimbursed to employers; providing that participating postsecondary educational institutions must pay for specified preemployment expenses for students employed with public schools; prescribing student eligibility requirements; deleting provisions requiring that the State Student Financial Assistance Trust Fund be used for the program; providing an effective date.

—was read the second time by title.

MOTION

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

Senator Wise moved the following amendments which were adopted:

Amendment 1 (935384)—On page 1, delete line 29 and insert: student aid program that reduces student loan indebtedness. Additionally, the program's opportunities for employment at a student's school will serve as a retention tool because students employed on campus are more likely to complete their postsecondary education. The ~~Such~~ program shall be available to:

Amendment 2 (081398)(with title amendment)—On page 2, line 12 through page 4, line 29, delete those lines and insert:

(2)(a) A participating institution may use up to ~~100~~ 25 percent of its program allocation for student employment within the institution.

(b) A participating institution may use up to 10 percent of its program allocation for program administration.

(3) Each participating institution is authorized to enter into contractual agreements with private or public employers for the purpose of establishing a Florida work experience program.

(4) The participating postsecondary educational institution shall be responsible for reimbursing employers for student wages from its program allocation ~~moneys it receives from the trust fund pursuant to subsection (8)~~. Public elementary or secondary school employers or postsecondary institution employers shall be reimbursed for 100 percent of the student's wages by the participating institution. All other employers may ~~shall~~ be reimbursed for up to 70 percent of the student's wages. When a college or university employs a student on campus through this program, other student financial aid funds may not be used to fund the institution's ~~30 percent~~ portion of the student's wages.

(5) The employer is responsible for furnishing the full cost of any mandatory benefits. Such benefits may not be considered part of the ~~30 percent~~ wage requirement total for matching purposes.

(6) *Each participating postsecondary educational institution is responsible for furnishing the full cost of all preemployment requirements, including, but not limited to, background screenings and tuberculosis testing, that are necessary for a student to be employed by a public elementary or secondary school employer. Expenditures under this subsection shall be paid from the funds received by the participating postsecondary educational institution.*

(7) *The employer is responsible for paying no less than the federal minimum wage established under the Fair Labor Standards Act or the state minimum wage established under s. 24, Art. X of the State Constitution and s. 448.110, whichever is greater. Employers are encouraged to pay students a competitive wage to increase student participation in this program.*

(8)(6) A student is eligible to participate in the Florida Work Experience Program if the student:

(a) Is enrolled:

1. At an eligible college or university as no less than a half-time undergraduate student in good standing;

2. In an eligible postsecondary career certificate program as no less than a half-time student in good standing. Eligible programs must be approved by the Department of Education and must consist of no less than 450 clock hours of instruction. Such programs must be offered by a career center operated by a district school board under s. 1001.44 or by a community college; or

3. At an educator preparation institute established under s. 1004.85 as no less than a half-time student in good standing.

However, a student may be employed during the break between two consecutive terms or employed, although not enrolled, during a term if the student was enrolled at least half time during the preceding term and preregisters as no less than a half-time student for the subsequent academic term. A student who attends an institution that does not provide preregistration shall provide documentation of intent to enroll as no less than a half-time student for the subsequent academic term.

(b) Meets the general requirements for student eligibility as provided in s. 1009.40, except as otherwise provided in this section.

(c) Demonstrates financial need.

(d) Maintains *the equivalent of a 2.0* cumulative grade point average of a 2.0 on a 4.0 scale ~~for all college work~~.

(9)(7) The State Board of Education shall ~~adopt~~ ~~prescribe such~~ rules for the program as are necessary for its administration, for the determination of eligibility and selection of institutions to receive funds for students, to ensure the proper expenditure of funds, and to provide an equitable distribution of funds between students at public and independent colleges and universities *and career centers operated by district school boards under s. 1001.44*.

(10) *A participating institution that receives funds from the program shall certify to the department the amount of funds disbursed to each student within 30 days after the end of each term.*

~~(8) Funds appropriated by the Legislature for the Florida Work Experience Program shall be deposited in the State Student Financial Assistance Trust Fund. The Chief Financial Officer shall authorize expenditures from the trust fund upon receipt of vouchers approved by the department of Education. Any balance therein at the end of any fiscal year that has been allocated to the program shall remain therein and shall be available for carrying out the purposes of the program.~~

And the title is amended as follows:

On page 1, lines 4-16, delete those lines and insert: amending s. 1009.77, F.S.; revising the purpose of the Florida Work Experience Program; providing that the program is available to students in specified career education programs and educator preparation institutes; authorizing a participating institution to use up to 100 percent of its allocation for student employees within the institution and to reimburse itself for 100 percent of the student wages; lowering the percentage of student wages that must be reimbursed to employers; providing that participating postsecondary educational institutions must pay for specified preemployment expenses for students employed with public schools; requiring employers to pay specified wages; prescribing student eligibility requirements; providing for distribution of funds; requiring certification of funds disbursed to students; removing a provision that requires funds appropriated for the program to be deposited in the State Student Financial Assistance Trust Fund and specifying responsibilities of the Chief Financial Officer; removing a provision requiring that program balances remaining in the trust fund at the end of the fiscal year be retained; providing an effective date.

Amendment 3 (715002)(with title amendment)—On page 1, between lines 20 and 21, insert:

Section 1. Subsection (1) of section 1009.40, Florida Statutes, is amended to read:

1009.40 General requirements for student eligibility for state financial aid.—

(1)(a) The general requirements for eligibility of students for state financial aid awards consist of the following:

1. Achievement of the academic requirements of and acceptance at a state university or community college; a nursing diploma school ap-

proved by the Florida Board of Nursing; a Florida college, university, or community college which is accredited by an accrediting agency recognized by the State Board of Education; any Florida institution the credits of which are acceptable for transfer to state universities; any career center; or any private career institution accredited by an accrediting agency recognized by the State Board of Education.

2. Residency in this state for no less than 1 year preceding the award of aid for a program established pursuant to s. 1009.50, s. 1009.505, s. 1009.51, s. 1009.52, s. 1009.53, s. 1009.54, s. 1009.56, s. 1009.57, s. 1009.60, s. 1009.62, s. 1009.63, s. 1009.68, s. 1009.72, s. 1009.73, s. 1009.76, s. 1009.77, or s. 1009.89. Residency in this state must be for purposes other than to obtain an education. Resident status for purposes of receiving state financial aid awards shall be determined in the same manner as resident status for tuition purposes pursuant to s. 1009.21 and rules of the State Board of Education.

3. Submission of certification attesting to the accuracy, completeness, and correctness of information provided to demonstrate a student's eligibility to receive state financial aid awards. Falsification of such information shall result in the denial of any pending application and revocation of any award currently held to the extent that no further payments shall be made. Additionally, students who knowingly make false statements in order to receive state financial aid awards shall be guilty of a misdemeanor of the second degree subject to the provisions of s. 837.06 and shall be required to return all state financial aid awards wrongfully obtained.

(b)1. Eligibility for the renewal of undergraduate or career certificate financial aid awards shall be evaluated at the end of the second semester or third quarter of each academic year. As a condition for renewal, a student shall:

a. Have earned a minimum cumulative grade point average of 2.0 on a 4.0 scale; and

b. Have earned, for undergraduate full-time study, 12 credits per term or the equivalent for the number of terms for which aid was received or have earned, for career certificate study, at least the equivalent in clock hours of 6 semester credit hours per term or the equivalent for the number of terms for which aid was received.

2. A student who earns the minimum number of credits required for renewal, but who fails to meet the minimum 2.0 cumulative grade point average, may be granted a probationary award for up to the equivalent of 1 academic year and shall be required to earn a cumulative grade point average of 2.0 on a 4.0 scale by the end of the probationary period to be eligible for subsequent renewal. A student who receives a probationary award and who fails to meet the conditions for renewal by the end of his or her probationary period shall be ineligible to receive additional awards for the equivalent of 1 academic year following his or her probationary period. Each such student may, however, reapply for assistance during a subsequent application period and may be eligible for an award if he or she has earned a cumulative grade point average of 2.0 on a 4.0 scale.

3. A student who fails to earn the minimum number of credits required for renewal shall lose his or her eligibility for renewal for a period equivalent to 1 academic year. However, the student may reapply during a subsequent application period and may be eligible for an award if he or she has earned a minimum cumulative grade point average of 2.0 on a 4.0 scale.

4. Students who receive state student aid and subsequently fail to meet state academic progress requirements due to verifiable illness or other emergencies may be granted an exception from the academic requirements. Such students shall make a written appeal to the institution. The appeal shall include a description and verification of the circumstances. Verification of illness or other emergencies may include but not be limited to a physician's statement or written statement of a parent or college official. The institution shall recommend exceptions with necessary documentation to the department. The department may accept or deny such recommendations for exception from the institution.

Section 2. Section 1009.505, Florida Statutes, is created to read:

1009.505 Florida Public Postsecondary Career Education Student Assistance Grant Program.—

(1) *There is created a Florida Public Postsecondary Career Education Student Assistance Grant Program. The program shall be administered by the participating institutions in accordance with rules of the State Board of Education.*

(2) *For purposes of this section, the term:*

(a) *“Average annual cost of tuition and registration fees” means the average cost for the prior academic year of tuition and registration fees for the equivalent in clock hours at a public postsecondary career certificate program of 30 semester credit hours at a state university.*

(b) *“Half-time” means the equivalent in clock hours at a public postsecondary career certificate program of 6 semester credit hours at a community college.*

(c) *“Public postsecondary career certificate program” means a postsecondary program that consists of 450 or more clock hours, is offered by a community college authorized by Florida law or by a career center operated by a district school board under s. 1001.44, and terminates in a career certificate.*

(3)(a) *Student assistance grants through the program may be made only to certificate-seeking students enrolled at least half-time in a public postsecondary career certificate program who meet the general requirements for student eligibility as provided in s. 1009.40, except as otherwise provided in this section. The grants shall be awarded annually to any recipient for the amount of demonstrated unmet need for the cost of education and may not exceed the average annual cost of tuition and registration fees or such other amount as specified in the General Appropriations Act. A demonstrated unmet need of less than \$200 shall render the applicant ineligible for a grant under this section. Recipients of the grants must have been accepted at a community college authorized by Florida law or a career center operated by a district school board under s. 1001.44. A student is eligible for the award for 110 percent of the number of clock hours required to complete the program in which enrolled.*

(b) *A student applying for a Florida public postsecondary career education student assistance grant shall be required to apply for the Pell Grant. A Pell Grant entitlement shall be considered when conducting an assessment of the financial resources available to each student; however, a Pell Grant entitlement shall not be required as a condition of receiving a grant under this section.*

(c) *Each participating institution shall report, to the department by the established date, the eligible students to whom grant moneys are disbursed each academic term. Each institution shall also report to the department necessary demographic and eligibility data for such students.*

(4)(a) *The funds appropriated for the Florida Public Postsecondary Career Education Student Assistance Grant Program shall be distributed to eligible community colleges and district school boards in accordance with a formula approved by the department.*

(b) *Payment of Florida public postsecondary career education student assistance grants shall be transmitted to the president of the community college or to the district school superintendent, or to the designee thereof, in advance of the registration period. Institutions shall notify students of the amount of their awards.*

(c) *The eligibility status of each student to receive a disbursement shall be determined by each institution as of the end of its regular registration period, inclusive of a drop-add period. Institutions shall not be required to reevaluate a student's eligibility status after this date for purposes of changing eligibility determinations previously made.*

(d) *Participating institutions shall certify to the department the amount of funds disbursed to each student and shall remit to the department any undisbursed advances by June 1 of each year.*

(5) *The State Board of Education shall establish rules necessary to implement this section.*

(6) *This section shall be implemented only to the extent specifically funded and authorized by law.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 3, after the semicolon (;) insert: amending s. 1009.40, F.S.; requiring state residency for a public postsecondary career education student assistance grant; revising eligibility criteria for the renewal of specified financial aid awards; creating s. 1009.505 F.S.; creating the Florida Public Postsecondary Career Education Student Assistance Grant Program; providing for program administration; defining terms; providing that grants are available to specified students in specified postsecondary career certificate programs; providing for annual grant amounts; providing eligibility criteria for career certificate students; requiring reporting by participating institutions; providing for distribution of appropriated funds; providing for transmittal of grant payments to community college presidents or district school superintendents; providing for period of eligibility; requiring participating institutions to certify amounts disbursed to students; requiring the State Board of Education to adopt rules; providing that the program shall only be implemented to the extent funded and authorized by law;

Pursuant to Rule 4.19, **CS for CS for SB 918** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

RECONSIDERATION OF BILL

On motion by Senator Lynn, the Senate recalled—

CS for HB 139—A bill to be entitled An act relating to suicide prevention; creating s. 14.2019, F.S.; creating the Statewide Office for Suicide Prevention as a unit of the Office of Drug Control in the Executive Office of the Governor; providing the goals and objectives of the office; creating the position of statewide coordinator for the statewide office, contingent upon a specific appropriation; authorizing the Statewide Office for Suicide Prevention to seek and accept grants or funds from any source to support its operation; requiring that revenues from grants be deposited into the Grants and Donations Trust Fund within the Executive Office of the Governor; creating s. 14.20195, F.S.; creating the Suicide Prevention Coordinating Council within the Statewide Office for Suicide Prevention; providing the scope of activities for the coordinating council; authorizing the coordinating council to assemble an ad hoc committee to advise the coordinating council; providing for membership on the coordinating council; providing an appropriation and authorizing additional positions; providing an effective date.

—for further consideration.

RECONSIDERATION OF AMENDMENT

On motion by Senator Lynn, the Senate reconsidered the vote by which **Amendment 1 (554260)** was adopted. **Amendment 1** was withdrawn.

Pursuant to Rule 4.19, **CS for HB 139** was placed on the calendar of Bills on Third Reading.

By Senator Peaden—

CS for SB 1732—A bill to be entitled An act relating to the Primary Care Access Network; creating two pilot programs to provide extended operating hours for the purpose of offering health care services at overcrowded clinics in the Primary Care Access Network in Orange, Pasco, Manatee, Sarasota, and DeSoto Counties; directing the Agency for Health Care Administration to establish a pilot program in Orange and Pasco Counties and a pilot program in Manatee, Sarasota, and DeSoto Counties; requiring the agency to develop procedures for operating the pilot programs; requiring the agency to submit a report with recommendations to the Governor and the Legislature by a specified date; providing an appropriation; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1732** was placed on the calendar of Bills on Third Reading.

On motion by Senator Oelrich, by two-thirds vote **CS for CS for HB 455** was withdrawn from the Committees on Health Policy; Transportation; and Transportation and Economic Development Appropriations.

On motion by Senator Oelrich—

CS for CS for HB 455—A bill to be entitled An act relating to organ and tissue donation; providing findings and intent; amending s. 765.511, F.S.; providing a definition; amending s. 765.512, F.S.; providing for donation by joining a donor registry; conforming provisions; amending s. 765.514, F.S.; providing for authorization of anatomical donations by notations on a driver's license or identification card; providing for effect on authorization of license revocation, suspension, expiration, or cancellation; providing for authorization of anatomical donation by inclusion on a donor registry; providing for authorization of donation through online access to registry; providing for rulemaking; specifying the effects of an online authorization; revising the uniform donor card; amending s. 765.515, F.S.; revising provisions relating to communication of specified information to the donor registry; providing for administration of the donor registry by a specified nonprofit corporation rather than by a state agency; revising provisions relating to registry administration; requiring an annual report; providing for verification of certain online entries; providing for voluntary contributions to the registry; revising provisions relating to payment of costs of the registry; providing for provision of current registry information to the Florida Coalition on Donation; designating the Joshua Abbott Organ and Tissue Donor Registry; providing for expiration of specified transitional provisions; amending s. 765.516, F.S.; authorizing revocation of anatomical gift by a donor through removal of his or her name from the donor registry; amending s. 765.517, F.S.; revising provisions relating to verification of a donor's consent at death; creating s. 765.5201, F.S.; providing for application of public records and meetings requirements to the Florida Coalition on Donation; amending s. 765.521, F.S.; revising provisions relating to authorization of donations as a part of the driver license or identification card process; amending s. 765.5215, F.S.; revising provisions relating to anatomical gift education programs; amending s. 765.52155, F.S.; redesignating the Florida Organ and Tissue Donor Education and Procurement Trust Fund as the Florida Organ and Tissue Procurement Trust Fund; repealing s. 765.5216, F.S., relating to the organ and tissue donor education panel; amending s. 765.522, F.S.; revising duties of hospital administrators at or near the time of death of persons who are suitable candidates for organ or tissue donation; providing specified immunity to the Florida Coalition on Donation; revising authority for designation of organ procurement organizations; amending s. 765.544, F.S.; revising provisions relating to the use of the Florida Organ and Tissue Procurement Trust Fund; providing for use of specified funds for certain transitional and notification purposes; revising disposition of certain fees, penalties, and surcharges; providing for expiration of specified provisions; amending s. 215.20, F.S.; deleting a specified trust fund from provisions relating to a trust fund surcharge; amending ss. 320.08047 and 322.08, F.S.; revising distribution of specified voluntary contributions for organ and tissue donor education; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1350** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 455** was placed on the calendar of Bills on Third Reading.

CS for SB 564—A bill to be entitled An act relating to children's services; creating the Children and Youth Cabinet; providing legislative intent; providing organization, membership, and duties and responsibilities of the cabinet; providing for an advisory board; requiring the cabinet to prepare an annual report; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 564** to **CS for HB 509**.

Pending further consideration of **CS for SB 564** as amended, on motion by Senator Rich, by two-thirds vote **CS for HB 509** was withdrawn from the Committees on Children, Families, and Elder Affairs; Governmental Operations; and Health and Human Services Appropriations.

On motion by Senator Rich—

CS for HB 509—A bill to be entitled An act relating to children's services; creating the Children and Youth Cabinet; providing a short

title; providing legislative intent; providing organization, membership, and duties and responsibilities of the cabinet; providing for an advisory board; requiring the cabinet to prepare an annual report; providing an effective date.

—a companion measure, was substituted for **CS for SB 564** as amended and read the second time by title.

MOTION

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

Senator Rich moved the following amendment which was adopted:

Amendment 1 (740774)—On page 5, lines 124 through 125, delete the words “*through a children and youth estimating conference that has a*”

Pursuant to Rule 4.19, **CS for HB 509** as amended was placed on the calendar of Bills on Third Reading.

By Senator Lawson—

CS for SB 420—A bill to be entitled An act relating to state retirement programs; amending s. 121.051, F.S.; revising conditions for membership in the State Community College System Optional Retirement Program; amending s. 121.35, F.S.; revising conditions for membership in the State University System Optional Retirement Program; authorizing transfer of funds for specified earned credit between the Florida Retirement System and such optional retirement program; authorizing a transfer of membership between the State University System Optional Retirement Program and the Florida Retirement System; amending s. 121.4501, F.S.; redefining the term “eligible employee” for purposes of the Public Employee Optional Retirement Program; revising conditions for participation in the Public Employee Optional Retirement Program; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 420** was placed on the calendar of Bills on Third Reading.

By Senator Oelrich—

CS for SB 1710—A bill to be entitled An act relating to academic fees; amending s. 1009.01, F.S.; defining the term “tuition differential”; amending s. 1009.24, F.S.; authorizing a university to transfer revenues from certain fees to a university direct-support organization; limiting the purposes for which such revenues may be used; limiting the amount that may be transferred; authorizing the Board of Governors of the State University System to establish uniform undergraduate tuition differentials; providing certain conditions for the tuition differentials; amending s. 1009.98, F.S.; authorizing the Florida Prepaid College Board to provide advance payment contracts for tuition differentials for a specified number of undergraduate semester hours; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1710** was placed on the calendar of Bills on Third Reading.

MOTIONS

On motion by Senator Wilson, a deadline of one hour after the availability of engrossed bills was set for filing amendments to bills to be considered Friday, April 27.

On motion by Senator Wilson, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Friday, April 27.

REPORTS OF COMMITTEES

The Economic Opportunities Policy and Calendar Committee submits the following bills to be placed on the Special Order Calendar for Thurs-

day, April 26, 2007: CS for SB 1206, CS for CS for CS for SB 2434, CS for CS for SB’s 352 and 240, CS for CS for SB 1880, CS for CS for SB 482, CS for SB 670, CS for CS for SB’s 1038 and 218, CS for SB 1844, CS for CS for SB 902, SB 134, CS for CS for CS for SB 752 and CS for SB 1192, SB 1562, SB 1780, CS for CS for SB 612, CS for SB 314, SB 320, CS for SB 1722, CS for SB 2180, CS for CS for SB 920, CS for CS for CS for SB 2488

Respectfully submitted,
Jeffrey H. “Jeff” Atwater, Chair

The Responsible Regulation Policy and Calendar Committee submits the following bills to be placed on the Special Order Calendar for Thursday, April 26, 2007: CS for CS for CS for SB 998, CS for CS for CS for SB 1980, CS for CS for SB 1982, CS for CS for SB 2836, CS for CS for SB 1198, CS for CS for SB 1200, CS for SB 2848

Respectfully submitted,
Lee Constantine, Chair

The Law and Justice Policy and Calendar Committee submits the following bills to be placed on the Special Order Calendar for Thursday, April 26, 2007: CS for SB 732, CS for SB 2036, CS for CS for SB 624, SJR 166, CS for CS for SB’s 960 and 1010, CS for SB 900, CS for SB 1920, CS for SB 128, CS for SB 2142

Respectfully submitted,
Paula Dockery, Chair

The Social Responsibility Policy and Calendar Committee submits the following bills to be placed on the Special Order Calendar for Thursday, April 26, 2007: CS for SB 564, CS for SB 680, CS for SB 574 and CS for SB 1228, CS for CS for SB 224, CS for CS for SB 918, CS for SB 1732, CS for CS for SB 1350, CS for SB 420, CS for SB 1710, CS for SB 1570, CS for CS for SB 112, CS for SB 390, CS for SB 430, CS for SB 692, CS for SB 1190, CS for SB 1612, SB 1648, CS for SB 1770, CS for SB 1896, CS for CS for SB 2130, CS for SB 2404, CS for SB 2406, CS for SB 2512, CS for CS for SB 1916, CS for SB 2032, CS for CS for SB 2114, CS for CS for SB 2022

Respectfully submitted,
Burt L. Saunders, Chair

The Committee on Community Affairs recommends a committee substitute for the following: SB 2020

The bill with committee substitute attached was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Governmental Operations recommends a committee substitute for the following: SB 1948

The bill with committee substitute attached was referred to the Committee on Community Affairs under the original reference.

The Committee on Community Affairs recommends committee substitutes for the following: CS for SB 1486; CS for SB 1788; CS for SB 1822

The Committee on Governmental Operations recommends a committee substitute for the following: SB 1684

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on General Government Appropriations under the original reference.

The Committee on General Government Appropriations recommends committee substitutes for the following: SB 2082; SB 2446

The Committee on Governmental Operations recommends a committee substitute for the following: SB 2078

The Committee on Transportation and Economic Development Appropriations recommends committee substitutes for the following: CS for SB 780; CS for SB 1592; CS for SB 1928; CS for CS for SB 2804

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Transportation and Economic Development Appropriations; Finance and Tax; Community Affairs; and Senator Garcia—

CS for CS for CS for SB 780—A bill to be entitled An act relating to affordable housing; amending s. 163.3177, F.S., relating to the housing element of a local government comprehensive plan; requiring certain counties to adopt a plan for ensuring affordable workforce housing; providing that a local government that fails to comply with such requirement is ineligible to receive state housing assistance grants; amending s. 163.3184, F.S.; authorizing certain local government comprehensive plan amendments to be expedited; providing requirements for amendment notices; requiring a public hearing; amending s. 163.3187, F.S.; authorizing certain local government comprehensive plan amendments to be made more than twice a year; amending s. 163.3191, F.S.; authorizing a local government to adopt amendments to the local comprehensive plan in order to integrate a port master plan with the local comprehensive plan; providing a limitation; creating ss. 197.307, 197.3071, 197.3072, 197.3073, 197.3074, 197.3075, 197.3076, 197.3077, 197.3078, and 197.3079, F.S.; authorizing a county commission or municipality to adopt an ordinance providing for the deferral of ad valorem taxes and non-ad valorem assessments for affordable rental housing property under certain conditions; requiring the tax collector to provide certain notices to taxpayers about deferrals; providing specifications for such ordinances; providing eligibility requirements; authorizing a property owner to defer payment of ad valorem taxes and certain assessments; providing circumstances in which taxes and assessments may not be deferred; specifying the rate for deferment; providing that the taxes, assessments, and interest deferred constitute a prior lien on the property; providing an application process; providing notice requirements for applications that are not approved for deferment; providing an appeals process; requiring applications for deferral to contain a list of outstanding liens; providing the date for calculating taxes due and payable; requiring that a property owner furnish proof of certain insurance coverage under certain conditions; requiring the tax collector and the property owner to notify the property appraiser of parcels for which taxes and assessments have been deferred; requiring the property appraiser to notify the tax collector of changes in ownership or use of tax-deferred properties; providing requirements for tax certificates for deferred payment; providing the rate of interest; providing circumstances in which deferrals cease; requiring the property appraiser to notify the tax collector of deferrals that have ceased; requiring the tax collector to collect taxes, assessments and interest due; requiring the tax collector to notify the property owner of due taxes on tax-deferred property under certain conditions; requiring the tax collector to sell a tax certificate under certain circumstances; specifying persons who may pay deferred taxes, assessments and accrued interest; requiring the tax collector to maintain a record of payment and to distribute payments; providing for construction of provisions authorizing the deferrals; providing penalties; amending s. 380.06, F.S.; providing that all phase, buildout, and expiration dates for projects that are developments of regional impact and under active construction on a specified date are extended for 3 years; providing an exemption from further development-of-regional-impact review; amending s. 420.504, F.S.; providing that the corporation is a state agency for purposes of the state allocation pool; authorizing the corporation to provide notice of internal review committee meetings by publication on an Internet website; providing that the corporation is not governed by certain provisions relating to corporations not for profit; amending s. 420.506, F.S.; deleting a provision relating to lease of certain state employees; amending s. 420.5061, F.S.; deleting obsolete provisions; removing a provision requiring all assets and liabilities and rights and obligations of the Florida Housing Finance Agency to be

transferred to the corporation; providing that the corporation is the legal successor to the agency; removing a provision requiring all state property in use by the agency to be transferred to and become the property of the corporation; amending s. 420.507, F.S.; requiring that an agreement financing affordable housing be recorded in the official records of the county where the real property is located; providing that such agreement is a state land use regulation; amending s. 420.5087, F.S.; authorizing the Florida Housing Finance Corporation to provide partially forgivable loans to nonprofit organizations that serve extremely-low-income elderly tenants; providing criteria; amending s. 420.5095, F.S.; specifying the content of rules for reviewing loan applications for workforce housing projects; requiring the corporation to establish a committee for reviewing loan applications; providing for membership; providing powers and duties of the committee; requiring the corporation's board of directors to make the final decisions concerning ranking and program participants; specifying areas where local governments may use program funds; expanding the types of projects that may receive priority funding; requiring that the processing of certain approvals of development orders or development permits be expedited; providing loan applicant requirements; revising reporting requirements; amending s. 420.511, F.S.; requiring that the corporation's annual report include information on the Community Workforce Housing Innovation Pilot Program; amending s. 420.513, F.S.; providing exemption from taxes for certain instruments issued in connection with the financing of certain housing; amending s. 420.526, F.S.; revising the cap on predevelopment loans; amending s. 420.9076, F.S.; increasing affordable housing advisory committee membership; revising membership criteria; authorizing the use of fewer members under certain circumstances; revising and providing duties of the advisory committee; providing an effective date.

By the Committees on Community Affairs; Environmental Preservation and Conservation; and Senators Oelrich and Constantine—

CS for CS for SB 1486—A bill to be entitled An act relating to conservation lands; creating the "Florida Springs Protection Act"; creating s. 369.402, F.S.; providing legislative intent; creating s. 369.403, F.S.; defining terms; creating s. 369.407, F.S.; prescribing duties of the Department of Environmental Protection, alone and in coordination with other governmental entities, with respect to protection of springs and surrounding lands; requiring a report; amending s. 704.06, F.S.; providing that all provisions of a conservation easement shall survive and remain enforceable after the issuance of a tax deed; authorizing two or more counties, or a combination of at least one county and municipality, to establish a tax increment area for conservation lands by interlocal agreement; providing requirements for such an interlocal agreement; requiring that a tax increment be determined annually; limiting the amount of the tax increment; requiring the establishment of a separate reserve account for each tax increment area; providing for a refund; requiring an annual audit of the separate reserve account; providing for the administration of the separate reserve account; providing that the governmental body that administers the separate reserve account may spend revenues from the tax increment to purchase real property only if all parties to the interlocal agreement adopt a resolution that approves the purchase price; providing that a water management district may be a party to the interlocal agreement; requiring certain approvals from the Department of Environmental Protection and the Department of Community Affairs; providing a comparative standard on which the minimum annual funding of the separate reserve account must be based; requiring a taxing authority that does not pay tax increment revenues to the separate reserve account before a specified date to pay a specified amount of interest on the amount of unpaid increment revenues; providing exemptions for certain public bodies, taxing authorities, and special districts; providing that revenue bonds may be paid only from revenues deposited into the separate reserve account; providing that such revenue bonds are not a debt, liability, or obligation of the state or any public body; providing legislative findings; providing an effective date.

By the Committees on Transportation and Economic Development Appropriations; Judiciary; and Senator Bennett—

CS for CS for SB 1592—A bill to be entitled An act relating to administrative procedures; amending s. 120.52, F.S.; redefining the term "invalid exercise of delegated legislative authority"; defining the terms "law implemented," "rulemaking authority," and "unadopted

rule"; amending s. 120.536, F.S.; revising guidelines for the construction of statutory language granting rulemaking authority; amending s. 120.54, F.S.; prescribing limits and guidelines with respect to incorporation of material by reference; prescribing requirements for materials being incorporated by reference; providing for rules; revising information to be included in notices of proposed actions; requiring that specified rulemaking responsibilities of an agency head, including those relating to conducting a public hearing, may not be delegated or transferred; revising dates for filing rules for adoption; revising provisions with respect to petitions to initiate rulemaking; amending s. 120.545, F.S.; revising duties of the Administrative Procedures Committee and agencies with respect to review of agency rules; providing for a legislative committee to request agency information for examination of an unadopted rule; prescribing responses that may be made by an agency to a committee objection to a rule or statement of estimated regulatory costs; prescribing presumptions resulting from an agency's refusal to respond to committee objections; amending s. 120.55, F.S.; requiring electronic publication of the Florida Administrative Code; prescribing requirements with respect to content of such electronic publication; providing for filing information incorporated by reference in electronic form; conforming a cross-reference; amending s. 120.56, F.S.; revising notice requirements with respect to challenges of proposed rules; requiring an agency to discontinue reliance on a statement when an administrative determination is sought with respect to the statement; allowing continued reliance on a statement when an administrative law judge determines that the inability to rely on it would constitute an immediate danger; deleting certain provisions relating to actions before a final hearing is held; amending s. 120.569, F.S.; requiring that certain administrative proceedings be terminated and subsequently reinstated under different provisions of state law if a disputed issue of material fact arises during such a proceeding; providing for the waiver of such termination; revising a cross-reference; amending s. 120.57, F.S.; prescribing procedures with respect to challenges to unadopted rules; amending s. 120.595, F.S.; increasing maximum attorney's fees; revising guidelines for award of attorney's fees in challenges to agency action; providing for attorney's fees and costs in certain circumstances; amending s. 120.74, F.S.; revising reporting requirements for agency heads; providing an appropriation; providing an effective date.

By the Committee on Governmental Operations; and Senators Lawson and Gaetz—

CS for SB 1684—A bill to be entitled An act relating to the Florida Retirement System; amending ss. 121.021 and 121.0515, F.S.; providing membership in the Special Risk Class for persons employed by the Department of Corrections, the Department of Children and Family Services, or the Agency for Persons with Disabilities and who meet certain criteria; providing a declaration of important state interest; providing an effective date.

By the Committees on Community Affairs; Commerce; and Senator Saunders—

CS for CS for SB 1788—A bill to be entitled An act relating to household moving services; amending s. 507.01, F.S.; amending the definition of the term "storage"; amending s. 507.02, F.S.; providing that a mover's right to refuse to transport certain items is not superseded if certain conditions are met; amending s. 507.03, F.S.; removing a requirement that each mover and moving broker annually register with the Department of Agriculture and Consumer Services; providing for the calculation of registration fees; requiring that each registration be renewed biennially on or before the expiration date of the current registration; authorizing the department to adopt certain rules; providing an expiration date for such rulemaking authority; amending s. 507.04, F.S.; authorizing a mover to exclude liability for items packed by the shipper under certain conditions; amending s. 507.05, F.S.; requiring a mover to provide a shipper with a written estimate before the mover provides any moving or accessorial services; prohibiting a mover from requiring the waiver of the written estimate; prohibiting the shipper from waiving the written estimate; requiring that the written estimate contain certain information; creating s. 507.055, F.S.; requiring that a mover offer to prepare a written inventory of all items to be moved by the shipper, at an additional cost to the shipper; authorizing a shipper to waive the preparation of an inventory in writing; providing requirements for the

preparation of an inventory; providing conditions that must be fulfilled before a mover may charge for the preparation of an inventory; prohibiting a mover from requiring a shipper to waive the preparation of an inventory; amending s. 507.07, F.S.; providing that a mover commits a violation of state law if the mover fails to present a shipper with a written estimate of moving and accessorial services, to present a shipper with the required disclosure statement, to offer to prepare a written inventory, or to clearly and conspicuously disclose any charges associated with the preparation of an inventory; amending s. 507.13, F.S.; providing for the preemption of certain local ordinances; limiting such preemption; providing an effective date.

By the Committees on Community Affairs; Banking and Insurance; and Senators Garcia and Deutch—

CS for CS for SB 1822—A bill to be entitled An act relating to carbon monoxide detectors; amending s. 509.211, F.S.; requiring that certain public lodging establishments be equipped with carbon monoxide sensor devices; creating s. 553.885, F.S.; providing a short title; requiring buildings constructed on or after a specified date which have a fossil-fuel-burning appliance, fireplace, or attached garage to have carbon monoxide alarms installed; requiring the Florida Building Commission to adopt rules; providing definitions; providing an effective date.

By the Committees on Transportation and Economic Development Appropriations; Governmental Operations; and Transportation—

CS for CS for CS for SB 1928—A bill to be entitled An act relating to transportation; amending s. 112.061, F.S.; authorizing metropolitan planning organizations and certain separate entities to establish per diem and travel reimbursement rates; amending s. 121.021, F.S.; defining the term "metropolitan planning organization" for purposes of the Florida Retirement System Act; revising definitions to include M.P.O.'s and positions in M.P.O.'s; amending s. 121.051, F.S.; providing for M.P.O.'s to participate in the Florida Retirement System; amending s. 121.055, F.S.; requiring certain M.P.O. staff positions to be in the Senior Management Service Class; amending s. 121.061, F.S.; providing for enforcement of certain employer funding contributions required under the Florida Retirement System; authorizing deductions of amounts owed from certain funds distributed to an M.P.O.; authorizing the governing body of an M.P.O. to file and maintain an action in court to require an employer to remit retirement or social security member contributions or employer matching payments; amending s. 121.081, F.S.; providing for M.P.O. officers and staff to claim credit for past service for retirement benefits; creating s. 163.3182, F.S.; providing for the creation of transportation concurrency backlog authorities; providing powers and responsibilities of such authorities; providing for transportation concurrency backlog plans; providing for the issuance of revenue bonds for certain purposes; providing for the establishment of a local trust fund within each county or municipality having an identified transportation concurrency backlog; providing exemptions from transportation concurrency requirements; providing for the satisfaction of concurrency requirements; providing for dissolution of transportation concurrency backlog authorities; amending s. 212.055, F.S.; deleting a provision prohibiting a school district, county, or municipality from issuing bonds more than once each year pledging the proceeds of certain discretionary taxes; amending s. 215.615, F.S.; revising the Department of Transportation's requirement to share certain costs of fixed-guideway system projects; revising criteria for an interlocal agreement to establish bond financing for fixed-guideway system projects; revising provisions for sources of funds for the payment of bonds; amending s. 311.22, F.S.; revising funding for certain dredging projects; amending s. 336.41, F.S.; increasing the threshold for certain road construction and maintenance by counties which is exempt from a competitive-bid requirement; amending s. 316.605, F.S.; providing height and placement requirements for vehicle license plates; prohibiting display that obscures identification of the letters and numbers on a license plate; providing penalties; amending s. 316.650, F.S.; revising procedures for disposition of citations issued for failure to pay toll; providing that the citation will not be submitted to the court and no points will be assessed on the driver's license if the person cited elects to make payment directly to the governmental entity that issued the citation; providing for reporting of the citation by the governmental entity to the Department of Highway Safety and Motor Vehicles; amending s. 318.14, F.S.; providing for the amount required to be paid

under certain procedures for disposition of a citation issued for failure to pay toll; providing for the person cited to request a court hearing; amending s. 318.18, F.S.; revising penalties for failure to pay a prescribed toll; providing for disposition of amounts received by the clerk of court; removing procedures for withholding of adjudication; providing for suspension of a driver's license under certain circumstances; amending s. 320.061, F.S.; prohibiting interfering with the legibility, angular visibility, or detectability of any feature or detail on a license plate or interfering with the ability to record any feature or detail on a license plate; amending s. 334.351, F.S.; requiring nonprofit youth organizations that contract with the Department of Transportation for the purpose of operating youth work experience programs to certify that the program participants are residents of the state and possess valid identification; specifying criteria for the department to consider in awarding contracts to such organizations; requiring that the nonprofit youth organizations submit certain reports and audits to the department and demonstrate participation in a peer assessment or review process; amending s. 336.025, F.S.; deleting a prohibition against local governments issuing certain bonds secured by revenues from local option fuel taxes more than once a year; amending s. 338.161, F.S.; providing for the Department of Transportation and certain toll agencies to enter into agreements with public or private entities for additional uses of electronic toll collection products and services; authorizing feasibility studies by the department or a toll agency of additional uses of electronic toll devices for legislative consideration; amending s. 339.08, F.S.; allowing moneys in the State Transportation Trust Fund to be used to pay the cost of the Enhanced Bridge Program for Sustainable Transportation; amending s. 339.175, F.S.; revising intent; providing the method of creation and operation of M.P.O.'s required to be designated pursuant to federal law; specifying that an M.P.O. is 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.; providing specified powers and privileges to the M.P.O.; providing for the designation and duties of certain officials; revising requirements for voting membership; defining the term "elected officials of a general-purpose local government" to exclude certain constitutional officers for voting membership purposes; providing for the appointment of alternates and advisers; providing that members of an M.P.O. technical advisory committee shall serve at the pleasure of the M.P.O.; providing for the appointment of an executive or staff director and other personnel; authorizing an M.P.O. to enter into contracts with public or private entities to accomplish its duties and functions; providing for the training of certain persons who serve on an M.P.O. for certain purposes; requiring that certain plans, programs, and amendments that affect projects be approved by each M.P.O. on a recorded roll call vote, or hand-counted vote, of a majority of the membership present; amending s. 339.2819, F.S.; revising the share of matching funds for a public transportation project provided from the Transportation Regional Incentive Program; creating s. 339.282, F.S.; providing legislative findings; providing that property owners or developers who voluntarily contribute right-of-way and physically construct or expand a state transportation facility or segment may receive certain credits against any future transportation concurrency requirements under certain conditions; creating s. 339.285, F.S.; creating the Enhanced Bridge Program for Sustainable Transportation within the Department of Transportation; providing for the use of funds in the program; providing project guidelines for program funding; amending s. 343.81, F.S.; prohibiting elected officials from serving on the Northwest Florida Transportation Corridor Authority; providing for application of the prohibition to apply to persons appointed to serve on the authority after a certain date; amending s. 343.82, F.S.; directing the authority to plan for and study the feasibility of constructing, operating, and maintaining a bridge or bridges, and appurtenant structures, spanning Choctawhatchee Bay or Santa Rosa Sound; authorizing the authority to construct, operate, and maintain said bridges and structures; amending s. 348.0004, F.S.; authorizing certain transportation-related authorities to enter into agreements with private entities for the building, operation, ownership, or financing of transportation facilities; amending s. 348.0012, F.S.; revising provisions for certain exemptions from the Florida Expressway Authority Act; amending s. 348.754, F.S.; authorizing the Orlando-Orange County Expressway Authority to waive payment and performance bonds on certain construction contracts if the contract is awarded pursuant to an economic development program for the encouragement of local small businesses; providing criteria for participation in the program; providing criteria for the bond waiver; providing for certain determinations by the authority's executive director or a designee as to the suitability of a project; providing for certain payment obligations if a payment and performance bond is waived; requiring the authority to record notice of the obligation; limiting eligibility to bid on

the projects; providing for the authority to conduct bond eligibility training for certain businesses; requiring the authority to submit biennial reports to the Orange County legislative delegation; amending ss. 163.3177, 339.176, and 341.828, F.S.; correcting cross-references; amending s. 2, ch. 89-383, Laws of Florida; providing for certain alterations to and along Red Road in Miami-Dade County for transportation safety purposes; amending s. 479.01, F.S.; defining the term "wall mural"; creating s. 479.156, F.S.; providing for the regulation of wall murals by municipalities and counties; requiring that certain wall murals be located in areas zoned for industrial or commercial use; requiring that the local regulation of wall murals be consistent with specified criteria; requiring the Department of Transportation to approve a wall mural under certain conditions; providing an effective date.

By the Committee on Governmental Operations; and Senator Posey—

CS for SB 1948—A bill to be entitled An act relating to reemployment after retirement; amending s. 121.021, F.S.; redefining the term "termination"; providing that termination has not occurred if a member was employed in violation of certain rehire provisions; amending s. 121.091, F.S.; limiting terms of reemployment for certain members; providing certain exceptions; providing for joint and several liability for violation of reemployment provisions; amending s. 121.591, F.S.; providing that the violation of certain rehire provisions shall be deemed an invalid distribution; providing an effective date.

By the Committee on Community Affairs; and Senator Bennett—

CS for SB 2020—A bill to be entitled An act relating to firefighting; amending s. 40.013, F.S.; excusing certain firefighters from jury duty service; amending s. 191.008, F.S.; authorizing the governing board of a fire control district to recover court costs and attorney's fees in certain civil actions; amending s. 191.011, F.S.; authorizing a fire control district to exempt property owned or operated by religious institutions from non-ad valorem assessments; providing a definition; creating s. 191.016, F.S.; providing for application of certain annexations within fire control district boundaries; requiring annexing municipalities to pay moneys to the district; providing an effective date.

By the Committee on Governmental Operations; and Senator Bennett—

CS for SB 2078—A bill to be entitled An act relating to agency inspectors general; amending s. 20.055, F.S.; providing definitions; requiring agency inspectors general to comply with certain principles and standards; requiring an inspector general to submit findings of an audit to specified persons or entities; requiring agencies under the Governor to notify the Chief Inspector General of inspector general appointments and terminations; prohibiting agency staff from preventing or prohibiting the inspector general or director of auditing from initiating, carrying out, or completing any audit or investigation; requiring audits to be conducted in accordance with the current International Standards for the Professional Practice of Internal Auditing; requiring the inspector general of each state agency to report certain written complaints to the Chief Inspector General; requiring the Chief Inspector General to fulfill certain duties and responsibilities; requiring a state agency to reimburse legal fees and costs that are incurred by certain individuals and entities under certain conditions; providing an effective date.

By the Committee on General Government Appropriations; and Senator Bennett—

CS for SB 2082—A bill to be entitled An act relating to environmental permitting; amending s. 373.4132, F.S.; authorizing certain dry slip storage to be constructed under specified conditions; amending s. 373.414, F.S.; providing that certain lands added to a conceptual reclamation plan are exempt from specified rules; amending s. 373.4144, F.S.; providing legislative intent relating to seeking permits from the United States Army Corps of Engineers; revising provisions requiring the Department of Environmental Protection to develop and consolidate federal and state wetland permitting programs; authorizing implementa-

tion of a state programmatic general permit or regional general permits by the department and water management districts for certain dredge and fill activities; specifying conditions applicable to such permit or permits; creating s. 373.4212, F.S.; ratifying changes to department rule relating to facultative plants; postponing the effect of the rule until state and federal wetland delineation methodologies are aligned; providing for permit modification under certain circumstances; providing for certain declaratory statements from the department; providing exemptions for certain permit petitions and applications relating to specified activities; amending ss. 161.041, 373.4141, and 403.087, F.S.; requiring the department and water management districts to provide applicants with written notice of permit denial; providing criteria for such notice; providing a directive to the Division of Statutory Revision; providing an effective date.

By the Committee on General Government Appropriations; and Senator Saunders—

CS for SB 2446—A bill to be entitled An act relating to climate change; creating the Florida Climate Action Partnership for the purpose of developing a plan and making policy recommendations addressing global warming; providing for membership; providing for meetings and reimbursement for per diem and travel expenses; directing that the partnership be staffed by the Executive Office of the Governor; requiring interim recommendations and a report; providing for the expiration of the partnership; providing an effective date.

By the Committees on Transportation and Economic Development Appropriations; Environmental Preservation and Conservation; Community Affairs; Transportation; and Senators Baker, Crist and Bulard—

CS for CS for CS for CS for SB 2804—A bill to be entitled An act relating to transportation; amending s. 215.615, F.S.; revising the Department of Transportation’s requirement to share certain costs of fixed-guideway system projects; revising criteria for an interlocal agreement to establish bond financing for fixed-guideway system projects; revising provisions for sources of funds for the payment of bonds; amending s. 318.18, F.S.; revising penalties for failure to pay a prescribed toll; providing for disposition of amounts received by the clerk of court; removing procedures for withholding of adjudication; providing for suspension of a driver’s license under certain circumstances; revising penalty provisions to provide for certain criminal penalties; imposing a surcharge to be paid for specified traffic-related criminal offenses and all moving traffic violations; providing for distribution of the proceeds of the surcharge to be used for the state agency law enforcement radio system; providing for future expiration; amending s. 318.21, F.S.; revising distribution provisions to provide for distribution of the surcharge; providing for future expiration; amending s. 320.08056, F.S.; establishing an annual fee for the Support Our Troops license plate; providing for an organization’s Internet domain name to appear on the plate; amending s. 320.08058, F.S.; creating the Support Our Troops license plates; providing for the design of the plates; providing for the distribution of annual use fees received from the sale of such plates; amending s. 311.22, F.S.; revising funding for certain dredging projects; amending s. 332.007, F.S.; authorizing the Department of Transportation to provide funds for certain general aviation projects under certain circumstances; extending the timeframe during which the department is authorized to provide operational and maintenance assistance to certain airports and may redirect the use of certain funds to security-related or economic-impact projects related to the events of September 11, 2001; amending s. 332.14, F.S., relating to the Secure Airports for Florida’s Economy Council; providing for certain members of the council to be nonvoting members; amending s. 334.351, F.S.; requiring nonprofit youth organizations that contract with the Department of Transportation for the purpose of operating youth work experience programs to certify that the program participants are residents of the state and possess valid identification; specifying criteria for the department to consider in awarding contracts to such organizations; requiring that the nonprofit youth organizations submit certain reports and audits to the department and demonstrate participation in a peer assessment or review process; amending s. 337.11, F.S.; providing that certain construction projects be advertised for bids in local newspapers; amending s. 337.14, F.S.; authorizing the department to waive specified prequalification requirements for certain

transportation projects under certain conditions; amending s. 337.18, F.S.; revising surety bond requirements for construction or maintenance contracts; providing for incremental annual surety bonds for multiyear maintenance contracts under certain conditions; revising the threshold for transportation projects eligible for a waiver of surety bond requirements; authorizing the department to provide for phased surety bond coverage or an alternate means of security for a portion of the contract amount in lieu of the surety bond; amending s. 338.221, F.S.; redefining the term “economically feasible” for purposes of certain turnpike projects; amending s. 338.2275, F.S.; deleting obsolete provisions relating to approved turnpike projects; revising the maximum amount of bonds that are available for turnpike projects; amending s. 338.234, F.S.; granting the Florida Turnpike Enterprise, its lessees, and licensees an exemption from requirements to pay commercial rental tax on capital improvements; creating s. 339.282, F.S.; creating the Enhanced Bridge Program for Sustainable Transportation within the Department of Transportation; providing for the use of funds in the program; providing project guidelines for program funding; amending s. 339.08, F.S.; allowing moneys in the State Transportation Trust Fund to pay the cost of the Enhanced Bridge System; amending s. 339.55, F.S.; providing for the use of State Infrastructure Bank loans for certain damaged transportation facilities in areas officially declared to be in a state of emergency; providing criteria; amending s. 341.071, F.S.; requiring certain public transit providers to annually report potential productivity and performance enhancements; defining the term “construction aggregate materials”; providing legislative intent; prohibiting an agency from approving or denying a land use zoning change, comprehensive plan amendment, land use permit, ordinance, or order without consulting with the Department of Transportation and considering the effect of such decision; prohibiting a local government from imposing a moratorium on the mining or extraction of construction aggregate materials of longer than a specified period; providing that limerock environmental resource permitting and reclamation applications are eligible to be expedited; establishing the Strategic Aggregates Review Task Force; providing for membership, staffing, reporting, and expiration; amending s. 479.01, F.S.; defining the term “wall mural”; creating s. 479.156, F.S.; providing for regulation of wall murals by municipalities or counties; requiring that certain wall murals be located in areas zoned for industrial or commercial use; requiring that the local regulation of wall murals be consistent with specified criteria; requiring the Department of Transportation and the Federal Highway Administration to approve a wall mural under certain conditions; creating s. 337.026, F.S.; granting the department authority to enter into agreements for construction aggregate materials; amending s. 338.213, F.S.; extending a period in which a specified percentage of toll and bond financed commitments in Dade, Broward, and Palm Beach Counties must be a specific percentage of toll collections from turnpike usage in those counties; providing an effective date.

REFERENCE CHANGES PURSUANT TO RULE 4.7(2)

By the Committees on Governmental Operations; and Commerce—

CS for SB 1182—A bill to be entitled An act relating to public records; amending s. 288.075, F.S.; defining the terms “proprietary confidential business information” and “trade secret”; extending the period of confidentiality for trade secrets; extending the period of confidentiality for a business’s federal employment identification number, unemployment compensation account number, and Florida sales tax registration number; providing for the confidentiality of information that would identify wages, taxes, and other employment information; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; repealing s. 288.1067, F.S., relating to the confidentiality of records held by the Office of Tourism, Trade, and Economic Development, Enterprise Florida, Inc., or county or municipal governmental entities, and their employees or agents; providing an effective date.

—was placed on the Calendar.

By the Committee on Governmental Operations—

CS for SB 1468—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding social security numbers and financial account numbers; amending s. 119.071, F.S., which

provides a general exemption from inspection or copying of public records for social security numbers and bank account, debit, charge, and credit card numbers; reorganizing the exemption for social security numbers; providing definitions; revising reporting requirements; clarifying penalty provisions; making editorial changes; removing the scheduled repeal of the exemption under the Open Government Sunset Review Act; creating s. 119.0714, F.S., and renumbering and amending s. 119.07(6), F.S.; consolidating and revising current public-records exemptions applicable to court files, court records, and official records; revising the date on which automatic redaction of social security numbers and financial account numbers by court clerks is required; amending s. 215.322, F.S.; eliminating a public-records exemption for credit card account numbers in the possession of a state agency, a unit of local government, or the judicial branch; amending s. 119.07, F.S., to conform; providing an effective date.

—was placed on the Calendar.

By the Committees on Governmental Operations; and Banking and Insurance—

CS for SB 1850—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 624.319, F.S.; revising an exemption from the public-records law which is provided for work papers held by the Department of Financial Services or the Office of Insurance Regulation of the Financial Services Commission; defining the term “work papers”; saving the exemption from repeal under the Open Government Sunset Review Act; deleting provisions providing for repeal of the exemption; providing an effective date.

—was placed on the Calendar.

By the Committee on Community Affairs; and Senator Bennett—

CS for SB 2020—A bill to be entitled An act relating to firefighting; amending s. 40.013, F.S.; excusing certain firefighters from jury duty service; amending s. 191.008, F.S.; authorizing the governing board of a fire control district to recover court costs and attorney’s fees in certain civil actions; amending s. 191.011, F.S.; authorizing a fire control district to exempt property owned or operated by religious institutions from non-ad valorem assessments; providing a definition; creating s. 191.016, F.S.; providing for application of certain annexations within fire control district boundaries; requiring annexing municipalities to pay moneys to the district; providing an effective date.

—was referred to the Committee on Judiciary.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed HB 9, HB 25, CS for HB 55, CS for HB 73, HB 431, CS for HB 615, CS for HB 815, CS for CS for HB 921, HB 1199, CS for CS for HB 1283, CS for HB 1301, CS for CS for HB 1309; has passed as amended CS for HB 111, CS for HB 405, CS for HB 537, HB 549, CS for HB 721, CS for HB 743, CS for HB 803, CS for CS for HB 919, CS for HB 1185, HB 7205; has passed by the required constitutional two-thirds vote of the membership HB 63 and requests the concurrence of the Senate.

William S. Pittman III, Chief Clerk

By Representative Mahon and others—

HB 9—A bill to be entitled An act relating to trespass; amending s. 810.011, F.S.; providing that property that is owned or leased by a railroad or railway company does not have to satisfy the definition of “posted land” in order to obtain the benefits of ss. 810.09 and 810.12,

F.S., in certain circumstances; reenacting s. 810.09(1)(a), F.S., relating to trespass on property other than structure or conveyance, for the purpose of incorporating the amendment to s. 810.011, F.S., in a reference thereto; providing an effective date.

—was referred to the Committees on Transportation; and Criminal Justice.

By Representative Galvano and others—

HB 25—A bill to be entitled An act relating to vehicular incidents involving death or personal injuries; providing a short title; amending s. 316.027, F.S.; requiring a court to sentence a driver of a vehicle to a minimum term of imprisonment if the person is driving under the influence and leaves the scene of a crash that results in death; requiring a court to order the driver of a vehicle to make restitution to the victim for any damage or loss if a driver leaves the scene of an accident that results in injury or death; requiring a court to make the payment of restitution a condition of probation; providing that an order requiring the defendant to make restitution to a victim does not remove or diminish the requirement that the court order payment to the Crimes Compensation Trust Fund; amending s. 316.193, F.S.; requiring that a person convicted of DUI manslaughter be sentenced to a mandatory minimum term of imprisonment; amending s. 921.0021, F.S.; allowing assessment of victim injury points for certain offenses if the court finds that the offender caused victim injury; providing an effective date.

—was referred to the Committees on Transportation; Criminal Justice; and Judiciary.

By the Jobs and Entrepreneurship Council; and Representative Porth and others—

CS for HB 55—A bill to be entitled An act relating to domestic violence; creating s. 741.313, F.S.; defining the terms “domestic violence,” “employee,” “employer,” “family or household member,” and “victim”; requiring that certain employers permit an employee to take leave from work to undertake activities resulting from an act of domestic violence; specifying the activities for which the employee may take leave; requiring the employee to notify the employer of the leave; providing exceptions; requiring a private employer to keep information relating to the employee’s leave confidential; requiring a governmental agency to keep such information confidential and exempt to the extent authorized by statute; prohibiting an employer from taking certain actions against the employee for exercising rights specified in the act; providing a recourse for violation of the act; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Commerce; Judiciary; and General Government Appropriations.

By the Government Efficiency and Accountability Council; and Representative Allen and others—

CS for HB 73—A bill to be entitled An act relating to labor organizations; providing a short title; creating s. 447.3075, F.S.; requiring that the officers of certain state law enforcement agencies be in a separate bargaining unit; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Operations; and General Government Appropriations.

By Representative Pickens and others—

HB 431—A bill to be entitled An act relating to tourist-oriented directional sign program; creating s. 479.262, F.S.; providing for the establishment of the program in rural areas; specifying criteria for the program; permitting establishment of fees to offset costs; providing that a directional sign site or location does not create a proprietary or compensable interest; providing termination of directional sign permits and

change in location sites; providing for adoption of rules; providing an effective date.

—was referred to the Committees on Transportation; Community Affairs; and Transportation and Economic Development Appropriations.

By the Economic Expansion and Infrastructure Council; and Representative Nehr—

CS for HB 615—A bill to be entitled An act relating to motor vehicle registration; amending s. 320.02, F.S.; revising provisions relating to a voluntary checkoff on motor vehicle registration and renewal application forms to distribute funds to the Miami Heart Research Institute, Inc.; authorizing a voluntary checkoff on motor vehicle registration and renewal application forms to distribute \$1 to the Children’s Hearing Help Fund; providing an effective date.

—was referred to the Committees on Transportation; Health Policy; Finance and Tax; and Transportation and Economic Development Appropriations.

By the Economic Expansion and Infrastructure Council; and Representative McKeel—

CS for HB 815—A bill to be entitled An act relating to motor vehicle dealers; amending s. 320.64, F.S.; revising provisions for grounds for denial, suspension, or revocation of license of a motor vehicle manufacturer, factory branch, distributor, or importer licensed by the Department of Highway Safety and Motor Vehicles to enter into franchise agreements with dealers; prohibiting certain charge-backs of warranty service payments made to a dealer unless certain procedures are followed; revising such procedures; prohibiting an applicant or licensee from refusing to allow, limiting, or restricting a motor vehicle dealer’s acquisition or addition of operations for another line-make of motor vehicles without demonstrating that the action is justified based on consideration of certain requirements; amending s. 320.641, F.S.; revising procedures for a determination that a discontinuation, cancellation, or nonrenewal of a franchise agreement by the applicant or licensee is unfair; requiring that a new dealer be given 180 days to correct alleged sales or service performance failure; providing an effective date.

—was referred to the Committees on Transportation; and Commerce.

By the Policy and Budget Council; Jobs and Entrepreneurship Council; and Representative Murzin—

CS for CS for HB 921—A bill to be entitled An act relating to wireless communications funds; amending s. 365.173, F.S.; redesignating the Wireless Emergency Telephone System Fund as the “Emergency Communications Number E911 System Fund”; requiring that all revenues derived from a fee levied by a county on local exchange subscribers be paid into the State Treasury by a specified date and that the moneys be accounted for in a special fund; providing a methodology for the distribution of the funds; requiring counties to return money to the fund under certain circumstances; requiring a wireless provider to submit sworn invoices in order to support claims for reimbursement of allowable costs; requiring that funds in the E911 system fund on a specified date be returned to wireless providers for costs incurred before a specified date; providing procedures for reimbursement; requiring the Auditor General to annually audit the fund; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; and General Government Appropriations.

By Representative Nelson and others—

HB 1199—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; expanding the exemption

for electricity used for certain agricultural purposes; providing an effective date.

—was referred to the Committees on Agriculture; Finance and Tax; and General Government Appropriations.

By the Policy and Budget Council; Economic Expansion and Infrastructure Council; and Representative Carroll and others—

CS for CS for HB 1283—A bill to be entitled An act relating to black business investment; amending s. 14.2015, F.S.; requiring the Office of Tourism, Trade, and Economic Development to administer the Black Business Loan Program; providing purposes; amending s. 288.702, F.S.; revising a short title; amending s. 288.703, F.S.; revising the definition of “minority person”; amending s. 288.706, F.S.; deleting references to the Florida Black Business Investment Board, Inc., and black business investment corporations from a list of certain financial institutions maintained by the Department of Management Services; requiring the Department of Management Services to collaborate with the Florida Black Business Investment Board, Inc., and the Office of Tourism, Trade, and Economic Development for certain purposes; creating s. 288.7065, F.S.; providing a short title; amending s. 288.707, F.S.; revising provisions creating the Florida Black Business Investment Board, Inc.; revising legislative findings; creating the board; requiring the board to contract with the Office of Tourism, Trade, and Economic Development for certain purposes; specifying application of public records and public meetings requirements; providing for appointment of a board of directors; specifying terms of office and experience requirements of board members; providing for filling of board vacancies; requiring the Governor to appoint a chair; providing for meetings; requiring members to serve without compensation; providing for reimbursement of expenses; requiring members to file a statement of financial interests; amending s. 288.708, F.S.; providing for appointment and duties of the president of the board; deleting a provision specifying prudent use of certain funds and requiring use of funds according to applicable laws, bylaws, or contracts; applying certain salary limitation provisions to employees of the board; requiring the Department of Management Services to establish a lease-agreement program for board employees; amending s. 288.709, F.S.; revising the powers of the board; amending s. 288.7091, F.S.; revising the duties of the board; creating s. 288.7094, F.S.; providing a definition; specifying eligibility of certain black business investment corporations to participate in the Black Business Loan Program; requiring the Office of Tourism, Trade, and Economic Development to give priority consideration to such corporations for participation in the program; creating s. 288.7102, F.S.; establishing the Black Business Loan Program in the Office of Tourism, Trade, and Economic Development; requiring the office to disburse funds appropriated by the Legislature, through certified eligible recipients, to certain black business enterprises; providing duties and responsibilities of the office and the board in administering the program; establishing a competitive application and annual certification process for eligible recipients for funds to provide loans, loan guarantees, and investments to black business enterprises; requiring an allocation policy for equitable distribution throughout the state; providing eligibility requirements for recipients to receive funds and to provide loans, loan guarantees, or investments; requiring annual certification of eligibility; providing for award agreements and reimbursement of funds under certain circumstances; requiring the office to adopt rules; requiring the board to adopt policies and procedures; providing restrictions for the use of funds by black business investment corporations; providing legislative intent if an investment mechanism is held invalid; providing for reasonable profit for a black business investment corporation; creating s. 288.71025, F.S.; providing a prohibited act; providing for filing of a civil complaint, imposition of a fine, and the payment of court costs and reasonable attorney’s fees; creating s. 288.7103, F.S.; providing black business enterprise eligibility requirements for receiving loans, loan guarantees, or investments; amending s. 288.712, F.S.; revising provisions relating to guarantor funds to assist qualified black business enterprises obtain surety bonds and other credit instruments; authorizing the board to contract with regulated surety companies; revising uses of the Black Contractors Bond Trust Fund; eliminating the Black Business Loan Guaranty Trust Fund and the Black Contractors Bond Program Administrative and Loss Reserve Fund; revising board exceptions to laws and rules related to a guaranty company; requiring board adoption of policies and procedures relating to board guarantee of loss and to required payment of premiums; authorizing contracting with a private entity to administer a black contractors

bonding program; delineating board use of a surety bond company; delineating board requirements for implementing the black contractors bonding program; amending s. 288.714, F.S.; requiring recipients to provide quarterly and annual reports; specifying report requirements; requiring the board to provide a summary of such reports to the office; requiring the board to submit an annual program report to the Governor and Legislature; specifying report requirements; amending s. 288.9015, F.S.; requiring Enterprise Florida, Inc., to collaborate with the Florida Black Business Investment Board, Inc., and the Office of Tourism, Trade, and Economic Development for certain purposes; requiring the Office of Program Policy Analysis and Government Accountability to submit a status report to the Governor and Legislature on the implementation of the Florida Black Business Investment Act by the Office of Tourism, Trade, and Economic Development, the Florida Black Business Investment Board, Inc., and program fund recipients; requiring the Office of Program Policy Analysis and Government Accountability to conduct a program review of the performance of the Office of Tourism, Trade, and Economic Development, the Florida Black Business Investment Board, Inc., and program fund recipients in meeting goals of the Florida Black Business Investment Act and to submit a program review report to the Governor and Legislature; amending ss. 17.11, 287.055, 288.9015, 625.3255, 657.042, and 658.67, F.S.; conforming references to changes made by the act; repealing s. 288.7092, F.S., relating to return on investment from activities of the corporation; repealing s. 288.7095, F.S., relating to duties of black business investment corporations; repealing s. 288.71, F.S., relating to conditions for board action; repealing s. 288.7101, F.S., relating to the state employee leasing program of the Department of Management Services for employees of the Florida Black Business Investment Board, Inc.; repealing s. 288.711, F.S., relating to the Florida Investment Incentive Trust Fund; repealing s. 288.713, F.S., relating to capital participation instruments; providing a legislative finding regarding use of state funds received by the board through fiscal year 2005-2006; providing an effective date.

—was referred to the Committees on Commerce; Governmental Operations; and Transportation and Economic Development Appropriations.

By the Economic Expansion and Infrastructure Council; and Representative Aubuchon and others—

CS for HB 1301—A bill to be entitled An act relating to workforce services; amending s. 445.024, F.S.; revising definitions of work activities to conform to federal law and regulations governing work requirements for participants in the temporary cash assistance program; revising work activity requirements and exemptions from such requirements; revising certain requirements for and duties of regional workforce boards with respect to work requirements for program participants; amending s. 445.032, F.S.; clarifying circumstances under which transitional child care is available to former participants in the welfare transition program and certain other individuals; amending s. 402.305, F.S.; correcting cross-references; providing an effective date.

—was referred to the Committees on Commerce; Children, Families, and Elder Affairs; and Transportation and Economic Development Appropriations.

By the Policy and Budget Council; Healthcare Council; and Representative Galvano and others—

CS for CS for HB 1309—A bill to be entitled An act relating to adoption and child protection; amending s. 39.001, F.S.; redesignating the Office of Child Abuse Prevention as the Office of Adoption and Child Protection; revising the purpose of the office; providing for a Chief Child Advocate and providing duties therefor; providing duties and responsibilities of the office; providing for the promotion of adoption and support of adoptive families in the state plan of the office; establishing the Child Abuse Prevention and Permanency Advisory Council and providing for composition thereof; providing additional purposes for district plans of action; creating s. 39.0011, F.S.; authorizing the office to establish a direct-support organization; providing purposes, requirements, and objectives; providing for members of a board of directors of the direct-support organization; requiring the organization to operate under contract with the office; providing guidelines for the use of funds; amending ss. 39.0014 and 39.01, F.S.; conforming references to changes made by

the act; amending s. 409.166, F.S.; providing an adoption assistance program for children within the child welfare system; revising legislative intent; revising and providing definitions; requiring the Department of Children and Family Services to collect and maintain certain data; providing adoption assistance in the form of maintenance subsidies, subject to specific appropriations; specifying conditions under which such subsidies are granted; providing for reimbursement for certain expenses; requiring the department to adopt rules; providing appropriations; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Judiciary; and Health and Human Services Appropriations.

By the Jobs and Entrepreneurship Council; and Representative Galvano and others—

CS for HB 111—A bill to be entitled An act relating to title insurance; amending s. 626.84201, F.S.; providing additional requirements for non-resident title insurance agent licensure; amending s. 626.9541, F.S.; revising unlawful rebate specifications; amending s. 627.7711, F.S.; revising definitions; amending s. 627.780, F.S.; providing an exception to a prohibition against dealing in certain premium; amending ss. 627.782 and 627.783, F.S.; revising rate and rate deviation requirements; amending s. 627.7845, F.S.; revising determination of insurability and records retention requirements; amending s. 701.04, F.S.; revising requirements for an estoppel letter; amending s. 701.041, F.S.; revising definitions; providing for application to certain mortgages; providing liability for title insurance agents recording a certificate of release; repealing the authority of the Financial Services Commission to adopt rules regarding the charge for the certificate of release; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Finance and Tax.

By the Safety and Security Council; and Representative Mealor and others—

CS for HB 405—A bill to be entitled An act relating to vacation and timeshare plans; amending s. 721.03, F.S.; revising the formula for funding reserve accounts for conversions; authorizing a seller to offer timeshare interests in a timeshare plan located outside of this state without filing a public offering statement for such out-of-state timeshare plan; providing criteria for such offers; requiring certain notice; providing for a fee; conforming cross-references and terminology; amending s. 721.05, F.S.; revising the definition of the term “one-to-one purchaser to accommodation ratio”; providing definitions for the terms “lead dealer,” “personal contact information,” and “resale service provider”; amending s. 721.07, F.S.; revising information required to be contained in filed public offering statements for certain timeshare plans; authorizing the Division of Florida Land Sales, Condominiums, and Mobile Homes to accept alternate forms of timeshare disclosure statements; conforming cross-references; amending s. 721.075, F.S.; conforming terminology; amending s. 721.11, F.S.; revising provisions relating to advertising and oral statements to include those made by resale service providers; providing that a seller or resale service provider may not misrepresent or falsely imply that the resale service provider is affiliated with, or obtained personal contact information from, a developer, managing entity, or exchange company; creating s. 721.121, F.S.; providing recordkeeping requirements for resale service providers and lead dealers; providing that the failure to produce such records in any civil or criminal action relating to the wrongful possession or wrongful use of personal contact information shall lead to a presumption that the personal contact information was wrongfully obtained; providing what constitutes wrongful use of such personal contact information; providing for recovery of certain damages and attorney’s fees and costs; amending s. 721.13, F.S.; providing that failure to obtain and maintain required insurance coverage constitutes a breach of the managing entity’s fiduciary duty; authorizing funding of reserve accounts to be waived or reduced; providing the managing entity with certain rights and powers; providing language to be included in public offering statements; providing recordkeeping requirements; requiring the managing entity to make certain records available to the division under certain circumstances; conforming cross-references; amending s. 721.15, F.S.; providing that amounts expended

for any insurance coverage required by law or by the timeshare instrument to be maintained by the owners' association shall be exempt from assessment of common expenses; providing that any determination by a timeshare association of whether assessments exceed 115 percent of assessments for the prior fiscal year shall exclude anticipated expenses for required insurance coverage; amending s. 721.165, F.S.; revising provisions relating to insurance; requiring managing entities to use due diligence to obtain certain types of insurance; providing factors that a managing entity must take into account in determining whether the insurance obtained is adequate; providing that insurance coverage may be subject to certain requirements; authorizing the managing entity to apply any existing reserves for certain purposes; amending s. 721.52, F.S.; providing application with respect to use of the term "vacation club"; amending ss. 721.55 and 721.552, F.S.; conforming cross-references and terminology; amending s. 721.97, F.S.; authorizing the Governor to appoint commissioners of deeds to take acknowledgments, proofs of execution, or oaths in international waters; providing an effective date.

—was referred to the Committees on Regulated Industries; Judiciary; and General Government Appropriations.

By the Economic Expansion and Infrastructure Council; and Representative Rivera and others—

CS for HB 537—A bill to be entitled An act relating to the presidential preference primary; amending s. 103.101, F.S.; revising the dates relating to the presidential preference primary; amending s. 101.75, F.S.; authorizing municipalities to modify municipal election dates by ordinance to coincide with the presidential preference primary date; prescribing requirements for candidate qualifying, to conform; providing for terms of office of municipal officials; providing an effective date.

—was referred to the Committees on Ethics and Elections; Judiciary; and Transportation and Economic Development Appropriations.

By Representative Traviesa and others—

HB 549—A bill to be entitled An act relating to power plants; amending s. 366.93, F.S.; revising definitions related to certain power plants to include integrated gasification combined cycle power plants; requiring the Public Service Commission to implement rules related to integrated gasification combined cycle power plant cost recovery; requiring a report; amending s. 403.502, F.S.; providing legislative intent for the consideration of renewable energy sources and technologies and conservation measures in actions related to electrical power plant and transmission line siting; amending s. 403.519, F.S.; providing requirements and procedures for determination of need for integrated gasification combined cycle power plants; requiring consideration of renewable energy sources and technologies and conservation measures in power plant siting determinations; providing an exemption from purchased power supply bid rules under certain circumstances; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; Environmental Preservation and Conservation; and General Government Appropriations.

By the Schools and Learning Council; and Representative Proctor and others—

CS for HB 721—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; exempting payments to postsecondary educational institutions made for certain bookstore operations; providing a definition; providing construction; providing for retroactive application; providing an effective date.

—was referred to the Committees on Higher Education; Finance and Tax; and General Government Appropriations.

By the Safety and Security Council; and Representative Hukill and others—

CS for HB 743—A bill to be entitled An act relating to trusts; amending s. 660.417, F.S.; revising criteria for investments in certain investment instruments; creating s. 736.04117, F.S.; providing criteria, requirements, and limitations on a trustee's power to invade the principal of a trust; specifying conditions under which discretionary distributions may be made in further trust; amending s. 736.0802, F.S.; specifying additional trust property transactions not voidable by a beneficiary; revising certain disclosure and applicability requirements; broadening authority for investing in certain investment instruments; revising definitions; excusing trustees from certain compliance requirements under certain circumstances; amending s. 736.0816, F.S.; defining the term "mutual fund" for certain purposes; amending s. 736.1008, F.S.; revising effective dates relating to limitations on proceedings against trustees; amending s. 736.1011, F.S.; providing construction relating to trustee drafts of exculpatory terms in a trust instrument; amending s. 689.071, F.S.; limiting the definition of the term "land trust" to an arrangement in which title to real property is vested in a trustee by a recorded instrument that confers certain authority as prescribed by state law; providing that such a recorded instrument does not itself create an entity; providing that a recorded instrument is effective regardless of whether it refers to beneficiaries of the trust; providing that a recorded instrument vests both legal and equitable title to real property or the interest therein in the trustee; conforming cross-references; amending s. 731.201, F.S.; revising a definition; amending s. 731.303, F.S.; excluding trusts from guidelines regarding administration and judicial proceedings; amending s. 736.0102, F.S.; conforming a cross-reference; amending s. 736.0501, F.S.; limiting the ability of creditors or assignees of a beneficiary to reach the beneficiary's interest in a trust; amending s. 736.0502, F.S.; clarifying the application of restrictions on transferring a beneficiary's interest under a spendthrift provision; amending s. 736.0503, F.S.; providing an exception to a provision authorizing the attachment of trust distributions; amending s. 736.0504, F.S.; defining the term "discretionary distribution"; prohibiting certain creditors from compelling distributions or attaching a beneficiary's interest or expectancy; amending s. 736.0813, F.S.; conforming a date of applicability of the accounting provision and corresponding limitations to the effective date of the code; amending s. 736.1106, F.S.; providing that certain antilapse provisions continue to apply to irrevocable trusts created between June 12, 2003, and July 1, 2007; amending s. 736.1204, F.S.; clarifying the use of income interest of a trust; amending ss. 736.1209 and 736.1001, F.S., relating to the release of power by a trustee and removal of a trustee; conforming cross-references; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Judiciary.

By the Healthcare Council; and Representative Cusack—

CS for HB 803—A bill to be entitled An act relating to adoption benefits; creating s. 409.1663, F.S.; providing definitions; expanding a monetary benefit paid to employees who adopt special needs children and children in the custody of the state to include employees of state universities, community colleges, and school districts; clarifying that the availability of the monetary benefit is subject to an appropriation; authorizing the Department of Children and Family Services to administer the program; providing for rules; providing for parental leave; providing for application and eligibility procedures; providing for the transfer of funding from the department to nonstate public entities; providing that application for the monetary benefit will begin with the 2008 open enrollment period and the availability of the benefit will begin in the 2008-2009 fiscal year; repealing ss. 110.152, 110.15201, 215.32(2)(c)5., and 373.6065, F.S., relating to the present program that provides a monetary benefit only to state agency employees and employees of a water management district and that is administered by the Department of Management Services; transferring resources allocated to provide adoption benefits for state employees from the Department of Management Services to the Department of Children and Family Services by a type two transfer; providing an effective date.

—was referred to the Committees on Governmental Operations; Children, Families, and Elder Affairs; and Health and Human Services Appropriations.

By the Policy and Budget Council; Jobs and Entrepreneurship Council; and Representative Murzin—

CS for CS for HB 919—A bill to be entitled An act relating to emergency communications systems; amending s. 365.171, F.S.; redesignating the Florida Emergency Telephone Act as the “Florida Emergency Communications Number E911 State Plan Act”; providing legislative intent; redefining the term “office” to mean the Technology Program within the Department of Management Services; revising the duties of the office regarding the state E911 system plan; revising provisions for content of the plan; designating the secretary as the director of the statewide emergency communications number E911 system; removing a provision authorizing the director to employ certain persons; directing the Public Service Commission to adopt rules relating to coin-free 911 calls to be followed by the telecommunications industry; requiring approval of the office for establishing or expanding an emergency communications number E911 system; removing a provision for existing emergency telephone service; authorizing the secretary of the department to apply for and accept federal funding assistance; removing provisions relating to imposition and collection of the 911 fee and to the indemnification of local telephone companies; removing a penalty for reporting false information that may result in an emergency response; amending s. 365.172, F.S.; redesignating the Wireless Emergency Communications Act as the “Emergency Communications Number E911 Act”; providing legislative intent; revising definitions; providing for administration of the fees collected; redesignating the Wireless 911 Board as the E911 Board; revising membership, powers, duties, and responsibilities of the board; redesignating the Wireless E911 Fee as the E911 Fee; requiring a study relating to collecting the fee on the sale of prepaid wireless service; revising provisions for use of revenue collected; providing for certain disbursements; providing for rates and collection from consumers of voice communications services; providing for the authorized use of the fees collected; providing for indemnification and limitation of liability for local exchange carriers; providing penalties for the misuse of the E911 system; exempting prepaid calling arrangements from application of specified provisions relating to gift certificates and credit memos; authorizing additional positions and providing appropriations; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; and General Government Appropriations.

By the Safety and Security Council; and Representative Aubuchon—

CS for HB 1185—A bill to be entitled An act relating to trespass; amending s. 810.011, F.S.; defining the term “construction site” for specified purposes; amending s. 810.09, F.S.; revising requirements for posting on a construction site; revising the definition of the terms “authorized person” or “person authorized” for specified purposes; providing an effective date.

—was referred to the Committees on Regulated Industries; and Criminal Justice.

By the Economic Expansion and Infrastructure Council; and Representative Cannon and others—

HB 7205—A bill to be entitled An act relating to recreational vehicle manufacturers, distributors, dealers, and importers; creating s. 320.3201, F.S.; providing legislative intent; creating s. 320.3202, F.S.; providing definitions; creating s. 320.3203, F.S.; providing requirements for a manufacturer/dealer agreement; requiring designation of the area of sales responsibility; providing conditions for sales outside the dealer’s area of sales responsibility; creating s. 320.3205, F.S.; providing requirements and procedures for termination, cancellation, or nonrenewal of a manufacturer/dealer agreement by a manufacturer or a dealer; providing for the repurchase by the manufacturer of vehicles, accessories, parts and equipment, tools, signage, and machinery; requiring notification of a manufacturer when a dealer takes on an additional line-make; creating s. 320.3206, F.S.; providing for change in ownership by a dealer; requiring notice to the manufacturer; providing requirements for objection by the manufacturer; providing for a dealer to name a family member as a successor in case of retirement, incapacitation, or death of the dealer; providing requirements for objection to the successor by the

manufacturer; creating s. 320.3207, F.S.; providing requirements for warrantors, manufacturers, and dealers with respect to warranty obligations; providing requirements for compensation of the dealer; authorizing warranty audits by the warrantor; requiring cause for denial of compensation; providing for disposition of warranty claims; prohibiting certain acts by the warrantor and the dealer; requiring notice of certain pending suits; creating s. 320.3208, F.S.; providing for inspection and rejection of a recreational vehicle upon delivery to a dealer; creating s. 320.3209, F.S.; prohibiting a manufacturer or distributor from coercing a dealer to perform certain acts; creating s. 320.3210, F.S.; providing for resolution when a dealer, manufacturer, distributor, or warrantor is injured by another party’s violation; authorizing civil action; providing for mediation; providing for remedies; creating s. 320.3211, F.S.; providing administrative and criminal penalties for violations; providing for an administrative hearing to contest a penalty imposed by the department; amending s. 320.8225, F.S.; providing licensure requirements for distributors and importers; providing for severability; providing an effective date.

—was referred to the Committees on Transportation; Commerce; and Transportation and Economic Development Appropriations.

By Representative Porth and others—

HB 63—A bill to be entitled An act relating to public records; amending s. 741.313, F.S.; providing an exemption from public records requirements for certain records and time sheets submitted to an agency, as defined in ch. 119, F.S., by an employee who is a victim of domestic violence; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Commerce; Governmental Operations; and Rules.

RETURNING MESSAGES—FINAL ACTION

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment to House Amendment and passed CS for SB 1004 as further amended.

William S. Pittman III, Chief Clerk

The bill contained in the foregoing message was ordered engrossed and then enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 25 was corrected and approved.

CO-INTRODUCERS

Senators Baker—CS for SB 1020, CS for SB 1022; Lynn—CS for SB 1710

RECESS

On motion by Senator Wilson, the Senate recessed at 5:56 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Friday, April 27 or upon call of the President.

BILL ACTION SUMMARY

THURSDAY, APRIL 26, 2007

S	122	Read 3rd time; CS passed 37-0
S	128	Substituted CS for HB 73; Laid on Table, refer to CS for HB 73
S	134	Read 2nd time
S	142	Read 3rd time; CS passed 39-0
S	166	Read 2nd time

April 26, 2007

JOURNAL OF THE SENATE

S	224	Read 2nd time; Substituted CS for HB 139; Laid on Table, refer to CS for HB 139	S	1722	Read 2nd time
S	314	Read 2nd time	S	1732	Read 2nd time
S	320	Read 2nd time	S	1764	Read 3rd time; CS passed 38-0
S	352	Read 2nd time	S	1780	Substituted CS for HB 707; Laid on Table, refer to CS for HB 707
S	420	Read 2nd time	S	1792	Read 3rd time; CS passed as amended 37-1
S	448	Read 3rd time; CS passed as amended 39-0	S	1818	Read 3rd time; CS passed 38-0
S	482	Read 2nd time	S	1844	Read 2nd time
S	564	Read 2nd time; Substituted CS for HB 509; Laid on Table, refer to CS for HB 509	S	1880	Read 2nd time
S	574	Read 2nd time	S	1920	Read 2nd time
S	612	Read 2nd time	S	1974	Read 3rd time; CS passed as amended 39-0 (201432)
S	624	Read 2nd time	S	1980	Read 2nd time
S	670	Read 2nd time	S	1982	Read 2nd time
S	680	Read 2nd time	S	2036	Read 2nd time
S	732	Read 2nd time	S	2038	Read 3rd time; CS passed 39-0
S	752	Read 2nd time	S	2142	Read 2nd time
S	900	Read 2nd time	S	2180	Read 2nd time
S	902	Read 2nd time	S	2196	Read 3rd time; CS passed as amended 36-3
S	918	Read 2nd time	S	2312	Read 3rd time; CS passed 39-0
S	920	Read 2nd time	S	2434	Read 2nd time
S	960	Read 2nd time	S	2488	Read 2nd time
S	978	Read 3rd time; Passed as amended 39-0	S	2766	Read 3rd time; CS passed 38-0
S	988	Read 3rd time; CS passed as amended 39-0	S	2836	Read 2nd time
S	998	Read 2nd time; Substituted CS for CS for HB 529; Laid on Table, refer to CS/CS/HB 529	S	2848	Read 2nd time; Substituted HB 7167; Laid on Table, refer to HB 7167
S	1038	Read 2nd time	S	3030	Read 2nd time; Adopted
S	1198	Read 2nd time	S	3052	Read 2nd time; Adopted
S	1200	Read 2nd time	S	3058	Read 2nd time; Adopted
S	1202	Read 2nd time; Substituted HB 549; Laid on Table, refer to HB 549	H	73	Substituted for CS for SB 128; Read 2nd time; Read 3rd time; CS passed 37-0
S	1206	Read 2nd time	H	97	Reconsidered; CS passed 19-14
S	1342	Read 3rd time; CS passed as amended 38-0	H	139	Substituted for CS for CS for SB 224; Read 2nd time
S	1350	Substituted CS for CS for HB 455; Laid on Table, refer to CS for CS for HB 455	H	143	Read 3rd time; Passed 38-0
S	1448	Read 3rd time; Passed 39-0	H	311	Read 3rd time; CS passed 39-0
S	1460	Read 3rd time; CS passed as amended 38-0	H	339	Read 3rd time; CS passed 40-0
S	1510	Read 3rd time; Passed 38-0	H	455	Substituted for CS for CS for SB 1350; Read 2nd time
S	1562	Read 2nd time	H	509	Substituted for CS for SB 564; Read 2nd time
S	1630	Read 3rd time; CS passed 38-0	H	529	Substituted for CS for CS for CS for SB 998; Read 2nd time
S	1710	Read 2nd time	H	549	Substituted for SB 1202; Read 2nd time
			H	707	Substituted for SB 1780; Read 2nd time
			H	723	Read 3rd time; Passed 39-0
			H	7167	Substituted for CS for SB 2848; Read 2nd time

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April 26, 2007

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BP — Bill Passed
CO — Co-Introducers
CR — Committee Report

CS — Committee Substitute, First Reading
FR — First Reading
MO — Motion
RC — Reference Change

Table listing legislative bills and resolutions with their corresponding indices and actions. Includes entries such as CS/SB 108, CS/CS/SB 112, SB 134, etc., up to CS/SB 1570.

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