

**CLE SEMINAR EVALUATION FORM**

Name (Optional): \_\_\_\_\_ Date: \_\_\_\_\_

Name of Course: Practicing Before the Legislature (1164R)

City: Tallahassee Facility: The Capitol Senate Office Building

**Please evaluate the speaker presentation** for this Florida Bar CLE program based on the following scale: **5=excellent; 4=good; 3=fair/average; 2=poor; 1=unacceptable**. If you rate a presentation 2 or 1, please explain why, in the comment section, so that we may further improve our programs.

<u>Speaker</u>	<u>Speaker Rating</u>	<u>Course material</u>	<u>Comments</u>
Patrick L. "Booter" Imhof	_____	_____	_____
Peter M. "Pete" Dunbar	_____	_____	_____
John B. Phelps	_____	_____	_____
Patrick L. "Booter" Imhof	_____	_____	_____
Tiffany A. Harrington	_____	_____	_____
Jennifer L Hrdlicka	_____	_____	_____
Eric W. Maclure	_____	_____	_____
Steven M. "Pepper" Uchino	_____	_____	_____
J. Lynn Koon	_____	_____	_____
Joshua D. "Josh" Aubuchon	_____	_____	_____
Miguel Oxamendi	_____	_____	_____
Dan R. Stengle	_____	_____	_____
George T. Levesque	_____	_____	_____
Stephanie Birtman	_____	_____	_____
Samual P. "Sam" Bell III	_____	_____	_____
Peter "Pete" Dunbar	_____	_____	_____
Stephanie Birtman	_____	_____	_____
Richard Herring	_____	_____	_____
Randy Havlicak	_____	_____	_____
Jennifer L. Hrdlicka	_____	_____	_____
J. Marleen Ahearn	_____	_____	_____
Josh Aubuchon	_____	_____	_____
Robert L. "Bob" Ward	_____	_____	_____

General Speaker Comments: \_\_\_\_\_

General Seminar Comments: \_\_\_\_\_

Course material Comments: \_\_\_\_\_

Did you attend this course via **Webcast or Telephone**? If so, please send this completed form to FAX 850-561-9427.

**Please evaluate the facility** based on the following scale: **5=excellent; 4=good; 3=fair/average; 2=poor; 1=unacceptable**. If you use a rate of 2 or 1, please explain why, in the comment section, so that we may further improve our programs.

- \_\_\_\_\_ Convenience
- \_\_\_\_\_ Aesthetics (comfort, cleanliness, etc.)
- \_\_\_\_\_ Amenities (restaurants, restrooms, parking, etc.)

Facility Comments: \_\_\_\_\_

**Where did you learn of this seminar?**

- Bar News Ad     Brochure     FLABAR Website     Section Website     Other

**Please identify any topic that you wish to see as the subject of future or expanded Florida Bar seminars:**

\_\_\_\_\_

\_\_\_\_\_

# Common Questions About CLER

## 1. What is CLER?

CLER, or Continuing Legal Education Requirement, was adopted by the Supreme Court of Florida in 1988 and requires all members of The Florida Bar to continue their legal education.

## 2. What is the requirement?

Over a 3 year period, each member must complete 30 hours, 5 of which are in the area of ethics, professionalism, substance abuse, or mental illness awareness.

## 3. Where may I find information on CLER?

Rule 6-10 of the Rules Regulating The Florida Bar sets out the requirement. All the rules may be found at [www.floridabar.org](http://www.floridabar.org) to Rules Updates to Rules Regulating The Florida Bar.

## 4. Who administers the CLER program?

Day-to-day administration is the responsibility of the Legal Specialization and Education Department of The Florida Bar. The program is directly supervised by the Board of Legal Specialization and Education (BLSE) and all policy decisions must ultimately be approved by the Board of Governors.

## 5. How often and by when do I need to report compliance?

Members are required to report CLE hours earned every three years. Each member is assigned a three year reporting cycle. You may find your reporting date either by going to [www.floridabar.org](http://www.floridabar.org) to Member Profile to CLE Status Inquiry or the mailing label of The Florida Bar News.

## 6. Will I receive notice advising me that my reporting period is upcoming?

Three months prior to the end of your reporting cycle, you will receive either:

- 1) a CLER Reporting Affidavit, if you still lack hours; or,
- 2) a CLER Notice of Compliance, if you have completed your hours.

## 7. What do I do with the Affidavit?

You are to update and correct the form, complete any hours you lack, and sign and return the affidavit by your reporting date. Complete instructions appear on the reverse side of the form.

## 8. What do I do with the Notice of Compliance?

If the information is correct, you need not respond. This document is your confirmation that you have completed the requirement for your current reporting cycle.

## 9. What happens if I am late returning my Affidavit or do not complete the required hours?

You run the risk of being deemed a delinquent member which prohibits you from engaging in the practice of Florida law.

## 10. Will I receive any other information about my reporting cycle?

Approximately 45 days prior to the end of your reporting cycle, if you have not yet completed your hours.

**11. Are there any exemptions from CLER?**

Rule 6-10.3(c) lists all valid exemptions. They are:

- 1) Active military service
- 2) Undue hardship (upon approval by the BLSE)
- 3) Nonresident membership (see rule for details)
- 4) Full-time federal judiciary
- 5) Justices of the Supreme Court of Florida and judges of district, circuit and county courts
- 6) Inactive members of The Florida Bar

**12. Other than attending approved CLE courses, how may I earn credit hours?**

Credit may be earned by:

- 1) Lecturing at an approved CLE program
- 2) Serving as a workshop leader or panel member
- 3) Writing and publishing in a professional publication or journal
- 4) Teaching (graduate law or law school courses)
- 5) University attendance (graduate law or law school courses)

**13. How do I submit various activities for credit evaluation?**

Applications for credit may be found either on our website, [www.floridabar.org](http://www.floridabar.org), or in the directory issue of The Florida Bar Journal following the listing of Board Certified Lawyers.

**14. How are attendance hours posted on my CLER record?**

If you registered for a seminar through The Florida Bar Registrations Department, the credit will be posted to your record automatically. If the course is sponsored by a Florida Bar Section or another organization, you can post your credits online.

**15. How long does it take for hours to be posted to my CLER record?**

When you post your CLE credit online, your record will be automatically updated and you will be able to see your current CLE hours and reporting period.

**16. How may I find information on programs sponsored by The Florida Bar?**

You may wish to visit our website, [www.floridabar.org](http://www.floridabar.org), or refer to The Florida Bar News. You may also call CLE Registrations at 850/561-5831.

**17. If I accumulate more than 30 hours, may I use the excess for my next reporting cycle?**

Excess hours may not be carried forward. The standing policies of the BLSE, as approved by the Supreme Court of Florida specifically state in 6.03(b):

- ... CLER credit may not be counted for more than one reporting period and may not be carried forward to subsequent reporting periods.

**18. Will out-of-state CLE hours count toward CLER?**

Courses approved by other state bars are generally acceptable for use toward satisfying CLER.

**19. If I have questions, whom do I call?**

You may call the Legal Specialization and Education Department of The Florida Bar at 850/561-5842.

**While online checking your CLER, don't forget to check your  
Basic Skills Course Requirement status.**

**The Florida Bar Continuing Legal Education Committee and the  
Government Lawyer Section**



# **Practicing Before the Legislature**

**COURSE CLASSIFICATION: ADVANCED LEVEL**

**November 10, 2011**

**Live Presentation:  
The Capitol  
Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399**

**Course No. 1164R**

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The Florida Bar



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**PREFACE**

The course materials in this booklet were prepared for use by the registrants attending our Continuing Legal Education course during the lectures and later in their offices.

The Florida Bar is indebted to the members of the Steering Committee, the lecturers and authors for their donations of time and talent, but does not have an official view of their work products.

**CLER CREDIT**

(Maximum 7.5 hours)

General ..... 7.5 hours            Ethics ..... 1.0 hours

**CERTIFICATION CREDIT**

(Maximum 7.5 hours)

City, County & Local Government..... 7.5 hours  
State & Federal Gov't & Administrative..... 7.5 hours

Seminar credit may be applied to satisfy both CLER and Board Certification requirements in the amounts specified above, not to exceed the maximum credit. Refer to Chapter 6, Rules Regulating The Florida Bar, see the CLE link at [www.floridabar.org](http://www.floridabar.org) for more information about the CLER and Certification Requirements.

Prior to your CLER reporting date (located on the mailing label of your Florida Bar *News*) you will be sent a Reporting Affidavit (must be returned by your CLER reporting date) or a Notice of Compliance which confirms your completion of the requirement according to Bar records (does not need to be returned). You are encouraged to maintain records of your CLE hours.

CLE CREDIT IS NOT AWARDED FOR THE PURCHASE OF THE COURSE BOOK ONLY.

**CLE COMMITTEE MISSION STATEMENT**

The mission of the Continuing Legal Education Committee is to assist the members of The Florida Bar in their continuing legal education and to facilitate the production and delivery of quality CLE programs and publications for the benefit of Bar members in coordination with the Sections, Committees and Staff of The Florida Bar and others who participate in the CLE process.

**COURSE CLASSIFICATION**

The Steering Committee for this course has determined its content to be **ADVANCED**.

**GOVERNMENT LAWYER SECTION**

Ward Patrick Griffin, Washington DC — Chair  
Diana K. Bock, Tampa — Chair-elect  
Joseph Mellichamp, Tallahassee — CLE Chair

**FACULTY & STEERING COMMITTEE**

Patrick L. “Booter” Imhof, Tallahassee – Program Chair  
Stephanie Birtman, Tallahassee,  
Peter M. “Pete” Dunbar, Tallahassee  
George T. Levesque, Tallahassee  
John B. Phelps, Tallahassee,  
Dan R. Stengle, Tallahassee

**CLE COMMITTEE**

Candace S. Preston, Wauchula — Chair  
Terry L. Hill — Director, Programs Division

**For a complete list of Member Services visit our web site at [www.floridabar.org](http://www.floridabar.org).**

## **LECTURE PROGRAM**

Morning Session will be held in

Room 401 – Fourth Floor,

Senate Office Building

- 8:00 a.m. – 8:25 a.m.      **Registration in front of Room 401, Fourth Floor Senate Office Building**
- 8:25 a.m. – 8:30 a.m.      **Introduction and Welcoming Remarks**
- 8:30 a.m. – 9:20 a.m.      **The Legislative Process**  
This presentation is an overview of “The Legislative Process.” Find out how bills are filed, move through the legislative process, are passed, amended, defeated, become law, and are vetoed.  
*Patrick L. “Booter” Imhof, Staff Director, Senate Regulated Industries Committee, Tallahassee, Florida*
- 9:20 a.m. – 10:10 a.m.      **Lobbying and Ethics**  
This presentation will discuss the Florida law governing registration, reporting, and regulation of lobbyists representing public and private interests. It will also include practical tips on dealing with legislators and some of the ethical rules dealing with non-adjudicative proceedings.  
*Peter M. “Pete” Dunbar, Former Representative, Florida House of Representatives, Pennington, Moore, Wilkerson, Bell & Dunbar, Tallahassee*
- 10:10 a.m. – 10:30 a.m.      **Break**
- 10:30 a.m. – 11:00 a.m.      **Overview of Senate Rules and Procedures**  
This presentation will give an overview of the rules and procedures governing the operation of the Senate.  
*John B. Phelps, Staff Director, Senate Rules Committee, Tallahassee*
- 11:00 a.m. – 12:00 p.m.      **Simulated Committee Meeting**  
The Committee members will present the committee process, including consideration of bills, taking of testimony and disposing of motions and amendments during a Legislative Committee Meeting.  
*Committee Members:*  
*Patrick L. “Booter” Imhof, Chair*  
*Tiffany A. Harrington*  
*Jennifer L. Hrdlicka*  
*Eric W. Maclure*  
*Stephen M. “Pepper” Uchino*  
*J. Lynn Koon, Committee Administrative Assistant*  
*Joshua D. “Josh” Aubuchon – Bill Sponsor*  
*Miguel Oxamendi – Bill Opponent*



12:00 p.m. – 1:30 p.m.

**Lunch** (on your own)

Afternoon Session will be held in

The House Chamber – Fourth Floor, the Capitol Building

1:30 p.m. – 1:35 p.m.

**Reconvene and Welcoming Remarks**

1:35 p.m. – 2:25 p.m.

**The Tools to Locating Florida Legislative History**

This presentation will discuss how to research legislative history including how and where to locate legislative intent. It will include tracking a law change from the statute back to bill form (including chapter laws, slip laws, bill analyses, floor and committee action).

*Dan R. Stengle, Hopping, Green & Sams, Tallahassee*

2:25 p.m. – 3:15 p.m.

**Legislative Sunshine**

This presentation will highlight the constitutional and legislative rules provisions that relate to public records and open meetings. It will also include a discussion of legislative documents and work product as public records under the constitution and rules.

*George T. Levesque, General Counsel, Florida House of Representatives*

3:15 p.m. – 3:30 p.m.

**Break**

3:30 p.m. – 3:50 p.m.

**Overview of House Rules and Procedures**

This presentation will give an overview of the rules and procedures governing the operation of the House of Representatives.

*Stephanie Birtman, Staff Director, Florida House of Representatives Rules & Calendar Committee, Tallahassee*

3:50 p.m. – 4:50 p.m.

**Simulated Floor Session**

Registrants will sit in the member's chairs on the floor of the House with Legislative Staff and former Members of the Legislature and debate amendments, motions, and vote on legislation.

*Participants:*

*Samuel P. "Sam" Bell, III – Speaker*

*Peter M. "Pete" Dunbar – Majority Leader*

*Stephanie Birtman – Rules & Calendar Committee Chair*

*Richard Herring – Appropriations Committee Chair*

*Randy Havlicak – Member*

*Jennifer Hrdlicka – Member*

*J. Marleen Ahearn – Member*

*Josh Aubuchon – Member*

*Robert L. "Bob" Ward – Reading Clerk*

## TABLE OF CONTENTS

### **THE LEGISLATIVE PROCESS**

This presentation is an overview of “The Legislative Process.” Find out how bills are filed, move through the legislative process, are passed, amended, defeated, become law, and are vetoed.

*Patrick L. “Booter” Imhof, Staff Director, Senate Regulated Industries Committee, Tallahassee, Florida*

I.	Power Point Presentation .....	1.1
II.	Three Branches of Government .....	1.31
III.	Article III – Legislature .....	1.35
IV.	Bill History – SB 84.....	1.46
V.	Bill History - HB3.....	1.50
VI.	Senate Calendar .....	1.52
VII.	The Calendar of the House of Representatives.....	1.66
VIII.	Journal of the Senate .....	1.79
IX.	Journal of the House of Representatives.....	1.94
X.	Glossary of Selected Legislative Terms .....	1.111
XI.	Types of Bills.....	1.113
XII.	Bill Analysis and Fiscal Impact Statement .....	1.117
XIV.	Full Analysis .....	1.123

### **LOBBYING AND ETHICS IN THE LEGISLATURE**

This presentation will discuss the Florida law governing registration, reporting, and regulation of lobbyists representing public and private interests. It will also include practical tips on dealing with legislators and some of the ethical rules dealing with non-adjudicative proceedings.

*Peter M. “Pete” Dunbar, Former Representative, Florida House of Representatives, Pennington, Moore, Wilkerson, Bell & Dunbar, Tallahassee*

I.	Power Point Presentation .....	2.1
II.	Tools of the Trade.....	2.6

### **AN INTRODUCTION TO LEGISLATIVE PROCEDURE**

This presentation will give an overview of the rules and procedures governing the operation of the Senate.

*John B. Phelps, Staff Director, Senate Rules Committee, Tallahassee*

I.	Power Point Presentation .....	3.1
II.	Sequence of Amendments.....	3.6

## **SIMULATED COMMITTEE MEETING**

The Committee members will present the committee process, including consideration of bills, taking of testimony and disposing of motions and amendments during a Legislative Committee Meeting.

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***Eric W. Maclure***

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***J. Lynn Koon, Committee Administrative Assistant***

***Joshua D. “Josh” Aubuchon – Bill Sponsor***

***Miguel Oxamendi – Bill Opponent***

I.	Senate Bill 2062 Relating to Malt Beverages (Discussion).....	4.2
II.	Senate Bill 920 Relating to Possession of Stolen Credit or Debit Cards.....	4.12
III.	Senate Bill 598 Relating to Term Limits .....	4.23

## **Reconvene and Welcoming Remarks**

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***Dan R. Stengle, Hopping, Green & Sams, Tallahassee***

I.	The Florida Statutes .....	5.2
II.	Laws of Florida .....	5.4
III.	The legislative History .....	5.5

## **LEGISLATIVE SUNSHINE**

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***George T. Levesque, General Counsel, Florida House of Representatives***

I.	Florida Constitution, Article I, Section 24.....	6.1
II.	Florida Constitution, Article III, Section 4 .....	6.2
III.	Senate Rule One-Officers, Senators, Employees, and Ethics .....	6.5
IV.	House Rule Three-Miscellaneous Provisions .....	6.10
V.	House Rule Fourteen-Miscellaneous Provisions .....	6.11

## **OVERVIEW OF HOUSE RULES AND PROCEDURES**

This presentation will give an overview of the rules and procedures governing the operation of the House of Representatives.

*Stephanie Birtman, Staff Director, Florida House of Representatives Rules & Calendar Committee, Tallahassee*

I.	Power Point Presentation .....	7.1
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*J. Marleen Ahearn – Member*

*Josh Aubuchon – Member*

*Robert L. “Bob” Ward – Reading Clerk*

I.	Conference Reports.....	8.4
II.	Bills on Third Reading.....	8.16
III.	Bills on Special Order.....	8.26
IV.	Senate Messages .....	8.82
V.	Returning House Messages.....	8.89

## **AUTHORS/LECTURERS**

**J. MARLEEN AHEARN**, Ph.D., J.D., is the Policy Chief for the House of Representatives Education Committee. She has over 15 years as an elementary, middle, and high school teacher and high school assistant principal/principal. She was a litigator with the Ruden McClosky law firm and Department of Transportation for over 5 years. Dr. Ahearn has served as Governor Bush's Education Policy Coordinator. She has over 18 years with the Florida House of Representatives as Policy Chief, Staff Attorney, Staff Director, and Director of Personnel and Training. She has a Ph.D. in Educational Administration.

**JOSHUA AUBUCHON** is an Associate at Pennington, Moore, Wilkinson, Bell & Dunbar, P.A., in Tallahassee. He received his Bachelor of Arts degree in History in 2003 his Master of Arts degree in Political Communication in 2005 from the University of Florida. While at the University of Florida, he served as President of Florida Blue Key, Student Insurance Director, and was inducted into the University of Florida Hall of Fame. He received his law degree from Florida State University College of Law in 2008. Mr. Aubuchon practices in the areas of Governmental and Legislative Affairs, Gambling and Pari-Mutuel Law, Alcohol Beverage Law, Insurance Law, and Real Property and Condominium Law.

**SAMUEL P. "SAM" BELL III** is a graduate of Dartmouth College (A.B., 1961) and Duke University (LL.B., 1964). Mr. Bell's practice focuses on governmental affairs, health care, insurance, land use, local government, and administrative law. As the former Chairman of the legislatively created Commission on Local Government II, Mr. Bell was charged with developing strategies that will make local governments more efficient and effective in an era of exploding demands and dwindling resources. For more than a decade, Mr. Bell served as State Representative for Volusia County. He held key positions in the Florida House including Majority Leader, Chairman of the Rules Committee, and Chairman of the Appropriations Committee. He is the only legislator in Florida history to have received every award for effectiveness granted by his fellow legislators. Mr. Bell is Chairman of the Advisory Board for the College of Public Health at the University of South Florida he also serves on the State Board for the Children's Home Society and the Florida Public Health Institute and is a member of the board of directors of Brown & Brown Insurance Company and Food Technology Services, Inc. Mr. Bell has received an AV rating from the Martindale-Hubbell Law Directory. He practices in the areas of administrative and public utility law; governmental and legislative affairs; health care, hospital, and managed care law; insurance regulatory law; and land use, environmental, and local government law.

**STEPHANIE BIRTMAN** is the Staff Director for the Rules & Calendar Committee of the Florida House of Representatives, where she has served in various capacities including House Special Master, since 1998. She graduated with honors from the Florida State University College of Law and Cum Laude from Stetson University. Stephanie is a member of The Florida Bar.

**PETER DUNBAR** has been a partner in the law firm of Pennington, Moore, Wilkinson, Bell and Dunbar, P.A., in Tallahassee, Florida since 1991. For a period of almost 3 years before joining the firm, he served as the General Counsel and Director of Legislative Affairs for the Office of the Governor and later as the Governor's Chief of Staff during the transition period between the administrations of Governors Martinez and Chiles. Prior to joining the Governor's Office, Mr. Dunbar served as Member of the Florida House of Representatives for ten years from 1978-1988. Currently, he specializes in a governmental affairs practice before both the Legislative and Executive branches of government and serves as the General Counsel for the

Florida Conference of Circuit Court Judges. Mr. Dunbar served two terms as a member of the Florida Commission on Ethics and was the Commission chair in 1999-2000. In 2004-2005, he served as the General Counsel at the Department of Financial Services. He is an Adjunct Professor at the College of Law where he teaches condominium and mandatory homeowners' law. He is a member of The Florida Bar, the American College of Real Estate Lawyers, and an honors graduate from the College of Law at Florida State University. Mr. Dunbar is the author of 5 books on community association housing, including *The Condominium Concept* and *The Law of Florida Homeowners Association*. His most recent book, *Before They Were the Black Sheep*, was released by the University Press of Florida in August of 2011, and it is an historical account of a Marine Corps fighter squadron during the Battle for the Solomon Islands in 1943.

**TIFFANY HARRINGTON** is an attorney with the Senate Regulated Industries Committee where she handles gambling issues, lottery issues, and various professions within the Department of Business and Professional Regulation. Mrs. Harrington graduated from the University of Georgia with a B.S. in Psychology and received her J.D. from The Florida State University. Mrs. Harrington is a member of both The Florida and Georgia Bar.

**RANDY HAVLICAK** has worked with The Florida House of Representatives for the past 12 years. He currently serves as the Staff Director of the House Judiciary Committee. Mr. Havlicak earned his undergraduate degree in Finance and his J.D. in 1992 from the University of Utah. He is an active member of the Florida Bar.

**RICHARD HERRING** has 35-years experience in Florida government, including 26 years with the Legislature. From 2007 through 2010, Mr. Herring served as special counsel to Senate President Ken Pruitt and Senate President Jeff Atwater. Before that, he was the deputy staff director and attorney in the Senate Ways and Means Committee (for 4 years) and in the House Appropriations Committee (for 12 years). He also served as staff director and attorney in several other House committees. Prior to his legislative service, Mr. Herring had 9 years experience with the Department of Health and Rehabilitative Services, working in programs that are now the Agency for Persons with Disabilities and the Department of Juvenile Justice. He is a member of The Florida Bar, admitted in 1975, after graduating from the University of Florida.

**JENNIFER HRDLICKA** is the Staff Director of the Senate Commerce and Tourism Committee. She graduated with honors from the Florida State University College of Law in 2006. Ms. Hrdlicka is a member of The Florida Bar.

**PATRICK L. "BOOTER" IMHOF** has been employed by the Florida Legislature for over 30 years in both the Senate and the House of Representatives. He is currently Staff Director for the Senate Committee on Regulated Industries Prior to his current assignment, he has served as Staff Director for the House Committee on Utilities and Telecommunications, the House Committee on Corrections, and the House Committee on Regulatory Reform, Chief Legislative Analyst for the House Select Committee on Streamlining Governmental Regulations, Executive Assistant to the Speaker pro tempore, Staff Counsel for the House Committee on Governmental Operations, and Legislative Analyst for the Senate Committee on Health and Rehabilitative Services. Mr. Imhof received his B.A. degree in Political Science from the University of Florida in 1972 and his J.D. degree from South Texas College of Law, Houston, Texas in 1978. He is a member of The Florida Bar and the State Bar of Texas. He was former Chair of the Administrative Law Section, the Government Lawyer Section, and the Continuing Legal Education Committee of The Florida Bar. He is currently a member of the Member Benefits Committee and the

Government Lawyer Section Executive Council. Mr. Imhof has also served as General Counsel for the Florida Public Service Commission.

**GEORGE LEVESQUE** is the General Counsel for the Florida House of Representatives. He has served as a Deputy Chief of Staff and Special Counsel since returning to the House in 2006. He graduated from the Florida State University College of Law. Mr. Levesque is a member of The Florida Bar and the State Bar of Georgia and is admitted to practice in federal courts the Northern and Middle Districts of Florida and in the Eleventh Circuit.

**LYNN KOON** is the Administrative Assistant to the Senate Regulated Industries Committee. Ms Koon has worked for the Legislature for 24 years in various positions. She has an AA Degree from North Florida Community College in Madison, Florida.

**ERIC MACLURE** is the Staff Director for the Senate Committee on Judiciary: He transferred to the committee in November 2004 after serving as the staff director of the Senate Committee on Commerce, Economic Opportunities, and Consumer Services for six years. He started with the Senate in 1994 as a legislative analyst covering economic development, tourism, and workforce development issues. Professional experiences prior to joining the Senate include working for a federal agency and for a national public television news program. Mr. Maclure earned his law degree from the University of North Carolina.

**MIGUEL OXAMENDI** is a senior attorney with the Florida Senate's Regulated Industries Committee. He is a graduate of the Florida State University College of Law, 1990. Mr. Oxamendi is a member of The Florida Bar.

**JOHN B. PHELPS** serves as Staff Director of the Senate Committee on Rules. He was elected Clerk of the Florida House of Representatives for ten terms starting in 1986. Following retirement from that position, Mr. Phelps was appointed Curator of the Historic Capitol, Clerk Emeritus, and House Historian. Internationally, he holds the office of Honorary Consul for the United Kingdom and has provided consulting services on rules and legislative development to assemblies in Guatemala, Ghana, Zambia, Zimbabwe, Yemen, the Palestinian Territories, Iraq, Afghanistan, Morocco, Haiti and Serbia.

**DAN R. STENGLE** is a member of the Tallahassee law firm of Hopping Green & Sams, P.A. His legal practice concentrates primarily in the areas of legislative representations, land use law, and appeals. A Florida State University law school graduate, he has been a member of the Government Lawyer Section since its inception, and has served on its Executive Council and as Claude Pepper Award chair. In government service prior to his private law practice, Mr. Stengle served as Staff Director to the Florida Senate Committee on Governmental Operations, where he oversaw all legislation relating to the Administrative Procedure Act, the Sunshine Laws, and governmental reorganization. His most recent government service was as General Counsel to Governors Lawton Chiles and Buddy MacKay. Prior to that, Mr. Stengle also served as General Counsel to the Florida Department of Community Affairs and as General Counsel to the Florida Game and Fresh Water Fish Commission. He served as the principal draftsman of Florida's 1995 landmark property rights legislation, the Bert J. Harris, Jr., Private Property Rights Protection Act, and participated in the drafting of the 1996 rewrite of the Administrative Procedure Act.

**STEPHEN "PEPPER" UCHINO** is a legislative attorney for the Florida Senate's Committee on Environmental Preservation and Conservation. He graduated from the University of Miami School of Law in 2005 and completed his Master of Arts in Marine Affairs and Policy in 2007

from the University of Miami Rosenstiel School of Marine and Atmospheric Science. He came to the Senate from the Trust for Public Land where he served as the Director of Legislative Affairs for the Florida division. Mr. Uchino is a Member of The Florida Bar and is active in the Environmental and Land Use Law Section.

**ROBERT L. “BOB” WARD** has spent over 20 years in Florida government working in various capacities that have included serving as an aide to Lt. Governor Bobby Brantley, Chief of Staff to Speakers Bense and Rubio, Education Policy Coordinator to Governor Jeb Bush, Chief of Operations to Speaker Tom Feeney, Deputy Assistant Secretary to the Department of Education, Staff Director of the House Education Committees and as an administrator in county government. He has served as the Clerk of the Florida House of Representatives since 2008.



# **THE LEGISLATIVE PROCESS**

**By**  
**Patrick L. Imhof**  
**Tallahassee**

**The Legislative Process**

Patrick L. "Booter" Imhof  
Staff Director  
Senate Committee on Regulated  
Industries

November 10, 2011      Practicing Before the Legislature      1

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**Caveat**

- The views and opinions given in this presentation are exclusively my own and they do not reflect the official position of the Florida Senate and they do not necessarily reflect the opinion or position of any member of the Florida Senate.
- My comments are the normal course of a bill – there are always exceptions to the rules – and rules may be waived

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**Constitutional Restrictions**

- “The Constitution of this state is not a grant of power to the Legislature, but a limitation only upon legislative power...”  
*Savage v. Board of Public Instruction (Fla. 1931)*
- The sole brake on the enactment of legislation is the provisions of the state and federal constitutions

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## Article III – Legislative Article

- Composition of the Legislature
- Sole Judge of Qualifications of Members and Appointment of Officers
- Types of Sessions and Length
- Quorum, Rules of Procedure and Journal
- Form of Laws
- Passage of Bills

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4

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## Art. III -Cont.

- Executive approval and veto
- Effective date of laws
- Special laws and prohibited special laws
- Appropriation bills
- Terms and qualifications of members
- Legislative apportionment

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5

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## Art. III, Sec. 1 Composition

- The legislative power is vested in a legislature of the State of Florida
- A Senate composed of:
  - One Senator elected from each Senatorial District (currently 40 members)
- A House of Representatives composed of:
  - One Representative elected from each Representative District (currently 120 members)

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6

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### Art. III, Sec. 3 Legislative Sessions

- Organization Session (every two years-14<sup>th</sup> day following the general election)-Rule Changes are Adopted
- Regular Session (first Tuesday after the first Monday in March – except apportionment year)
- Special Sessions (usually called by the Governor) – Lettered

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7

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### Art. III, Sec. 6 – Laws

- Single Subject
  - One subject & matters properly connected therewith
- Subject briefly expressed in the Title
- Enacting Clause
  - “Be It Enacted by the Legislature of the State of Florida”

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8

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### Art. III, Sec 7 – Passage of Bills

- Bill can originate in either house
- May be amended in the other house after passage
- Recorded vote on passage by each house

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9

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### Art. III, Sec. 7 – Cont.

- Requires bills to be read in each house on three separate days
- May be waived by 2/3 vote
- Publication of title in the Journal will satisfy requirement for first reading

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### Senate Structure

- President – Presiding Officer
- President Pro Tempore
- Majority (Republican) Leader
- Minority (Democratic) Leader
- Conference Chair
- Committee Chairs
  
- Secretary of the Senate
- Sergeant at Arms

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### House Structure

- Speaker – Presiding Officer
- Speaker Pro Tempore
- Majority Leader
- Minority Leader
- Committee and Subcommittee Chairs
  
- Clerk of the House of Representatives
- Sergeant at Arms

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## Legislative Committee and Subcommittee Staff

- Assigned to individual committees
- Not centralized like some states
- Includes Legislative Staff Directors, Legislative Analysts, Legislative Attorneys, and Legislative Interns
- Prior to 1968 Constitutional Revision, Legislative borrowed staff from the Governor's Office for budget

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13

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## Legislature Establishes Policy Through the Passage of Bills

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14

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## We Will Follow a Bill Through "The Process"

- Assume it is a bill that you want to monitor
- Must monitor bill and its companion at all times and know what form it is in

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15

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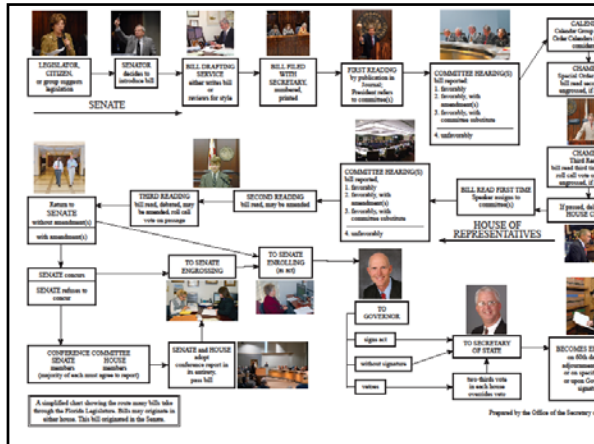
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## Tools of the Trade

- Bill Tracking Programs
- On-line Sunshine Website
- Calendars & Journals
- Senate and House Rules – Govern the procedure of the body – Rules may be waived by 2/3 vote

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## Bill History

- Available on the website
  - [www.flsenate.gov](http://www.flsenate.gov)
  - [www.myfloridahouse.gov](http://www.myfloridahouse.gov)
  - [www.leg.state.fl.us](http://www.leg.state.fl.us)
- Type in Bill Number and it takes you to the bill page
- Bill history is updated overnight

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## Bill History

- Bill History for SB 84 and HB 35 are in your materials

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19

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## Legislative Websites

- Committee meeting packets
- Copies of Bills
- Copies of Staff Analyses

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20

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## Prior Legislative Documents

- Available at the Florida State Archives in the R.A. Gray Building
- Available at the Legislative Library – 7<sup>th</sup> Floor Capitol Building

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21

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## Calendars

- Front page – when the Senate and House will convene
- Weekly Schedules
- Inside – agenda for the committee meetings
- Agendas for the next three days (Senate) – two days (House)
- Daily Order of Business
- Bills on Third Reading
- Bills on Special Order Calendar (and other calendars)

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22

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## Journals

- Follow the activity on the floor
- Usually start out following the Daily Order of Business
- Order can be changed upon approval of motion
- Provides copies of amendments, motions, roll call votes, messages from Governor, messages from the other chamber

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23

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## Journals (cont.)

- Usually DO NOT include statements of legislative intent (unlike Federal Register)
- Legislative journals are the only evidence superior in dignity to recorded acts  
State v. Kaufman (Fla. 1983); Amos v. Gunn (Fla. 1922)

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24

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# Glossary of Terms

- Bill – includes all types like resolutions
- PCB
- Committee Substitute/PCS
- Laid on the Table
- Engrossed
- Enrolled
- Amendment
- Temporarily Postponed (TP'd)
- SINE DIE (Latin “without day”)

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# Types of Bills

- General Bills
  - Member Bills
  - Proposed Committee Bills (PCBs)
- Memorials
- Resolutions
  - Concurrent (procedural – both houses)
  - Resolution (ceremonial – one house)
  - Joint (constitutional 3/5 – both houses)
- Local Bills (or Special Act)
- Claim Bills
- Appropriations Bill/Implementing Bill
- Reviser's Bills

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## Parts of a Bill

Title

Enacting Clause

Directory

Body

Effective Date

Summary

```
Florida Senate - 2008      SB 110
My Director's Secretary

11-10-08          A BILL to be entitled
12          An act relating to child support; amending s.
13          408.210, F.S.; requiring the Department of
14          Revenue to conduct by date a review that uses
15          economic data to locate parents to whom
16          collection of arrears are owed, including
17          identifying information on the taxpayer;
18          providing an effective date.
19
20          Section 1. Amended: (1) of subsection (2) of section
21          408.210, Florida Statutes, be amended to read:
22          408.210 Parent Maintenance and Enforcement.—
23          (a) INTERPRETATION.—
24          (a) The Department shall establish by rule the method
25          for determining a collection or refund to a noncustodial
26          parent to be incorporated to the final income support
27          order. That within each month the Department shall identify and
28          locate parents to whom arrears are owed and
29          identify information on the taxpayer and
30          conduct a review of the taxpayer's return to
31          identify and locate parents to whom
32          arrears are owed and the amount of such
33          arrears and the amount of such
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## Problem is Identified

- Concerned Citizen or Group of Citizens
- Association
- Industry Representative
- Research by Member or Legislative Assistant or Committee Staff

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28

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## Legislator or Committee Decides to Introduce the Bill

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29

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## Companion Bill

- Need a companion bill (60 Day Session)
- Introduced in the other chamber
- Usually starts out Identical (Similar/Compare)

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30

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## Companion Bill (cont.)

- Senate Rule 3.11 provides that a companion bill “shall be substantially the same and identical as to specific intent and purpose . . .”
- House Rule 5.14 provides that the companion must be “substantially similar in wording, and identical as to specific intent and purpose . . .”

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31

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## House and Senate Bill Drafting

- The draft or idea is submitted to House or Senate Bill Drafting Service
- Idea researched and initial draft written
- Draft sent to Member or Committee Staff for approval
- A member may have only 6 bills in the House – no limit in the Senate

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32

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## Committee Bills (PCBs)

- Introduced by the Subcommittee or Committee
- Result of Interim Project in the Senate and some at the discretion of Committee Chair with the approval of the President
- At the discretion of Subcommittee and Committee Chair in House with approval of the Speaker

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33

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### After Drafted by Bill Drafting and Approved - Senate

- It is ready for filing
- Bill is numbered and distributed to members, committees, and the public
- Bill transmitted to President and Speaker for reference

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### Bill Monitoring

- Services available (both private and public and website) (Legislative Bill History is available by subscription)
- Vitally important to know where the bills you are monitoring and companions are at all times
- Bill History – on website – type in bill number

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### Refer to both Chambers

- We will start with the Senate Bill and follow it through the Senate
- Then we will also note the action on the House Bill

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## Committee Structure

- Chairs, subcommittee, and committee members appointed by the President and Speaker
- Committees and subcommittees – most of the Legislative work is designed to be done by committees and subcommittees
- Bill must be heard or withdrawn from all committees and subcommittees of reference to be heard by the full Senate or House

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37

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## Speaker and President Refers Bills

- Reference within the discretion of presiding officer
- Bills are heard in order of reference

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38

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## References

- SB 84 received two references to the Committee on Higher Education and the Committee on Budget
- HB 35 also received two references to the K-12 Competitiveness Subcommittee and the Education Committee

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39

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## First Reading by Publication in the Journal

- First Reading in the Journal of the First Day of the Session under Art. III, Sec. 7 – for bills heard during the interim
- Bill filing deadline – 12:00 noon first day of Session – for both Senate and House
- Bills filed during the interim are “prefiled”

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40

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## Bills Do Not Move Through the Process on Their Own

- Member usually must request that a bill be heard by committee
- Member talks to Chair and writes a letter requesting the bill to be heard
- A Member should not request it if he or she doesn't want the bill to be heard

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41

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## Chair Schedules Bill for Consideration

- Meeting notice transmitted to Secretary and Sergeant in Senate and Clerk, Sergeant in House (and others)
- Secretary and Clerk places notice in *Calendar* or *Interim Calendar*

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42

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## If Bill is to be Heard in Committee

- Must be noticed in the calendar
- During the interim, the calendar is published 7 days in advance
- During session, the calendar is published daily

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43

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## Staff Prepares Staff Analysis

- Staff conducts research in preparing the analysis – contacts various interests
- Nonpartisan and unbiased analysis of the bill
  - Present Situation
  - Effect of Proposed Changes
  - Fiscal Impact
  - Constitutional Issues
- Accompanies the bill through the committee process
- Includes changes by different committees

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44

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## Senate Committee Amendment Deadline

- Rule 2.39 – amendments must be filed with the Committee Administrative Assistant at least 24 hours before the noticed committee meeting time – on form prescribed by the Secretary (including delete everything and PCS)
- Any measure to which an amendment has been filed may be further amended by filing with the committee administrative assistant at least 2 hours before the noticed committee meeting time

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45

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### Senate Committee Amendment Deadline Cont.

- Consideration of an amendment filed after the deadline requires 2/3 vote to be introduced
- Includes handwritten amendments drafted at the committee meeting
- After the 50<sup>th</sup> day – 2 hours before the meeting

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### House Committee/Subcommittee Amendment Deadline

- 6:00 p.m. the day before the committee/subcommittee meeting for NON-MEMBERS of the committee/subcommittee and 1 hour if less than 24 hours notice) [Rule 7.12]
- The Chair may request that other amendments by a deadline

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### Committee Considers Bill

- Sponsor explains bill & answers questions from the committee members
- Testimony is taken from the public and lobbyists
- Amendments are considered (debated, amended and voted on – voice vote)
- Bill is debated (possibly as amended)
- Vote taken on the bill (roll call vote)

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## Amendments

- Can be amended (amendment to amendment)
- Can have a substitute amendment for the main amendment
- Substitute may also be amended

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49

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## Amendments (cont.)

- Amendments must be germane to the subject matter of the bill – Senate Rule 2.39(2)
- “No proposition on a subject different from that under consideration shall be admitted under color of amendment.”
- Raised by Point of Order

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50

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## Committee Reports the Action on the Bill

- Favorably
- Favorably with amendment(s)
- Favorably as a Committee Substitute – Separate Bill in Senate (each committee can make a CS)
- Unfavorably

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51

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## Committee Substitute in Senate

- Senate Rule 2.15 – A committee “may draft a new, substitute bill embracing the same general subject matter ...”
- Staff prepares a new bill analysis incorporating the changes made in the CS
- Staff provides a statement of substantial changes in the analysis

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52

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## Committee or Subcommittee Substitute in House

- House Rule 7.19 - “A standing committee or subcommittee may introduce a committee or subcommittee substitute embracing the same general subject matter of one or more bills in possession of the committee or subcommittee.”

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53

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## Proposed Committee Substitute (PCS)

- Bill must be available 24 hours prior to the noticed meeting time (Senate Rule 2.39)
- Staff Prepares an analysis of the bill and the proposed committee substitute
- Proposed Committee Substitute may be amended in committee

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54

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## Committee Action SB 84

- SB 84 heard by the Senate Higher Education Committee on February 8, 2011 and reported favorably as a Committee Substitute, 4 Yeas, 0 Nays
- The Committee Substitute was sub referred to the Subcommittee on Higher Education Appropriations
- The subcommittee reported the CS/SB 84 favorably, 11 Yeas, 0 Nays on March 8, 2011
- The Budget Committee reported the bill favorably, 20 Yeas, 0 Nays on March 15, 2011

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55

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## Fiscal Committees

- Can be withdrawn if no fee/tax impact from Finance and Tax Committee
- Can be withdrawn if no fiscal (\$) impact from Appropriations Committees

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56

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## May be withdrawn from other committees as well

- Request from Introducer to the Rules Chair
- Approved by Chair of the Committee, the Rules Chair and the President
- The motion must be adopted by 2/3 vote of the Senators present

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57

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After Passage Or Withdrawn  
from  
All Committees of Reference

- CS/SB 84 was passed by all committees and subcommittees of reference and was placed on Calendar, on second reading on March 16, 2011

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Special Order Calendar

- Must place a bill on a Special Order Calendar for it to be heard by the full Senate or House
- Set by Calendar Group in the Senate – Rule 4.17
- The Rules Chair, with the approval of the President sets the Consent and Local Bill Calendars

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Other Special Calendars

- Consent Calendar
- Local Bill Calendar
- Claims Bill Calendar
- Trust Fund Bill Calendar

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## Special Order in the House

- Set by the Rules & Calendar Committee
- Rule 10.11 - The Rules & Calendar Committee shall periodically submit, as needed, a Special Order Calendar determining the sequence for consideration of legislation.

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61

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## Amendments on the Floor Senate

- Rule 7. 1 - Amendment Deadline: amendments to a bill on any Senate Calendar must be filed with the Secretary of the Senate by 5:00 p.m. the day before it is to be heard on the floor
- Amendments must be germane to the bill
- After 5:00 p.m. – late filed – 2/3 vote

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62

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## Special Order Calendar

- CS/SB 84 was placed on the Special Order Calendar for March 23, 2011
- Second Reading under the Constitution

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63

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## Special Order (cont.)

- Bill reached on Special Order Calendar
- Bill read a second time by title
- Sponsor is recognized to explain the bill

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64

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## Special Order (cont)

- Questions asked of the sponsor
- Amendments offered – debated and voted upon – voice vote (majority vote for adoption)

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65

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## Amendments

- Amendments adopted on the floor are “Engrossed” into the bill
- Amendment on each reading is an Engrossed version (e.g., 1<sup>st</sup> Eng., 2<sup>nd</sup> Eng.)

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66

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### Third Reading Senate

- Bill is heard on third reading on next legislative day
- Bill read a third time by title
- Substantive amendments considered (**2/3 vote required for adoption**)
- Corrective or title amendments adopted by majority vote
- Bill (as amended) is debated
- Question recurs on final passage of bill

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67

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### Final Passage Senate Bill

- Roll Call Vote
- Secretary holds all bills for the period when reconsideration may be moved (one legislative day – Senate Rule 6.4 and House Rule 11.7)
- Certified to the House by the Secretary of the Senate – immediately certified last 5 days of session [14 days in the House]
- CS/SB 84 was passed by the Senate 38-0 on March 24, 2011 and was in messages to the House on March 29, 2011

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68

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### Message to House

- Bill transmitted as a Message to the House for action (bill passed by the House is transmitted as a Message to the Senate)
- Senate usually refers House bill to the same committees of reference as Senate companion bill.

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69

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## House

- CS/SB 84 was placed on the House Calendar on March 29, 2011
- Referred to the Calendar (usually will happen if House companion is on the House Calendar)

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70

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## Where is the Companion?

- Must monitor the status of the Companion bill at all times
- It is moving through the Process at the approximately the same time
- Sponsors in both Chambers try to keep the bill identical or the similar through the process

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71

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## Importance of the House Companion

- Our example – the Senate Bill - CS/SB 84 – not enough time to be heard by House Committees
- Must get the House Bill Companion on the Special Order Calendar
- When House Bill is placed on the Special Order, the Senate Companion is usually also placed on Special Order and “paired up.” The Senate Companion can be substituted and considered in lieu of the House Bill (if already passed by the Senate and in the House’s possession – same in the Senate)

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72

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## HB 35

- HB 35 was passed as a CS by the Subcommittee on K-20 Competitiveness on March 17, 2011- 12 Yeas, 0 Nays
- The CS was passed by the Education Committee 17-1 on April 5, 2011
- Placed on the House Calendar

November 10, 2011

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73

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## CS/SB 84 and CS/HB 35

- CS/SB 84 was placed on the House Special Order Calendar for May 3, 2011
- CS/SB 84 was passed by the House, 113-1 on May 4, 2011
- After CS/SB 84 was passed by the House, CS/HB 35 was laid on the table

November 10, 2011

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74

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## House Returns Bill

- If the Senate Bill is passed by the House without further amendment it is returned to the Senate for enrolling and delivery to the Governor (CS/SB 84 was not amended by the House)
- CS/SB 84 Ordered enrolled on May 4, 2011
- If Senate Bill returns as Message from the House with amendments further Senate action is required

November 10, 2011

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75

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**If Senate Bill is  
Amended  
by the House**

- After reading of a House amendment, under Senate Rule 7.8, the following motions are in order:

- Amend the House Amendment
- Concur in the House Amendment
- Refuse to concur in the House Amendment and ask the House to recede
- Request a CONFERENCE COMMITTEE

[similar to House Rule 12.6(a)]

November 10, 2011

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76

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**If House Bill is Amended by  
the Senate and  
House Refuses to Concur in the  
Amendment**

- The Senate may:

- Recede
- Insist that the House concur and request a Conference Committee, or
- Insist that the House concur

- Senate Rule 7.9  
[similar to House Rule 12.6(b)]

November 10, 2011

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77

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**After Passage by  
Both Houses**

- A bill is "Signed by the Officers and Presented to the Governor"
- CS/SB 84 was signed by Officers and presented to Governor on May 23, 2011
- Time for veto runs from this date

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78

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## Signatures of Constitutional Officers

- Secretary of the Senate
- President
- Chief Clerk of the House
- Speaker

November 10, 2011

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79

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## Governor Acts on Bill

- Sign the bill
- Allow the bill to become law without his signature
- Veto the entire bill
- May also Veto specific appropriation in the Appropriation Bill
- Governor signed CS/SB 84 on June 2, 2011

November 10, 2011

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80

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## Art. III, Sec 8 – Executive Approval and Veto

- During Legislative Session – 7 consecutive days after presentation
- During last 7 days or after Legislature Adjourns SINE DIE – 15 consecutive days after presentation

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81

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## If Vetoed

- If the Legislature is IN SESSION – delivered to the originating house
- If the Legislature is NOT in SESSION – delivered to Secretary of State – “lays” the bill before the originating house

November 10, 2011

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82

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## The Legislature Can Take Up the Bill

- At the next Regular Session or
- If it is presented at a Special Session and is not considered - the bill may be considered at any intervening Special Session, but no later than the end of the next Regular Session
  - Chiles v. Phelps (Fla. 1998)
  - Art. III, s. 8(c), Fla. Constitution

November 10, 2011

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83

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## Veto Override

- Speaker/President refers veto messages to appropriate committee
- Originating house take up veto message and re-passes bill by a 2/3 vote
- Same action taken in other chamber
- Bill becomes law

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84

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## If the Bill Becomes A Law

- The Act is delivered to the Secretary of State
- Receives a Chapter Law Number (e.g. chapter 2011-102, Laws of Florida)
- Compiled in the Laws of Florida

November 10, 2011

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85

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## The Act Becomes Effective

- Specified Date in the Act – usually July 1 for fiscal bills or October 1
- Upon Becoming A Law
- 60<sup>th</sup> Day after the Legislature Adjourns SINE DIE – Art. III, sec. 9

November 10, 2011

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86

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## The Act is Included in the Florida Statutes

- By the Reviser – Linda Jessen, Director of the Division of Statutory Revision
- Each new section is assigned a number, e.g., section 97.01, Florida Statutes
- Only laws of a general and permanent nature
- Special (local) acts and acts of a limited duration (Appropriations Act and Implementing Bills) are only included in the Laws of Florida

November 10, 2011

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87

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# Questions?

November 10, 2011

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88

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# **Three Branches of Government**

Florida's Constitution, in the traditional American pattern of "separation of powers," divides state government into three separate and independent branches. This division of powers creates a system of "checks and balances" ensuring that all three branches properly perform their constitutional duties in the administration of state affairs. Tallahassee is the seat of Florida's state government.

## **The Executive Branch**

The Florida Constitution vests the supreme power of the state in the Governor and provides that he or she shall ensure that the laws are faithfully executed. It provides for a Lieutenant Governor to be elected in a joint candidacy with the Governor. The Lieutenant Governor works with the Governor and performs such duties pertaining to the office of the Governor as assigned by the Governor, or as otherwise provided by law. The Constitution also provides that the Governor shall be assisted by an elected Cabinet consisting of an Attorney General, Chief Financial Officer, and a Commissioner of Agriculture.

The Governor, Lieutenant Governor, and members of the Cabinet are elected to four-year terms. They take office on the first Tuesday after the first Monday in January following their election in November of non-presidential election years. The Governor may succeed himself or herself in office unless he or she has served more than six years in two consecutive terms. Cabinet members may not seek re-election if by the end of their current term they will have served in that office for eight consecutive years.

## **The Judicial Branch**

The Judicial Branch interprets the law and applies the Constitution. Florida's court system consists of a series of circuit and county courts, district courts of appeal, and the state Supreme Court.

County courts preside over criminal trials of misdemeanors and some civil cases. They also have the power to issue warrants of arrest. There is one county court located in each of Florida's 67 counties. The number of judges in each county court varies with the population and caseload of the county. County judges are elected to four-year terms.

Circuit courts are located in each of Florida's 20 judicial circuits. Some circuits contain only one county, but most are multi-county. The circuit courts are at the top of the trial system, and they also hear limited appeals from county courts. Circuit judges are elected by the voters of the circuits to serve six-year terms.

The District Courts of Appeal are intermediate appellate courts that receive most of the appeals from trial courts. There are five judicial districts in Florida, with courts located in Tallahassee, Lakeland, Daytona Beach, West Palm Beach, and Miami. Appointed by the



Governor to serve in each district court, these judges must be reconfirmed by the voters every six years.

The Supreme Court is at the top of Florida's court system and is the final state court of appeal. The Supreme Court determines the constitutionality of statutes, has the authority to issue advisory opinions to the Governor, and has administrative responsibilities over all lower courts. There are seven Supreme Court justices, each appointed by the Governor and retained by a popular vote every six years.

## **The Legislative Branch**

The Legislative Branch has exclusive law-making power and determines the general policies by which the problems of society are to be met. It may delegate limited rulemaking power to some executive agencies.

**Composition and Organization.** The Constitution of the State of Florida requires that members of the Legislature be elected at the general election in November of even-numbered years. Florida's Legislature is composed of two houses, the Senate and the House of Representatives. Each house is the sole judge of the qualifications and elections of its members and has the power to choose its own officers and establish its own rules of procedure. All legislative sessions are open to the public, except when appointments or suspensions of public officials are considered in executive session. Either house of the Legislature may initiate legislation on any subject.

The State Constitution provides that the Legislature shall be apportioned into 30 to 40 senatorial districts, and 80 to 120 representative districts. The 1972 Legislature established 40 Senate districts and 120 House districts. Senators serve four-year terms and representatives serve two-year terms. While a legislator may be elected for more than one term, he or she may not seek reelection if at the end of his or her current term he or she has served for eight consecutive years.

**Reapportionment and Redistricting.** During the 2002 Regular Session, the Florida Legislature realigned districts to account for Florida's two new seats in the United States Congress and for uneven population growth during the past decade among Florida Senate and House of Representatives districts.

**Legislative Sessions.** Two weeks after each general election, the Legislature convenes for the exclusive purpose of organization and election of officers. No legislation is considered during the organization session. Regular sessions of the Legislature begin on the first Tuesday after the first Monday in March in odd-numbered years and continue for 60 consecutive days, which may be extended by a three-fifths vote of each house. The Legislature may change its convening date in even-numbered years, but generally the date remains the same as in odd-numbered years, except once every 10 years when the Constitution requires the Legislature to reapportion the state's voting districts. Special sessions may be called by the Governor, or may be convened by joint proclamation of the President of the Senate and the Speaker of the House of Representatives. Special sessions

may not exceed 20 days, unless extended by a three-fifths vote of each house. Each “call” for a special session outlines the business to be considered. The Senate may resolve itself into executive session to consider appointment to or removal from public office, even when the House of Representatives is not meeting.

**Rules.** During the organization session, each house adopts its rules of procedure to be followed for the next two years. The rules provide for orderly proceedings and determine how each house will conduct its business.

**Committees.** A committee functions to study, research, and plan solutions to “people problems.” The Senate and House rules provide for certain standing committees, special or select committees, and subcommittees. The presiding officers name the chairs and members of all committees. Bills are assigned to one or more committees for study. Committees may hold public hearings where committee members hear sponsoring legislators and others who are interested in the bill. The committee may vote to recommend the bill favorably; favorably, with a committee substitute; unfavorably; or favorably with amendments to be considered when the bill is debated on the floor by the respective house.

When the Senate and House are unable to agree on the final content of a bill, it goes to a conference committee. This committee, composed of members of both houses, tries to resolve the differences between the Senate and House versions of a bill.

Other committees commonly used are joint committees, which are composed of members from each house, and select committees, which are usually appointed to make recommendations on special or unique problems.

**Lobbying.** A lobbyist is anyone who tries to influence legislation. Unless exempt, all persons who seek to influence legislation must register with the Division of Legislative Information Services before they begin lobbying. Every lobbyist must also state any direct business association or partnership with any current member of the Legislature and make periodic reports on moneys spent lobbying.

**Journals and Calendars.** The Secretary of the Senate and the Clerk of the House each publish daily journals and calendars during the legislative session. Each journal details the proceedings on the floor, committee reports, and related actions of the previous day. The calendar is a schedule of business to be taken up that day and the next two days, including committee meetings and bills to be considered.

**Forms of Legislation.** Legislative proposals may be in the form of bills, resolutions, concurrent resolutions, joint resolutions, or memorials. A bill is a proposed law, and it may be either a general bill or a local bill. A general bill would have a general impact within the state; a local bill would affect only a particular county, city, or town named in the bill. A majority vote is required to pass a bill unless otherwise provided in the Constitution. Companion bills are often used as a timesaving device. These are identical bills introduced in both houses, which allow simultaneous committee study in each body.

The appropriations bill is one of the most important bills considered by the Legislature. This bill is the state's budget and it specifies the amount of money available to various state agencies during the next year. The appropriations bill follows the same course as other general bills, but because it is difficult to get both houses to agree on all items in the bill, a conference committee is usually appointed to resolve the differences.

ARTICLE III  
LEGISLATURE

[SECTION 1.](#) Composition.

[SECTION 2.](#) Members; officers.

[SECTION 3.](#) Sessions of the legislature.

[SECTION 4.](#) Quorum and procedure.

[SECTION 5.](#) Investigations; witnesses.

[SECTION 6.](#) Laws.

[SECTION 7.](#) Passage of bills.

[SECTION 8.](#) Executive approval and veto.

[SECTION 9.](#) Effective date of laws.

[SECTION 10.](#) Special laws.

[SECTION 11.](#) Prohibited special laws.

[SECTION 12.](#) Appropriation bills.

[SECTION 13.](#) Term of office.

[SECTION 14.](#) Civil service system.

[SECTION 15.](#) Terms and qualifications of legislators.

[SECTION 16.](#) Legislative apportionment.

[SECTION 17.](#) Impeachment.

[SECTION 18.](#) Conflict of Interest.

[SECTION 19.](#) State Budgeting, Planning and Appropriations Processes.

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Top of Form

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Bottom of Form

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

Top of Form

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Bottom of Form

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

Top of Form

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Bottom of Form

**SECTION 3. Sessions of the legislature.**—

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

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

(c) SPECIAL SESSIONS.

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

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

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

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

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

**History.**—Am. C.S. for S.J.R. 380, 1989; adopted 1990; Am. S.J.R. 2606, 1994; adopted 1994; Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

Top of Form

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Bottom of Form

**SECTION 4. Quorum and procedure.**—

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

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

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

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

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

**History.**—Am. S.J.R.'s 1990, 2, 1990; adopted 1990.

Top of Form

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Bottom of Form

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

legislature is not in session. Punishment of contempt of an interim legislative committee shall be by judicial proceedings as prescribed by law.

Top of Form

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Bottom of Form

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

Top of Form

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Bottom of Form

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

**History.**—Am. S.J.R. 1349, 1980; adopted 1980.

Top of Form

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Bottom of Form

**SECTION 8. Executive approval and veto.**—

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

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

not consider it, the measure will be available for consideration at any intervening special session and until the end of the next regular session.

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

**History.**—Ams. proposed by Constitution Revision Commission, Revision Nos. 8 and 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

Top of Form

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Bottom of Form

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

Top of Form

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Bottom of Form

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

Top of Form

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Bottom of Form

**SECTION 11. Prohibited special laws.**—

- (a) There shall be no special law or general law of local application pertaining to:
- (1) election, jurisdiction or duties of officers, except officers of municipalities, chartered counties, special districts or local governmental agencies;
  - (2) assessment or collection of taxes for state or county purposes, including extension of time therefor, relief of tax officers from due performance of their duties, and relief of their sureties from liability;
  - (3) rules of evidence in any court;
  - (4) punishment for crime;
  - (5) petit juries, including compensation of jurors, except establishment of jury commissions;
  - (6) change of civil or criminal venue;
  - (7) conditions precedent to bringing any civil or criminal proceedings, or limitations of time therefor;
  - (8) refund of money legally paid or remission of fines, penalties or forfeitures;
  - (9) creation, enforcement, extension or impairment of liens based on private contracts, or fixing of interest rates on private contracts;
  - (10) disposal of public property, including any interest therein, for private purposes;
  - (11) vacation of roads;



- (12) private incorporation or grant of privilege to a private corporation;
- (13) effectuation of invalid deeds, wills or other instruments, or change in the law of descent;
- (14) change of name of any person;
- (15) divorce;
- (16) legitimation or adoption of persons;
- (17) relief of minors from legal disabilities;
- (18) transfer of any property interest of persons under legal disabilities or of estates of decedents;
- (19) hunting or fresh water fishing;
- (20) regulation of occupations which are regulated by a state agency; or
- <sup>[1]</sup>(21) any subject when prohibited by general law passed by a three-fifths vote of the membership of each house. Such law may be amended or repealed by like vote.

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

<sup>[1]</sup>**Note.**—See the following for prohibited subject matters added under the authority of this paragraph:

- s. 112.67, F.S. (Pertaining to protection of public employee retirement benefits).
- s. 121.191, F.S. (Pertaining to state-administered or supported retirement systems).
- s. 145.16, F.S. (Pertaining to compensation of designated county officials).
- s. 189.404(2), F.S. (Pertaining to independent special districts).
- s. 190.049, F.S. (Pertaining to the creation of independent special districts having the powers enumerated in two or more of the paragraphs of s. 190.012, F.S.).
- s. 215.845, F.S. (Pertaining to the maximum rate of interest on bonds).
- s. 298.76(1), F.S. (Pertaining to the grant of authority, power, rights, or privileges to a water control district formed pursuant to ch. 298, F.S.).
- s. 373.503(2)(b), F.S. (Pertaining to allocation of millage for water management purposes).
- s. 1011.77, F.S. (Pertaining to taxation for school purposes and the Florida Education Finance Program).
- s. 1013.37(5), F.S. (Pertaining to the “State Uniform Building Code for Public Educational Facilities Construction”).

Top of Form

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

Top of Form

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

Top of Form

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**SECTION 14. Civil service system.**—By law there shall be created a civil service system for state employees, except those expressly exempted, and there may be created civil service systems and boards for county, district or municipal employees and for such offices thereof as are not elected or appointed by the governor, and there may be

authorized such boards as are necessary to prescribe the qualifications, method of selection and tenure of such employees and officers.

Top of Form

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Bottom of Form

**SECTION 15. Terms and qualifications of legislators.—**

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

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

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

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

Top of Form

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Bottom of Form

**SECTION 16. Legislative apportionment.—**

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

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

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

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

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

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

**History.**—Am. proposed by Constitution Revision Commission, Revision No. 8, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

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**SECTION 17. Impeachment.**—

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

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

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

**History.**—Am. S.J.R. 459, 1987; adopted 1988; Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

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

**History.**—Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

<sup>[1]</sup>**Note.**—This section was repealed effective January 5, 1999, by Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998. See s. 5(e), Art. XI, State Constitution, for constitutional effective date. Identical language to s. 18, Art. III, State Constitution, was enacted in s. 8(g), Art. II, State Constitution, by Revision No. 13, 1998.

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**SECTION 19. State Budgeting, Planning and Appropriations Processes.**—

(a) ANNUAL BUDGETING. Effective July 1, 1994, general law shall prescribe the adoption of annual state budgetary and planning processes and require that detail reflecting the annualized costs of the state budget and reflecting the nonrecurring costs of the budget requests shall accompany state department and agency legislative budget requests, the governor's recommended budget, and appropriation bills. For purposes of this subsection, the terms department and agency shall include the judicial branch.

(b) APPROPRIATION BILLS FORMAT. Separate sections within the general appropriation bill shall be used for each major program area of the state budget; major program areas shall include: education enhancement “lottery” trust fund items; education (all other funds); human services; criminal justice and corrections; natural resources, environment, growth management, and transportation; general government; and judicial branch. Each major program area shall include an itemization of expenditures for: state operations; state capital outlay; aid to local governments and nonprofit organizations operations; aid to local governments and nonprofit organizations capital outlay; federal funds and the associated state matching funds; spending authorizations for operations; and spending authorizations for capital outlay. Additionally, appropriation bills passed by the legislature shall include an itemization of specific appropriations that exceed one million dollars (\$1,000,000.00) in 1992 dollars. For purposes of this subsection, “specific appropriation,” “itemization,” and “major program area” shall be defined by law. This itemization threshold shall be adjusted by general law every four years to reflect the rate of inflation or deflation as indicated in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, or successor reports as reported by the United States Department of Labor, Bureau of Labor Statistics or its successor. Substantive bills containing appropriations shall also be subject to the itemization requirement mandated under this provision and shall be subject to the governor's specific appropriation veto power described in Article III, Section 8. This subsection shall be effective July 1, 1994.

(c) APPROPRIATIONS REVIEW PROCESS. Effective July 1, 1993, general law shall prescribe requirements for each department and agency of state government to submit a planning document and supporting budget request for review by the appropriations committees of both houses of the legislature. The review shall include a

comparison of the major issues in the planning document and budget requests to those major issues included in the governor's recommended budget. For purposes of this subsection, the terms department and agency shall include the judicial branch.

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

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

(f) TRUST FUNDS.

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

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

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

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

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

(g) BUDGET STABILIZATION FUND. Beginning with the 1994-1995 fiscal year, at least 1% of an amount equal to the last completed fiscal year's net revenue collections for the general revenue fund shall be retained in a budget stabilization fund. The budget stabilization fund shall be increased to at least 2% of said amount for the 1995-1996 fiscal year, at least 3% of said amount for the 1996-1997 fiscal year, at least 4% of said amount for the 1997-1998 fiscal year, and at least 5% of said amount for the 1998-1999 fiscal year. Subject to the provisions of this subsection, the budget stabilization fund shall be maintained at an amount equal to at least 5% of the last completed fiscal year's net

revenue collections for the general revenue fund. The budget stabilization fund's principal balance shall not exceed an amount equal to 10% of the last completed fiscal year's net revenue collections for the general revenue fund. The legislature shall provide criteria for withdrawing funds from the budget stabilization fund in a separate bill for that purpose only and only for the purpose of covering revenue shortfalls of the general revenue fund or for the purpose of providing funding for an emergency, as defined by general law. General law shall provide for the restoration of this fund. The budget stabilization fund shall be comprised of funds not otherwise obligated or committed for any purpose.

(h) STATE PLANNING DOCUMENT AND DEPARTMENT AND AGENCY PLANNING DOCUMENT PROCESSES. The governor shall recommend to the legislature biennially any revisions to the state planning document, as defined by law. General law shall require a biennial review and revision of the state planning document, shall require the governor to report to the legislature on the progress in achieving the state planning document's goals, and shall require all departments and agencies of state government to develop planning documents consistent with the state planning document. The state planning document and department and agency planning documents shall remain subject to review and revision by the legislature. The department and agency planning documents shall include a prioritized listing of planned expenditures for review and possible reduction in the event of revenue shortfalls, as defined by general law. To ensure productivity and efficiency in the executive, legislative, and judicial branches, a quality management and accountability program shall be implemented by general law. For the purposes of this subsection, the terms department and agency shall include the judicial branch. This subsection shall be effective July 1, 1993.

**History.**—Proposed by Taxation and Budget Reform Commission, Revision No. 1, 1992, filed with the Secretary of State May 7, 1992; adopted 1992; Ams. proposed by Constitution Revision Commission, Revision Nos. 8 and 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

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## Bill History – SB 84

### CS/SB 84: Community Colleges

GENERAL BILL by Higher Education; Lynn; (CO-INTRODUCERS) Gaetz; Thrasher; Wise; Simmons; Oelrich

Community Colleges; Renames Gulf Coast Community College as "Gulf Coast State College." Renames Pensacola Junior College as "Pensacola State College." Renames St. Johns River Community College as "St. Johns River State College." Renames Valencia Community College as "Valencia College." Amends provisions relating to linkage institutes, the Florida School of the Arts, and the consolidation of certain training schools. Conforms provisions.


EFFECTIVE DATE: July 1, 2011

### Bill History

Date	Chamber	Action
11/23/2010	Senate	• Filed
11/29/2010	Senate	• Referred to Higher Education; Budget -SJ 18
01/31/2011	Senate	• On Committee agenda-- Higher Education, 02/08/11, 10:00 am, 301 Senate Office Building
02/08/2011	Senate	• CS by Higher Education; YEAS 4 NAYS 0 -SJ 118
02/10/2011	Senate	• Pending reference review under Rule 4.7(2) - (Committee Substitute)
02/17/2011	Senate	• Now in Budget -SJ 118
		• Introduced -SJ 18
		• Subreferred to Budget Subcommittee on Higher Education Appropriations -SJ 109
03/08/2011	Senate	• Now in Budget Subcommittee on Higher Education Appropriations
		• On Committee agenda-- Budget Subcommittee on Higher Education Appropriations, 03/11/11, 10:15 am, 412 Knott Building
		• CS by Higher Education read 1st time -SJ 109
03/11/2011	Senate	• Favorable by Budget Subcommittee on Higher Education Appropriations; YEAS 11 NAYS 0 -SJ 204
		• Now in Budget -SJ 204
03/14/2011	Senate	• On Committee agenda-- Budget, 03/15/11, 3:15 pm, 412 Knott Building
03/15/2011	Senate	• Favorable by- Budget; YEAS 20 NAYS 0 -SJ 232
03/16/2011	Senate	• Placed on Calendar, on 2nd reading -SJ 232
03/21/2011	Senate	• Placed on Special Order Calendar, 03/23/11
03/23/2011	Senate	• Read 2nd time -SJ 267
		• Placed on 3rd reading -SJ 267
03/24/2011	Senate	• Read 3rd time -SJ 284

Date	Chamber	Action
03/29/2011	House	<ul style="list-style-type: none"> <li>• CS passed; YEAS 38 NAYS 0 -SJ 284</li> <li>• In Messages</li> </ul>
05/02/2011	House	<ul style="list-style-type: none"> <li>• Referred to Calendar -HJ 1005</li> <li>• Placed on Special Order Calendar, 05/03/11</li> <li>• Received -HJ 1005</li> </ul>
05/03/2011	House	<ul style="list-style-type: none"> <li>• Read 2nd time -HJ 1025</li> <li>• Placed on 3rd reading</li> </ul>
05/04/2011	House	<ul style="list-style-type: none"> <li>• Read 3rd time -HJ 1111</li> <li>• CS passed; YEAS 113 NAYS 1 -HJ 1111</li> </ul>
05/04/2011	Senate	<ul style="list-style-type: none"> <li>• Ordered enrolled -SJ 851</li> </ul>
05/23/2011		<ul style="list-style-type: none"> <li>• Signed by Officers and presented to Governor</li> </ul>
06/02/2011		<ul style="list-style-type: none"> <li>• Approved by Governor</li> <li>• Chapter No. <a href="#">2011-102</a></li> </ul>

### Related Bills

Bill Number	Subject	Sponsor	Relationship	Last Action	Track Bills
<a href="#">H 35</a>	Florida College System Institutions	Ford	Identical	05/03/2011 H Laid on Table, companion bill(s) passed, see CS/SB 84 (Ch. 2011-102) -HJ 1101	

### Bill Text

Version	Posted	Format
S 0084	11/23/2010	<a href="#">Web Page</a>   <a href="#">PDF</a>
S 0084 c1	02/10/2011	<a href="#">Web Page</a>   <a href="#">PDF</a>
S 0084 er	05/04/2011	<a href="#">Web Page</a>   <a href="#">PDF</a>

### Committee Amendments

Version	Amendment	Filed	Committee Actions	Format
S 0084	798246	02/07/2011 HE	Replaced by Committee Substitute 02/08/2011	<a href="#">Web Page</a>   <a href="#">PDF</a>
S 0084	924216	02/07/2011 HE	Replaced by Committee Substitute 02/08/2011	<a href="#">Web Page</a>   <a href="#">PDF</a>



## Floor Amendments

NO FLOOR AMENDMENTS AVAILABLE

## Bill Analyses

Type	Analysis	Author	Posted	Format
Bill Analysis	s 0084	Higher Education	02/07/2011	<a href="#">PDF</a>
Bill Analysis	s 0084	Higher Education	02/10/2011	<a href="#">PDF</a>
Bill Analysis	s 0084	Budget Subcommittee on Higher Education Appropriations	03/09/2011	<a href="#">PDF</a>
Bill Analysis	s 0084	Budget Subcommittee on Higher Education Appropriations	03/11/2011	<a href="#">PDF</a>
Bill Analysis	s 0084	Budget	03/15/2011	<a href="#">PDF</a>
Bill Analysis	s 0084	Budget	03/17/2011	<a href="#">PDF</a>

## Vote History - Committee

Version	Committee	Date	Result
S 0084	Higher Education	02/08/2011	<a href="#">Yeas: 4 Nays: 0</a>
S 0084 c1	Budget Subcommittee on Higher Education Appropriations	03/11/2011	<a href="#">Yeas: 11 Nays: 0</a>
S 0084 c1	Budget	03/15/2011	<a href="#">Yeas: 20 Nays: 0</a>

## Vote History - Floor

Version	Chamber	Roll Call	Date	Result
S 0084 c1	Senate	7	03/24/2011	<a href="#">Yeas: 38 Nays: 0</a>
S 0084 c1	House	488	05/04/2011	<a href="#">Yeas: 113 Nays: 1</a>

## Citations - Statutes

[288.8175](#) - Linkage institutes between postsecondary institutions in this state and foreign countries.

[1000.21](#) - Systemwide definitions.

[1004.74](#) - Florida School of the Arts.

[1004.75](#) - Training school consolidation pilot projects.

## Citations - Constitution

NO CONSTITUTIONAL CITATIONS FOUND FOR SENATE BILL 0084.

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## Bill History HB 35


### CS/HB 35: Florida College System Institutions

GENERAL BILL by K-20 Competitiveness Subcommittee; Ford; (CO-INTRODUCERS) Baxley; Broxson; Davis; Gaetz; Ingram; Patronis; Van Zant; Weinstein  
 Florida College System Institutions; Renames Gulf Coast Community College as "Gulf Coast State College"; renames Pensacola Junior College as "Pensacola State College"; renames St. Johns River Community College as "St. Johns River State College"; renames Valencia Community College as "Valencia College."  
 EFFECTIVE DATE: July 1, 2011

#### Bill History

Date	Chamber	Action
12/01/2010	House	• Filed
01/10/2011	House	• Referred to K-20 Competitiveness Subcommittee; Education Committee -HJ 9
03/08/2011	House	• Introduced -HJ 9
03/15/2011	House	• On Committee agenda-- K-20 Competitiveness Subcommittee, 03/17/11, 3:15 pm, 306 HOB
03/17/2011	House	• CS by K-20 Competitiveness Subcommittee; YEAS 12 NAYS 0 -HJ 260
03/18/2011	House	• Pending review of CS under Rule 7.19(c) • CS by K-20 Competitiveness Subcommittee read 1st time -HJ 254
03/21/2011	House	• Now in Education Committee -HJ 265
04/01/2011	House	• On Committee agenda-- Education Committee, 04/05/11, 8:00 am, Reed Hall
04/05/2011	House	• Favorable by- Education Committee; YEAS 17 NAYS 1 -HJ 415 • Placed on Calendar -HJ 415
05/03/2011	House	• Laid on Table, companion bill(s) passed, see CS/SB 84 (Ch. <a href="#">2011-102</a> ) -HJ 1101

#### Related Bills

Bill Number	Subject	Sponsor	Relationship	Last Action	Track Bills
<a href="#">S 84</a>	Community Colleges	Lynn	Identical	06/02/2011 Chapter No. 2011-102	

### Bill Text

Version	Posted	Format
H 0035	12/01/2010	<a href="#">Web Page</a>   <a href="#">PDF</a>
H 0035 c1	03/18/2011	<a href="#">Web Page</a>   <a href="#">PDF</a>

### Committee Amendments

NO COMMITTEE AMENDMENTS AVAILABLE

### Floor Amendments

NO FLOOR AMENDMENTS AVAILABLE

### Bill Analyses

Type	Analysis	Author	Posted	Format
Bill Analysis	h 0035	K-20 Competitiveness Subcommittee	03/18/2011	<a href="#">PDF</a>
Bill Analysis	h 0035	Education Committee	06/29/2011	<a href="#">PDF</a>

### Vote History - Committee

NO COMMITTEE VOTE HISTORY AVAILABLE

### Vote History - Floor

NO VOTE HISTORY AVAILABLE

### Citations - Statutes

[288.8175](#) - Linkage institutes between postsecondary institutions in this state and foreign countries.

[1000.21](#) - Systemwide definitions.

[1004.74](#) - Florida School of the Arts.

[1004.75](#) - Training school consolidation pilot projects.

### Citations - Constitution

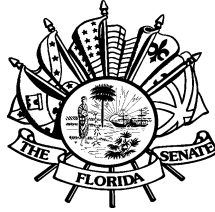
NO CONSTITUTIONAL CITATIONS FOUND FOR HOUSE BILL 0035.

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Mike Haridopolos  
President of the Senate



Mike Bennett  
President Pro Tempore

# Senate Calendar

Thursday, March 10, 2011  
(1<sup>st</sup> week -- 57 days remaining)

THE SENATE WILL CONVENE ON  
Thursday, March 10, 2011  
9:30 a.m. – 12:00 noon,  
or upon the Call of the President

## SENATE SCHEDULE FOR THE WEEK OF MARCH 7 - 11, 2011

(NM)\* = Not Meeting and (MC)\* = Meeting Cancelled

MONDAY March 7, 2011	TUESDAY March 8, 2011	WEDNESDAY March 9, 2011	THURSDAY March 10, 2011	FRIDAY March 11, 2011
	<p><b>10:00 a.m.-12:00 noon</b></p> <p><b>SESSION</b></p> <p><b>12:30-1:30 p.m.</b> Democratic Caucus Rm. 228(SB)</p>	<p><b>8:00-9:00 a.m.</b> Democratic Caucus Rm. 228(SB)</p> <p><b>9:00 a.m.-12:00 noon, or upon the Call of the President</b></p> <p><b>SESSION</b></p>	<p><b>8:30-9:30a.m.</b> Democratic Caucus Rm. 228(SB)</p> <p><b>9:30 a.m.-12:00 noon, or upon the Call of the President</b></p> <p><b>SESSION</b></p>	<p><b>8:00-10:00 a.m. (Group V-A)</b> Budget Subs. on: Criminal &amp; Civil Justice Ap. Rm. 37(SB) Education Pre-K - 12 Ap. Rm. 412(KB) General Government Ap. Rm. 401(SB) Health &amp; Human Services Ap. Rm. 110(SB)</p>
	Lunch and District Office	Lunch and District Office	Lunch and District Office	<p><b>8:30-10:00 a.m. (Group V-A)</b> Budget Subs. on: Finance &amp; Tax Rm. 301(SB)</p>
	<p><b>2:00-2:30 p.m.</b> Special Order Calendar Group (NM)*</p>	<p><b>1:00-3:00 p.m. (Group II)</b> Banking &amp; Insurance Rm. 412(KB) Commerce &amp; Tourism Rm. 401(SB) Regulated Industries Rm. 110(SB) Transportation Rm. 37(SB)</p>	<p><b>1:00-3:00 p.m. (Group III-A)</b> Education Pre-K - 12 Rm. 301(SB) Environmental Preservation &amp; Conservation Rm. 110(SB)</p>	<p><b>10:15 a.m.-12:15 p.m. (Group V-B)</b> Budget Subs. on: Higher Education Ap. Rm. 412(KB) Transportation, Tourism, &amp; Economic Development Ap. Rm. 110(SB)</p>
Lunch and District Office	<p><b>3:00-5:30 p.m.</b></p> <p><b>SESSION</b></p>	<p><b>3:15-5:15 p.m. (Group III)</b> Children, Families, &amp; Elder Affairs Rm. 401(SB) Criminal Justice Rm. 37(SB) Health Regulation Rm. 412(KB) Higher Education Rm. 301(SB) Judiciary Rm. 110(SB)</p>	<p><b>3:15-5:15 p.m. (Group IV-A)</b> Governmental Oversight &amp; Accountability Rm. 412(KB) Military Affairs, Space, &amp; Domestic Security Rm. 37(SB)</p>	Lunch and District Office
<p><b>1:00-3:00 p.m. (Group IV-C)</b> Rules Sub. on Ethics &amp; Elections Rm. 412(KB)</p> <p><b>3:15-5:15 p.m. (Group I)</b> Agriculture Rm. 37(SB) Communications, Energy, &amp; Public Utilities Rm. 110(SB) Community Affairs Rm. 412(KB)</p>	<p><b>5:30 p.m.-until completion of agenda</b></p> <p><b>JOINT SESSION</b></p>		<p><b>15 minutes after adjournment of both Group IV-A committees for 30 minutes</b> Special Order Calendar Group Rm. 401(SB)</p>	<p><b>1:15-4:15 p.m. (Group VII)</b> Budget Rm. 412(KB)</p>

## SENATE SCHEDULE FOR THE WEEK OF MARCH 14 - 18, 2011

(NM)\* = Not Meeting and (MC)\* = Meeting Cancelled

MONDAY March 14, 2011	TUESDAY March 15, 2011	WEDNESDAY March 16, 2011	THURSDAY March 17, 2011	FRIDAY March 18, 2011
<p><b>8:00-10:00 a.m. (Group IV-C)</b> Rules Sub. on Ethics &amp; Elections (NM)*</p> <p><b>10:15 a.m.-12:15 p.m. (Group I)</b> Agriculture Rm. 37(SB) Communications, Energy, &amp; Public Utilities Rm. 110(SB) Community Affairs Rm. 412(KB)</p> <p style="text-align: center;">Lunch and District Office</p> <p><b>1:00-3:00 p.m. (Group III)</b> Children, Families, &amp; Elder Affairs Rm. 401(SB) Criminal Justice Rm. 37(SB) Health Regulation Rm. 412(KB) Higher Education Rm. 301(SB) Judiciary Rm. 110(SB)</p> <p><b>3:15-5:15 p.m. (Group V-B)</b> Budget Subs. on: Higher Education Ap. Rm. 412(KB) Transportation, Tourism, &amp; Economic Development Ap. Rm. 110(SB)</p>	<p><b>8:00-9:00 a.m.</b> Governmental Oversight &amp; Accountability Rm. 412(KB)</p> <p><b>9:00-10:00 a.m.</b> Democratic Caucus Rm. 228(SB)</p> <p><b>10:00 a.m.-12:00 noon</b></p> <p style="text-align: center;"><b>SESSION</b></p> <p style="text-align: center;">Lunch and District Office</p> <p><b>1:30-3:00 p.m. (Group V-A)</b> Budget Subs. on: Criminal &amp; Civil Justice Ap. Rm. 37(SB) Education Pre-K - 12 Ap. Rm. 412(KB) Finance &amp; Tax Rm. 301(SB) General Government Ap. Rm. 401(SB) Health &amp; Human Services Ap. Rm. 110(SB)</p> <p><b>3:15-5:15 p.m. (Group VII)</b> Budget Rm. 412(KB)</p>	<p><b>8:00-9:30 a.m. (Group VI)</b> Rules Rm. 110(SB)</p> <p><b>10:00 a.m.-12:00 noon</b></p> <p style="text-align: center;"><b>SESSION</b></p> <p style="text-align: center;">Lunch and District Office</p> <p><b>1:30-4:00 p.m. (Group II)</b> Banking &amp; Insurance Rm. 412(KB) Commerce &amp; Tourism Rm. 401(SB) Regulated Industries Rm. 110(SB) Transportation Rm. 37(SB)</p> <p><b>4:30-6:00 p.m.</b> Legislative Budget Commission Rm. 212(KB)</p>	<p><b>8:00-10:00 a.m. (Group V-B)</b> Budget Subs. on: Higher Education Ap. Rm. 412(KB) Transportation, Tourism, &amp; Economic Development Ap. Rm. 110(SB)</p> <p><b>10:15 a.m.-12:15 p.m. (Group V-A)</b> Budget Subs. on: Criminal &amp; Civil Justice Ap. Rm. 37(SB) Education Pre-K - 12 Ap. Rm. 412(KB) Finance &amp; Tax Rm. 301(SB) General Government Ap. Rm. 401(SB) Health &amp; Human Services Ap. Rm. 110(SB)</p> <p style="text-align: center;">Lunch and District Office</p> <p><b>1:15-3:15 p.m. (Group III-A)</b> Education Pre-K - 12 Rm. 301(SB) Environmental Preservation &amp; Conservation Rm. 110(SB)</p> <p><b>3:30-5:30 p.m. (Group IV-A)</b> Governmental Oversight &amp; Accountability Rm. 412(KB) Military Affairs, Space, &amp; Domestic Security Rm. 37(SB)</p> <p><b>15 minutes after adjournment of both Group IV-A committees for 15 minutes</b> Special Order Calendar Group Rm. 401(SB)</p>	

### 2011 SESSION DATES

- August 1, 2010 Deadline for filing claim bills (Rule 4.81(2))
- January 28, 2011 5:00 p.m., deadline for submitting requests for drafts of general bills and joint resolutions, including requests for companion bills
- March 4, 2011 5:00 p.m., deadline for approving final drafts of general bills and joint resolutions, including companion bills
- March 8, 2011 Regular Session convenes (Article III, section 3(b), Constitution)
- March 8, 2011 12:00 noon, deadline for filing bills for introduction (Rule 3.7(1))
- April 26, 2011 50th day—last day for regularly scheduled committee meetings (Rule 2.9(3))
- May 2, 2011 All bills are immediately certified (Rule 6.8)  
Conference Committee Reports require only one reading (Rule 4.5(1))  
Motion to reconsider made and considered the same day (Rule 6.4 (2)(b))
- May 6, 2011 60th day—last day of Regular Session (Article III, section 3(d), Constitution)

# SCHEDULED MEETINGS

## THURSDAY, MARCH 10, 2011

**8:30—9:30 a.m.**

**CAUCUS NOTICE:** The Democratic Caucus will meet from 8:30—9:30 a.m., in Room 228, Senate Office Building

**1:00 —3:00 p.m.**

**Education Pre-K - 12:** Thursday, March 10, 2011, 1:00 —3:00 p.m., 301 Senate Office Building:

*(MEMBERS: Senator Wise, Chair; Senator Bullard, Vice Chair; Senators Alexander, Benacquisto, and Montford)*

Presentation by Superintendent Tom Townsend of the Putnam County School District on learning growth

Presentation by the Department of Education on the Voluntary Prekindergarten Education Program

Presentation by the Office of Program Policy Analysis and Government Accountability (OPPAGA) on Voluntary Prekindergarten Education Program

Presentation by the Office of Program Policy Analysis and Government Accountability (OPPAGA) on Special Facility Construction Projects

Consideration of proposed committee bill:

SPB 7054—Student Assessment Program for Public Schools

*The amendment deadline for this meeting, including proposed committee substitutes and delete everything amendments, is Wednesday, March 9, 2011 at 1:00 p.m. All amendments must be in final form and barcoded when filed.*

### **Environmental Preservation and Conservation:**

Thursday, March 10, 2011, 1:00 —3:00 p.m., *Toni Jennings Committee Room*, 110 Senate Office Building:

*(MEMBERS: Senator Dean, Chair; Senator Oelrich, Vice Chair; Senators Detert, Jones, Latvala, Rich, and Sobel)*

SB 960 (EP) by Senator Bennett—Liquefied Petroleum Gas

SM 852 (EP) by Senator Hays—Supporting the Marketing of Florida Seafood

SB 882 (EP) by Senator Detert—Water Management Districts

SB 392 (EP) by Senator Jones—Commercial Parasailing

SB 968 (EP) by Senator Dean—Boating Safety

Status Report on the C.W. Bill Young Regional Reservoir by Tampa Bay Water

Overview of Consumptive Use Permitting in Florida by the South Florida Water Management District

Discussion of proposed legislation relating to onsite sewage treatment and disposal systems

*The amendment deadline for this meeting, including proposed committee substitutes and delete everything amendments, is Wednesday, March 9, 2011 at 1:00 p.m. All amendments must be in final form and barcoded when filed.*

**3:15 —5:15 p.m.**

**Governmental Oversight and Accountability:** Thursday, March 10, 2011, 3:15 —5:15 p.m., *Pat Thomas Committee Room*, 412 Knott Building:

*(MEMBERS: Senator Ring, Chair; Senator Siplin, Vice Chair; Senators Benacquisto, Bogdanoff, Dean, Fasano, Flores, Garcia, Latvala, Margolis, Montford, Norman, and Wise)*

SB 1130 (GO) by Senator Ring—Retirement  
SB 1970 (GO) by Senator Thrasher—Public Records/OPPAGA

*The amendment deadline for this meeting, including proposed committee substitutes and delete everything amendments, is Wednesday, March 9, 2011 at 3:15 p.m. All amendments must be in final form and barcoded when filed.*

### **Military Affairs, Space, and Domestic Security:**

Thursday, March 10, 2011, 3:15 —5:15 p.m., *Mallory Horne Committee Room*, 37 Senate Office Building:

*(MEMBERS: Senator Altman, Chair; Senator Hill, Vice Chair; Senators Bennett, Bullard, Jones, Sachs, and Storms)*

SB 236 (MS) by Senator Hays—State Parks

SB 330 (MS) by Senator Gaetz—Violations of the Florida Election Code

SB 368 (MS) by Senator Fasano and others—Driver's License Fees for Disabled Veterans

SB 430 (MS) by Senator Altman—Veterans' Affairs

SB 450 (MS) by Senator Bennett—Emergency Management

SB 524 (MS) by Senator Latvala and others—Seaport Security

SB 652 (MS) by Senator Simmons—Liability of Spaceflight Entities

Presentation by the Florida Retail Federation

*The amendment deadline for this meeting, including proposed committee substitutes and delete everything amendments, is Wednesday, March 9, 2011 at 3:15 p.m. All amendments must be in final form and barcoded when filed.*

## **15 minutes after adjournment of both Group IV-A committees for 30 minutes**

**Special Order Calendar Group:** Thursday, March 10, 2011, 15 minutes after adjournment of both Group IV-A committees for 30 minutes, *James E. "Jim" King, Jr., Committee Room*, 401 Senate Office Building:

*(MEMBERS: Senator Thrasher, Chair; Senator Alexander, Vice Chair; Senators Flores, Gaetz, Gardiner, Rich, and Smith)*

To set the Special Order Calendar

# FRIDAY, MARCH 11, 2011

**8:00 —10:00 a.m.**

## **Budget Subcommittee on Criminal and Civil Justice**

**Appropriations:** Friday, March 11, 2011, 8:00 —10:00 a.m.,  
Mallory Horne Committee Room, 37 Senate Office Building:

*(MEMBERS: Senator Fasano, Chair; Senator Joyner, Vice Chair;  
Senators Bennett, Evers, Smith, Storms, and Thrasher)*

Update from the Florida Alcohol and Drug Abuse Association

Update from OPPAGA on cost saving initiatives

Detail review of Department of Juvenile Justice's proposal to  
eliminate residential care for misdemeanor youth

Update on Department of Corrections' prison bed capacity and  
utilization alternatives

Budget Work Session

## **Budget Subcommittee on Education Pre-K - 12**

**Appropriations:** Friday, March 11, 2011, 8:00 —10:00 a.m.,  
Pat Thomas Committee Room, 412 Knott Building:

*(MEMBERS: Senator Simmons, Chair; Senator Montford, Vice  
Chair; Senators Detert, Dockery, Flores, Lynn, Ring, Siplin, and  
Wise)*

School Board Millage Review

Review of Extended School Day Options

Pay Negotiation Update

Budget Work Session

## **Budget Subcommittee on General Government**

**Appropriations:** Friday, March 11, 2011, 8:00 —10:00 a.m.,  
James E. "Jim" King, Jr., Committee Room, 401 Senate Office  
Building:

*(MEMBERS: Senator Hays, Chair; Senator Benacquisto, Vice  
Chair; Senators Braynon, Bullard, Diaz de la Portilla, Hill, Jones,  
and Latvala)*

CS/SB 408 (BGA) by the Committee on Banking and Insurance;  
Senator Richter and others—Property and Casualty Insurance  
SM 484 (BGA) by Senator Hays—Discriminatory  
Taxes/Reinsurance

South Florida Water Management District Budget Review Follow-  
up - Administrative Costs and Policies

Update on State-owned Real Property Database and Disposition  
Report by the Department of Environmental Protection and the  
Department of Management Services

Presentation on Farm Share

Budget Work Session

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committee substitutes and delete everything amendments, is  
Thursday, March 10, 2011 at 8:00 a.m. All amendments must be  
in final form and barcoded when filed.*

## **Budget Subcommittee on Health and Human Services**

**Appropriations:** Friday, March 11, 2011, 8:00 —10:00 a.m.,  
Toni Jennings Committee Room, 110 Senate Office Building:

*(MEMBERS: Senator Negron, Chair; Senator Rich, Vice Chair;  
Senators Gaetz, Garcia, Oelrich, Richter, and Sobel)*

Budget Workshop

Alternative Low Income Pool Model

Public Testimony on HHS Budget

Public Testimony on Medicaid Reform

**8:30 —10:00 a.m.**

## **Budget Subcommittee on Finance and Tax:** Friday,

March 11, 2011, 8:30 —10:00 a.m., 301 Senate Office  
Building:

*(MEMBERS: Senator Bogdanoff, Chair; Senator Altman, Vice  
Chair; Senators Alexander, Gardiner, Margolis, Norman, and  
Sachs)*

Consideration of proposed committee bill:

SPB 7064—Corporate Income Tax

SB 382 (BFT) by Senator Bogdanoff—Tax Certificates  
SB 478 (BFT) by Senator Thrasher—Property Taxation

*The amendment deadline for this meeting, including proposed  
committee substitutes and delete everything amendments, is  
Thursday, March 10, 2011 at 8:30 a.m. All amendments must be  
in final form and barcoded when filed.*

**10:15 a.m.—12:15 p.m.**

## **Budget Subcommittee on Higher Education**

**Appropriations:** Friday, March 11, 2011, 10:15 a.m.—12:15  
p.m., Pat Thomas Committee Room, 412 Knott Building:

*(MEMBERS: Senator Lynn, Chair; Senator Thrasher, Vice Chair;  
Senators Altman, Braynon, Detert, Hays, Joyner, Montford,  
Oelrich, Simmons, Siplin, and Wise)*

CS/SB 84 (BHI) by the Committee on Higher Education; Senator  
Lynn and others—Community Colleges  
CS/SB 414 (BHI) by the Committee on Health Regulation and  
Senator Oelrich—Prostate Cancer Awareness Program  
CS/SB 654 (BHI) by the Committee on Higher Education and  
Senator Oelrich—Student Fees

Budget Work Session

*The amendment deadline for this meeting, including proposed  
committee substitutes and delete everything amendments, is  
Thursday, March 10, 2011 at 10:15 a.m. All amendments must be  
in final form and barcoded when filed.*



**Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations:** Friday, March 11, 2011, 10:15 a.m.—12:15 p.m., *Toni Jennings Committee Room*, 110 Senate Office Building:

*(MEMBERS: Senator Gaetz, Chair; Senator Margolis, Vice Chair; Senators Alexander, Benacquisto, Bennett, Bogdanoff, Bullard, Dean, Diaz de la Portilla, Evers, Fasano, Hill, Latvala, Norman, Sachs, Smith, and Sobel)*

Introduction of Mr. F. Gray Swoope, Jr., designated President of Enterprise Florida, Inc.

Presentation by Scripps Florida

Budget Work Session

**1:15 —4:15 p.m.**

**Budget:** Friday, March 11, 2011, 1:15 —4:15 p.m., *Pat Thomas Committee Room*, 412 Knott Building:

*(MEMBERS: Senator Alexander, Chair; Senator Negron, Vice Chair; Senators Altman, Benacquisto, Bogdanoff, Fasano, Flores, Gaetz, Hays, Joyner, Lynn, Margolis, Montford, Rich, Richter, Simmons, Siplin, Sobel, Thrasher, and Wise)*

Presentation on Creating Jobs by Matching the Strengths of Florida's Universities with the Needs of an Innovation Economy by:

Dr. Win Phillips, Vice President of Research, University of Florida

Dr. M.J. Soileau, Vice President for Research and Commercialization, University of Central Florida

Presentation on Talent and Technology: The Polytechnic Idea:

Dr. Marshall Goodman, Regional Chancellor, USF Polytechnic

Review of Interim Budget Amendment Process

Enterprise Information Technology Consolidations - Potential Budget Reductions

CS/SM 214 (BC) by the Committee on Community Affairs; Senator Gaetz and others—Deepwater Horizon Oil Spill/Tax Relief

SM 216 (BC) by Senator Gaetz and others—Deepwater Horizon Oil Disaster/Federal Income Tax

SM 218 (BC) by Senator Gaetz and others—Deepwater Horizon Oil Disaster/Penalties

SM 220 (BC) by Senator Gaetz—Unemployment Assistance/Oil Spill

CS/CS/SB 248 (BC) by the Committees on Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations, Community Affairs; Senator Gaetz and others—Economic Recovery/Deepwater Horizon Disaster

SB 298 (BC) by Senator Alexander—Municipal Governing Body Meetings

SB 1012 (BC) by the Committee on Budget Subcommittee on Criminal and Civil Justice Appropriations—State Attorneys Revenue Trust Fund/JAC

SB 1014 (BC) by the Committee on Budget Subcommittee on Criminal and Civil Justice Appropriations—Public Defenders Revenue Trust Fund/JAC

SB 1016 (BC) by the Committee on Budget Subcommittee on Criminal and Civil Justice Appropriations—Indigent Civil Defense Trust Fund/JAC

SB 1018 (BC) by the Committee on Budget Subcommittee on Criminal and Civil Justice Appropriations—State Courts Revenue Trust Fund

SB 1020 (BC) by the Committee on Budget Subcommittee on Criminal and Civil Justice Appropriations—Federal Grants Trust Fund/DLA

SB 1022 (BC) by the Committee on Budget Subcommittee on Criminal and Civil Justice Appropriations—Operating Trust Fund/DLA

SB 1024 (BC) by the Committee on Budget Subcommittee on Criminal and Civil Justice Appropriations—Federal Grants Trust Fund/DJJ

SB 1026 (BC) by the Committee on Budget Subcommittee on Education Pre-K - 12 Appropriations—Operating Trust Fund/Department of Education

SB 1028 (BC) by the Committee on Budget Subcommittee on Education Pre-K - 12 Appropriations—Administrative Trust Fund/Department of Education

SB 1030 (BC) by the Committee on Budget Subcommittee on General Government Appropriations—Trust Funds/Department of Financial Services

SB 1032 (BC) by the Committee on Budget Subcommittee on General Government Appropriations—Federal Grants Trust Fund/DEP

SB 1034 (BC) by the Committee on Budget Subcommittee on General Government Appropriations—Federal Grants Trust Fund/Department of Revenue

SB 1036 (BC) by the Committee on Budget Subcommittee on General Government Appropriations—Operations Trust Fund/Department of Revenue

SB 1038 (BC) by the Committee on Budget Subcommittee on General Government Appropriations—Federal Grants Trust Fund/DFS

SB 1040 (BC) by the Committee on Budget Subcommittee on General Government Appropriations—Florida Drug, Device, and Cosmetic Trust Fund/DBPR

SB 1042 (BC) by the Committee on Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations—Federal Grants Trust Fund/HSMV

SB 1044 (BC) by the Committee on Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations—International Registration Clearing TF/HSMV

*The amendment deadline for this meeting, including proposed committee substitutes and delete everything amendments, is Thursday, March 10, 2011 at 1:15 p.m. All amendments must be in final form and barcoded when filed.*

# MONDAY, MARCH 14, 2011

**10:15 a.m.—12:15 p.m.**

**Agriculture:** Monday, March 14, 2011, 10:15 a.m.—12:15 p.m.,  
Mallory Horne Committee Room, 37 Senate Office Building:

(MEMBERS: Senator Siplin, Chair; Senator Bullard, Vice Chair;  
Senators Alexander, Garcia, Hays, Montford, and Simmons)

Presentation by Future Farmers of America

Presentation by the Florida Poultry Federation, Inc.

Presentation by the Department of Environmental Protection

Presentation by the Department of Agriculture and Consumer  
Services

Presentation by BP

SB 606 (AG) by Senator Evers—Fertilizer

*The amendment deadline for this meeting, including proposed  
committee substitutes and delete everything amendments, is  
Friday, March 11, 2011 at 10:15 a.m. All amendments must be in  
final form and barcoded when filed.*

**Communications, Energy, and Public Utilities:** Monday,  
March 14, 2011, 10:15 a.m.—12:15 p.m., Toni Jennings  
Committee Room, 110 Senate Office Building:

(MEMBERS: Senator Benacquisto, Chair; Senator Smith, Vice  
Chair; Senators Altman, Bogdanoff, Braynon, Diaz de la Portilla,  
Evers, Fasano, Flores, Joyner, Lynn, Margolis, Negron, and  
Sachs)

SB 770 (CU) by Senator Siplin—Unclaimed Deposits Held By  
Utilities

SB 772 (CU) by Senator Siplin—Affordability Trust Fund/DCA

SB 1164 (CU) by Senator Storms—Radio Frequency  
Identification Tags

*The amendment deadline for this meeting, including proposed  
committee substitutes and delete everything amendments, is  
Friday, March 11, 2011 at 10:15 a.m. All amendments must be in  
final form and barcoded when filed.*

**Community Affairs:** Monday, March 14, 2011,  
10:15 a.m.—12:15 p.m., Pat Thomas Committee Room, 412  
Knott Building:

(MEMBERS: Senator Bennett, Chair; Senator Norman, Vice  
Chair; Senators Dockery, Hill, Richter, Ring, Storms, Thrasher,  
and Wise)

SB 830 (CA) by Senator Thrasher and others—Labor and  
Employment

At 11:30 a.m. or upon completion of the above-referenced bill,  
whichever occurs first, the committee will hear the following bills.

SB 994 (CA) by Senator Latvala—Public Records/Public Airports

SB 510 (CA) by Senator Latvala—Hurricane Loss Mitigation  
Program

SB 582 (CA) by Senator Detert—Local Business Taxes

SJR 658 (CA) by Senator Fasano—Homestead/Nonhomestead  
Property  
SB 1144 (CA) by Senator Margolis—Local Government  
SB 634 (CA) by Senator Simmons—Citizens Property Ins.  
Corp./Prohibited Activities  
SB 638 (CA) by Senator Simmons—Residential  
Property/Evaluation Grant Program

A proposed committee substitute combining the following 2 bills  
(SB 800, SB 836) is available:

SB 800 (CA) by Senator Diaz de la Portilla—Education/Training  
Opportunities/Public Employees

SB 836 (CA) by Senator Margolis—Education/Training  
Opportunities Public Employees

*The amendment deadline for this meeting, including proposed  
committee substitutes and delete everything amendments, is  
Friday, March 11, 2011 at 10:15 a.m. All amendments must be in  
final form and barcoded when filed.*

**1:00 —3:00 p.m.**

**Children, Families, and Elder Affairs:** Monday, March 14,  
2011, 1:00 —3:00 p.m., James E. "Jim" King, Jr., Committee  
Room, 401 Senate Office Building:

(MEMBERS: Senator Storms, Chair; Senator Hill, Vice Chair;  
Senators Detert, Hays, and Rich)

CS/SB 138 (CF) by Senator Bennett and others—Military  
Veterans Convicted of Criminal Offenses (IF RECEIVED)

SB 516 (CF) by Senator Garcia—Autism

SB 586 (CF) by Senator Wise—Alzheimer's Disease

SB 912 (CF) by Senator Bennett—Affordable Housing

SM 954 (CF) by Senator Flores and others—Parental Rights  
Amendment (IF RECEIVED)

SB 1140 (CF) by Senator Sachs—Child Care Facilities

SB 1192 (CF) by Senator Rich and others—Public

Records/Regional Autism Centers

SB 1366 (CF) by Senator Storms—Child Welfare/Mental  
Health/Substance Abuse

SB 1412 (CF) by Senator Storms—Department of Children and  
Family Services

Presentation by Mark Swain, Sunrise ARC

*The amendment deadline for this meeting, including proposed  
committee substitutes and delete everything amendments, is  
Friday, March 11, 2011 at 1:00 p.m. All amendments must be in  
final form and barcoded when filed.*

**Criminal Justice:** Monday, March 14, 2011, 1:00 —3:00 p.m.,  
Mallory Horne Committee Room, 37 Senate Office Building:

(MEMBERS: Senator Evers, Chair; Senator Dean, Vice Chair;  
Senators Dockery, Margolis, and Smith)

SB 118 (CJ) by Senator Bullard—Bicycle Safety  
SB 234 (CJ) by Senator Evers and others—Firearms  
SB 240 (CJ) by Senator Joyner—Violations of Injunctions for  
Protection  
CS/SB 246 (CJ) by the Committee on Health Regulation; Senator  
Joyner and others—Human Trafficking  
SB 438 (CJ) by Senator Hill—Injunctions for Protection Against  
Violence  
SB 888 (CJ) by Senator Dean—Offense of Sexting  
SB 1086 (CJ) by Senator Hill—Restraint of Incarcerated Pregnant  
Women  
SB 1092 (CJ) by Senator Wise—State Attorneys

Pending Reconsideration:

SB 144 (CJ) by Senator Smith—Elderly Inmates

*The amendment deadline for this meeting, including proposed  
committee substitutes and delete everything amendments, is  
Friday, March 11, 2011 at 1:00 p.m. All amendments must be in  
final form and barcoded when filed.*

**Health Regulation:** Monday, March 14, 2011,  
1:00 —3:00 p.m., Pat Thomas Committee Room, 412 Knott  
Building:

(MEMBERS: Senator Garcia, Chair; Senator Sobel, Vice Chair;  
Senators Altman, Bennett, Diaz de la Portilla, Fasano, Gaetz,  
Gardiner, Jones, Latvala, Norman, and Ring)

SB 626 (HR) by Senator Thrasher and others—Shands Teaching  
Hospital and Clinics, Inc.  
SB 446 (HR) by Senator Hays and others—Dentistry and Dental  
Hygiene  
CS/SB 432 (HR) by the Committee on Criminal Justice and  
Senator Evers—Privacy of Firearms Owners  
SB 1414 (HR) by Senator Wise—Health Insurance  
SJR 1538 (HR) by Senator Flores—Abortion/Public  
Funding/Construction of Rights  
SB 818 (HR) by Senator Fasano—Controlled Substances  
CS/SB 204 (HR) by the Committee on Criminal Justice; Senator  
Wise and others—Controlled Substances  
SB 1226 (HR) by Senator Joyner—Health Care Fraud  
SB 1228 (HR) by Senator Altman—Military Spouses

*The amendment deadline for this meeting, including proposed  
committee substitutes and delete everything amendments, is  
Friday, March 11, 2011 at 1:00 p.m. All amendments must be in  
final form and barcoded when filed.*

**Higher Education:** Monday, March 14, 2011,  
1:00 —3:00 p.m., 301 Senate Office Building:

(MEMBERS: Senator Oelrich, Chair; Senator Siplin, Vice Chair;  
Senators Lynn, Negron, and Sachs)

SB 1264 (HE) by Senator Wise—Background Screening  
SB 632 (HE) by Senator Oelrich—Postsecondary Education  
SB 1194 (HE) by Senator Oelrich—Postsecondary Education

*The amendment deadline for this meeting, including proposed  
committee substitutes and delete everything amendments, is  
Friday, March 11, 2011 at 1:00 p.m. All amendments must be in  
final form and barcoded when filed.*

**Judiciary:** Monday, March 14, 2011, 1:00 —3:00 p.m., Toni  
Jennings Committee Room, 110 Senate Office Building:

(MEMBERS: Senator Flores, Chair; Senator Joyner, Vice Chair;  
Senators Bogdanoff, Braynon, Richter, Simmons, and Thrasher)

SM 954 (JU) by Senator Flores and others—Parental Rights  
Amendment

Consideration of proposed committee bill:

SPB 7066—Unauthorized Aliens

SB 318 (JU) by Senator Siplin—Postsecondary Student Fees  
SB 262 (JU) by Senator Ring and others—Intimidation of a Judge  
SB 670 (JU) by Senator Joyner—Powers of Attorney  
CS/SB 400 (JU) by the Committee on Criminal Justice; Senator  
Wise and others—Treatment-based Drug Court Programs  
SB 866 (JU) by Senator Bogdanoff—Judgment Interest  
SB 930 (JU) by Senator Lynn and others—Protection of  
Volunteers  
CS/SB 146 (JU) by Senator Smith and others—Criminal Justice  
(IF RECEIVED)  
SB 344 (JU) by Senator Rich—Sexual Activities Involving Animals

*The amendment deadline for this meeting, including proposed  
committee substitutes and delete everything amendments, is  
Friday, March 11, 2011 at 1:00 p.m. All amendments must be in  
final form and barcoded when filed.*

**3:15 —5:15 p.m.**

**Budget Subcommittee on Higher Education**

**Appropriations:** Monday, March 14, 2011, 3:15 —5:15 p.m.,  
Pat Thomas Committee Room, 412 Knott Building:

(MEMBERS: Senator Lynn, Chair; Senator Thrasher, Vice Chair;  
Senators Altman, Braynon, Detert, Hays, Joyner, Montford,  
Oelrich, Simmons, Siplin, and Wise)

Higher Education Audit Overviews

Budget Work Session

**Budget Subcommittee on Transportation, Tourism,  
and Economic Development Appropriations:** Monday,  
March 14, 2011, 3:15 —5:15 p.m., Toni Jennings Committee  
Room, 110 Senate Office Building:

(MEMBERS: Senator Gaetz, Chair; Senator Margolis, Vice Chair;  
Senators Alexander, Benacquisto, Bennett, Bogdanoff, Bullard,  
Dean, Diaz de la Portilla, Evers, Fasano, Hill, Latvala, Norman,  
Sachs, Smith, and Sobel)

Budget Work Session

# DAILY ORDER OF BUSINESS

1. Roll Call
2. Prayer
3. Pledge of Allegiance to the Flag of the United States of America
4. Reports of Committees
5. Motions relating to committee reference
6. Messages from the Governor and other executive communications
7. Messages from the House of Representatives
8. Matters on reconsideration
9. Consideration of Bills on Third (3rd) Reading
10. Special Order Calendars
11. Consideration of Bills on Second (2nd) Reading
12. Correction and approval of the Journal

## BILLS ON THE CALENDAR

### BILLS ON THIRD READING

#### **CS/CS/SB 736 (3R) by the Committees on Budget, Education Pre-K - 12, Senator Wise and others—**

**Education Personnel;** Cites this act as the "Student Success Act." Revises provisions relating to the evaluation of instructional personnel and school administrators. Requires the Department of Education to approve each school district's instructional personnel and school administrator evaluation systems. Requires the Commissioner of Education to approve or select and the State Board of Education to adopt formulas for school districts to use in measuring student learning growth. Requires school districts to administer assessments for each course offered in the district, etc. Effective Date: upon becoming a law, except as otherwise provided

*Reported favorably as a committee substitute by the Committee on Education Pre-K - 12; the Committee on Budget Subcommittee on Education Pre-K - 12 Appropriations reports the committee substitute favorably; and reported favorably as a committee substitute by the Committee on Budget*

### **SPECIAL ORDER CALENDAR FOR THURSDAY, MARCH 10, 2011**

#### **CS/SB 142 (SO) by the Committee on Commerce and Tourism, Senator Richter and others—**

**Negligence;** Defines the terms "negligence action" and "products liability action." Requires the trier of fact to consider the fault of all persons who contributed to an accident when apportioning damages in a products liability action alleging an additional or enhanced injury. Provides legislative intent to overrule a judicial opinion. Provides a legislative finding that fault should be apportioned among all responsible persons in a products liability action, etc. Effective Date: upon becoming a law

*Reported favorably, with one amendment, by the Committee on Judiciary; reported favorably as a committee substitute by the Committee on Commerce and Tourism; and the Committee on Budget reports the committee substitute favorably*

#### **CS/SJR 958 (SO) by the Committees on Budget Subcommittee on Finance and Tax, and Budget Subcommittee on Finance and Tax—**

**State Revenue Limitation;** Proposes amendments to the State Constitution to replace the existing state revenue limitation with a new state revenue limitation based on inflation and population changes.

*Reported favorably as a committee substitute by the Committee on Budget Subcommittee on Finance and Tax; and reported favorably by the Committees on Budget; and Rules*

### **RESOLUTIONS TO BE CONSIDERED ON THURSDAY, MARCH 10, 2011**

#### **SR 540 (SR) by Senator Joyner—**

**Black History Month;** Recognizes February 2011 as "Black History Month" in Florida.

### **ADOPTION BY PUBLICATION**

#### **SR 1298 (SR) by Senator Hill—**

**Chi Chapter Day;** Recognizes March 17, 2011, as "Chi Chapter Day" in recognition of the organization's steadfast commitment to community service.

## Bill Index Legend

<p>CB — Claim Bill Calendar</p> <p>CC — Consent Calendar</p> <p>HC — House Companion</p> <p>LB — Local Bill Calendar</p> <p>MR — Matters on Reconsideration</p> <p>SO — Special Order Calendar</p>	<p>SR — Resolution Calendar</p> <p>SUB — HB Substituted</p> <p>TF — Trust Fund Bill Calendar</p> <p>2R — Second Reading Calendar</p> <p>2R1 — Second Reading First Publication</p> <p>3R — Third Reading Calendar</p>
Committee Initials — On Committee Agenda	

## Bill Index by Bill Number

<p><b>CS/SB 84 (BHI)</b> by the Committee on Higher Education; Senator Lynn and others Community Colleges .....4</p> <p><b>SB 118 (CJ)</b> by Senator Bullard Bicycle Safety.....7</p> <p><b>CS/SB 138 (CF)</b> by Senator Bennett and others Military Veterans Convicted of Criminal Offenses (IF RECEIVED).....6</p> <p><b>CS/SB 142 (SO)</b> by the Committee on Commerce and Tourism, Senator Richter and others Negligence .....8</p> <p><b>SB 144 (CJ)</b> by Senator Smith Elderly Inmates .....7</p> <p><b>CS/SB 146 (JU)</b> by Senator Smith and others Criminal Justice (IF RECEIVED).....7</p> <p><b>CS/SB 204 (HR)</b> by the Committee on Criminal Justice; Senator Wise and others Controlled Substances.....7</p> <p><b>CS/SM 214 (BC)</b> by the Committee on Community Affairs; Senator Gaetz and others Deepwater Horizon Oil Spill/Tax Relief .....5</p> <p><b>SM 216 (BC)</b> by Senator Gaetz and others Deepwater Horizon Oil Disaster/Federal Income Tax .....5</p> <p><b>SM 218 (BC)</b> by Senator Gaetz and others Deepwater Horizon Oil Disaster/Penalties .....5</p> <p><b>SM 220 (BC)</b> by Senator Gaetz Unemployment Assistance/Oil Spill.....5</p> <p><b>SB 234 (CJ)</b> by Senator Evers and others Firearms .....7</p> <p><b>SB 236 (MS)</b> by Senator Hays State Parks.....3</p> <p><b>SB 240 (CJ)</b> by Senator Joyner Violations of Injunctions for Protection.....7</p> <p><b>CS/SB 246 (CJ)</b> by the Committee on Health Regulation; Senator Joyner and others Human Trafficking.....7</p> <p><b>CS/CS/SB 248 (BC)</b> by the Committees on Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations, Community Affairs; Senator Gaetz and others Economic Recovery/Deepwater Horizon Disaster .....5</p> <p><b>SB 262 (JU)</b> by Senator Ring and others Intimidation of a Judge.....7</p> <p><b>SB 298 (BC)</b> by Senator Alexander Municipal Governing Body Meetings .....5</p> <p><b>SB 318 (JU)</b> by Senator Siplin Postsecondary Student Fees.....7</p> <p><b>SB 330 (MS)</b> by Senator Gaetz Violations of the Florida Election Code .....3</p> <p><b>SB 344 (JU)</b> by Senator Rich Sexual Activities Involving Animals .....7</p> <p><b>SB 368 (MS)</b> by Senator Fasano and others Driver's License Fees for Disabled Veterans.....3</p> <p><b>SB 382 (BFT)</b> by Senator Bogdanoff Tax Certificates.....4</p> <p><b>SB 392 (EP)</b> by Senator Jones Commercial Parasailing.....3</p> <p><b>CS/SB 400 (JU)</b> by the Committee on Criminal Justice; Senator Wise and others Treatment-based Drug Court Programs .....7</p> <p><b>CS/SB 408 (BGA)</b> by the Committee on Banking and Insurance; Senator Richter and others Property and Casualty Insurance.....4</p> <p><b>CS/SB 414 (BHI)</b> by the Committee on Health Regulation and Senator Oelrich Prostate Cancer Awareness Program .....4</p> <p><b>SB 430 (MS)</b> by Senator Altman Veterans' Affairs .....3</p> <p><b>CS/SB 432 (HR)</b> by the Committee on Criminal Justice and Senator Evers Privacy of Firearms Owners .....7</p> <p><b>SB 438 (CJ)</b> by Senator Hill Injunctions for Protection Against Violence.....7</p> <p><b>SB 446 (HR)</b> by Senator Hays and others Dentistry and Dental Hygiene .....7</p>	<p><b>SB 450 (MS)</b> by Senator Bennett Emergency Management .....3</p> <p><b>SB 478 (BFT)</b> by Senator Thrasher Property Taxation .....4</p> <p><b>SM 484 (BGA)</b> by Senator Hays Discriminatory Taxes/Reinsurance.....4</p> <p><b>SB 510 (CA)</b> by Senator Latvala Hurricane Loss Mitigation Program .....6</p> <p><b>SB 516 (CF)</b> by Senator Garcia Autism .....6</p> <p><b>SB 524 (MS)</b> by Senator Latvala and others Seaport Security ...3</p> <p><b>SR 540 (SR)</b> by Senator Joyner Black History Month .....8</p> <p><b>SB 582 (CA)</b> by Senator Detert Local Business Taxes .....6</p> <p><b>SB 586 (CF)</b> by Senator Wise Alzheimer's Disease .....6</p> <p><b>SB 606 (AG)</b> by Senator Evers Fertilizer .....6</p> <p><b>SB 626 (HR)</b> by Senator Thrasher and others Shands Teaching Hospital and Clinics, Inc. ....7</p> <p><b>SB 632 (HE)</b> by Senator Oelrich Postsecondary Education.....7</p> <p><b>SB 634 (CA)</b> by Senator Simmons Citizens Property Ins. Corp./Prohibited Activities.....6</p> <p><b>SB 638 (CA)</b> by Senator Simmons Residential Property/Evaluation Grant Program .....6</p> <p><b>SB 652 (MS)</b> by Senator Simmons Liability of Spaceflight Entities .....3</p> <p><b>CS/SB 654 (BHI)</b> by the Committee on Higher Education and Senator Oelrich Student Fees.....4</p> <p><b>SJR 658 (CA)</b> by Senator Fasano Homestead/Nonhomestead Property.....6</p> <p><b>SB 670 (JU)</b> by Senator Joyner Powers of Attorney .....7</p> <p><b>CS/CS/SB 736 (3R)</b> by the Committees on Budget, Education Pre-K - 12, Senator Wise and others Education Personnel ...8</p> <p><b>SB 770 (CU)</b> by Senator Siplin Unclaimed Deposits Held By Utilities.....6</p> <p><b>SB 772 (CU)</b> by Senator Siplin Affordability Trust Fund/DCA ....6</p> <p><b>SB 800 (CA)</b> by Senator Diaz de la Portilla Education/Training Opportunities/Public Employees .....6</p> <p><b>SB 818 (HR)</b> by Senator Fasano Controlled Substances .....7</p> <p><b>SB 830 (CA)</b> by Senator Thrasher and others Labor and Employment .....6</p> <p><b>SB 836 (CA)</b> by Senator Margolis Education/Training Opportunities Public Employees .....6</p> <p><b>SM 852 (EP)</b> by Senator Hays Supporting the Marketing of Florida Seafood .....3</p> <p><b>SB 866 (JU)</b> by Senator Bogdanoff Judgment Interest .....7</p> <p><b>SB 882 (EP)</b> by Senator Detert Water Management Districts .....3</p> <p><b>SB 888 (CJ)</b> by Senator Dean Offense of Sexting.....7</p> <p><b>SB 912 (CF)</b> by Senator Bennett Affordable Housing.....6</p> <p><b>SB 930 (JU)</b> by Senator Lynn and others Protection of Volunteers .....7</p> <p><b>SM 954 (CF)</b> by Senator Flores and others Parental Rights Amendment (IF RECEIVED).....6</p> <p><b>SM 954 (JU)</b> by Senator Flores and others Parental Rights Amendment.....7</p> <p><b>CS/SJR 958 (SO)</b> by the Committees on Budget Subcommittee on Finance and Tax, and Budget Subcommittee on Finance and Tax State Revenue Limitation .....8</p> <p><b>SB 960 (EP)</b> by Senator Bennett Liquefied Petroleum Gas .....3</p> <p><b>SB 968 (EP)</b> by Senator Dean Boating Safety.....3</p> <p><b>SB 994 (CA)</b> by Senator Latvala Public Records/Public Airports..6</p> <p><b>SB 1012 (BC)</b> by the Committee on Budget Subcommittee on Criminal and Civil Justice Appropriations State Attorneys Revenue Trust Fund/JAC .....5</p>
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<b><u>SB 1014 (BC)</u></b> by the Committee on Budget Subcommittee on Criminal and Civil Justice Appropriations Public Defenders Revenue Trust Fund/JAC.....	5	<b><u>SB 1038 (BC)</u></b> by the Committee on Budget Subcommittee on General Government Appropriations Federal Grants Trust Fund/DFS.....	5
<b><u>SB 1016 (BC)</u></b> by the Committee on Budget Subcommittee on Criminal and Civil Justice Appropriations Indigent Civil Defense Trust Fund/JAC.....	5	<b><u>SB 1040 (BC)</u></b> by the Committee on Budget Subcommittee on General Government Appropriations Florida Drug, Device, and Cosmetic Trust Fund/DBPR.....	5
<b><u>SB 1018 (BC)</u></b> by the Committee on Budget Subcommittee on Criminal and Civil Justice Appropriations State Courts Revenue Trust Fund.....	5	<b><u>SB 1042 (BC)</u></b> by the Committee on Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations Federal Grants Trust Fund/HSMV.....	5
<b><u>SB 1020 (BC)</u></b> by the Committee on Budget Subcommittee on Criminal and Civil Justice Appropriations Federal Grants Trust Fund/DLA.....	5	<b><u>SB 1044 (BC)</u></b> by the Committee on Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations International Registration Clearing TF/HSMV.....	5
<b><u>SB 1022 (BC)</u></b> by the Committee on Budget Subcommittee on Criminal and Civil Justice Appropriations Operating Trust Fund/DLA.....	5	<b><u>SB 1086 (CJ)</u></b> by Senator Hill Restraint of Incarcerated Pregnant Women.....	7
<b><u>SB 1024 (BC)</u></b> by the Committee on Budget Subcommittee on Criminal and Civil Justice Appropriations Federal Grants Trust Fund/DJJ.....	5	<b><u>SB 1092 (CJ)</u></b> by Senator Wise State Attorneys.....	7
<b><u>SB 1026 (BC)</u></b> by the Committee on Budget Subcommittee on Education Pre-K - 12 Appropriations Operating Trust Fund/Department of Education.....	5	<b><u>SB 1130 (GO)</u></b> by Senator Ring Retirement.....	3
<b><u>SB 1028 (BC)</u></b> by the Committee on Budget Subcommittee on Education Pre-K - 12 Appropriations Administrative Trust Fund/Department of Education.....	5	<b><u>SB 1140 (CF)</u></b> by Senator Sachs Child Care Facilities.....	6
<b><u>SB 1030 (BC)</u></b> by the Committee on Budget Subcommittee on General Government Appropriations Trust Funds/Department of Financial Services.....	5	<b><u>SB 1144 (CA)</u></b> by Senator Margolis Local Government.....	6
<b><u>SB 1032 (BC)</u></b> by the Committee on Budget Subcommittee on General Government Appropriations Federal Grants Trust Fund/DEP.....	5	<b><u>SB 1164 (CU)</u></b> by Senator Storms Radio Frequency Identification Tags.....	6
<b><u>SB 1034 (BC)</u></b> by the Committee on Budget Subcommittee on General Government Appropriations Federal Grants Trust Fund/Department of Revenue.....	5	<b><u>SB 1192 (CF)</u></b> by Senator Rich and others Public Records/Regional Autism Centers.....	6
<b><u>SB 1036 (BC)</u></b> by the Committee on Budget Subcommittee on General Government Appropriations Operations Trust Fund/Department of Revenue.....	5	<b><u>SB 1194 (HE)</u></b> by Senator Oelrich Postsecondary Education.....	7
		<b><u>SB 1226 (HR)</u></b> by Senator Joyner Health Care Fraud.....	7
		<b><u>SB 1228 (HR)</u></b> by Senator Altman Military Spouses.....	7
		<b><u>SB 1264 (HE)</u></b> by Senator Wise Background Screening.....	7
		<b><u>SR 1298 (SR)</u></b> by Senator Hill Chi Chapter Day.....	8
		<b><u>SB 1366 (CF)</u></b> by Senator Storms Child Welfare/Mental Health/Substance Abuse.....	6
		<b><u>SB 1412 (CF)</u></b> by Senator Storms Department of Children and Family Services.....	6
		<b><u>SB 1414 (HR)</u></b> by Senator Wise Health Insurance.....	7
		<b><u>SJR 1538 (HR)</u></b> by Senator Flores Abortion/Public Funding/Construction of Rights.....	7
		<b><u>SB 1970 (GO)</u></b> by Senator Thrasher Public Records/OPPAGA.....	3

# Senate Introducer Index

<b>Senator Alexander</b>		<b>Senator Lynn</b>	
<b>SB 298 (BC)</b> Municipal Governing Body Meetings .....5		<b>CS/SB 84 (BHI)</b> Community Colleges.....4	
<b>Senator Altman</b>		<b>SB 930 (JU)</b> Protection of Volunteers .....7	
<b>SB 430 (MS)</b> Veterans' Affairs .....3		<b>Senator Margolis</b>	
<b>SB 1228 (HR)</b> Military Spouses.....7		<b>SB 836 (CA)</b> Education/Training Opportunities Public	
<b>Senator Bennett</b>		Employees .....6	
<b>CS/SB 138 (CF)</b> Military Veterans Convicted of Criminal		<b>SB 1144 (CA)</b> Local Government .....6	
Offenses (IF RECEIVED) .....6		<b>Senator Oelrich</b>	
<b>SB 450 (MS)</b> Emergency Management.....3		<b>CS/SB 414 (BHI)</b> Prostate Cancer Awareness Program.....4	
<b>SB 912 (CF)</b> Affordable Housing.....6		<b>SB 632 (HE)</b> Postsecondary Education .....7	
<b>SB 960 (EP)</b> Liquefied Petroleum Gas .....3		<b>CS/SB 654 (BHI)</b> Student Fees .....4	
<b>Senator Bogdanoff</b>		<b>SB 1194 (HE)</b> Postsecondary Education .....7	
<b>SB 382 (BFT)</b> Tax Certificates .....4		<b>Senator Rich</b>	
<b>SB 866 (JU)</b> Judgment Interest.....7		<b>SB 344 (JU)</b> Sexual Activities Involving Animals.....7	
<b>Senator Bullard</b>		<b>SB 1192 (CF)</b> Public Records/Regional Autism Centers .....6	
<b>SB 118 (CJ)</b> Bicycle Safety.....7		<b>Senator Richter</b>	
<b>Senator Dean</b>		<b>CS/SB 142 (SO)</b> Negligence .....8	
<b>SB 888 (CJ)</b> Offense of Sexting.....7		<b>CS/SB 408 (BGA)</b> Property and Casualty Insurance .....4	
<b>SB 968 (EP)</b> Boating Safety.....3		<b>Senator Ring</b>	
<b>Senator Detert</b>		<b>SB 262 (JU)</b> Intimidation of a Judge .....7	
<b>SB 582 (CA)</b> Local Business Taxes .....6		<b>SB 1130 (GO)</b> Retirement .....3	
<b>SB 882 (EP)</b> Water Management Districts .....3		<b>Senator Sachs</b>	
<b>Senator Diaz de la Portilla</b>		<b>SB 1140 (CF)</b> Child Care Facilities .....6	
<b>SB 800 (CA)</b> Education/Training Opportunities/Public		<b>Senator Simmons</b>	
Employees .....6		<b>SB 634 (CA)</b> Citizens Property Ins. Corp./Prohibited	
<b>Senator Evers</b>		Activities.....6	
<b>SB 234 (CJ)</b> Firearms .....7		<b>SB 638 (CA)</b> Residential Property/Evaluation Grant	
<b>CS/SB 432 (HR)</b> Privacy of Firearms Owners .....7		Program .....6	
<b>SB 606 (AG)</b> Fertilizer.....6		<b>SB 652 (MS)</b> Liability of Spaceflight Entities .....3	
<b>Senator Fasano</b>		<b>Senator Siplin</b>	
<b>SB 368 (MS)</b> Driver's License Fees for Disabled Veterans.....3		<b>SB 318 (JU)</b> Postsecondary Student Fees .....7	
<b>SJR 658 (CA)</b> Homestead/Nonhomestead Property .....6		<b>SB 770 (CU)</b> Unclaimed Deposits Held By Utilities .....6	
<b>SB 818 (HR)</b> Controlled Substances .....7		<b>SB 772 (CU)</b> Affordability Trust Fund/DCA .....6	
<b>Senator Flores</b>		<b>Senator Smith</b>	
<b>SM 954 (CF)</b> Parental Rights Amendment (IF RECEIVED).....6		<b>SB 144 (CJ)</b> Elderly Inmates .....7	
<b>SM 954 (JU)</b> Parental Rights Amendment.....7		<b>CS/SB 146 (JU)</b> Criminal Justice (IF RECEIVED) .....7	
<b>SJR 1538 (HR)</b> Abortion/Public Funding/Construction of		<b>Senator Storms</b>	
Rights.....7		<b>SB 1164 (CU)</b> Radio Frequency Identification Tags.....6	
<b>Senator Gaetz</b>		<b>SB 1366 (CF)</b> Child Welfare/Mental Health/Substance	
<b>CS/SM 214 (BC)</b> Deepwater Horizon Oil Spill/Tax Relief .....5		Abuse .....6	
<b>SM 216 (BC)</b> Deepwater Horizon Oil Disaster/Federal Income		<b>SB 1412 (CF)</b> Department of Children and Family Services ...6	
Tax.....5		<b>Senator Thrasher</b>	
<b>SM 218 (BC)</b> Deepwater Horizon Oil Disaster/Penalties .....5		<b>SB 478 (BFT)</b> Property Taxation .....4	
<b>SM 220 (BC)</b> Unemployment Assistance/Oil Spill .....5		<b>SB 626 (HR)</b> Shands Teaching Hospital and Clinics, Inc. ....7	
<b>CS/CS/SB 248 (BC)</b> Economic Recovery/Deepwater Horizon		<b>SB 830 (CA)</b> Labor and Employment.....6	
Disaster.....5		<b>SB 1970 (GO)</b> Public Records/OPPAGA .....3	
<b>SB 330 (MS)</b> Violations of the Florida Election Code.....3		<b>Senator Wise</b>	
<b>Senator Garcia</b>		<b>CS/SB 204 (HR)</b> Controlled Substances.....7	
<b>SB 516 (CF)</b> Autism .....6		<b>CS/SB 400 (JU)</b> Treatment-based Drug Court Programs.....7	
<b>Senator Hays</b>		<b>SB 586 (CF)</b> Alzheimer's Disease.....6	
<b>SB 236 (MS)</b> State Parks .....3		<b>CS/CS/SB 736 (3R)</b> Education Personnel .....8	
<b>SB 446 (HR)</b> Dentistry and Dental Hygiene.....7		<b>SB 1092 (CJ)</b> State Attorneys .....7	
<b>SM 484 (BGA)</b> Discriminatory Taxes/Reinsurance.....4		<b>SB 1264 (HE)</b> Background Screening.....7	
<b>SM 852 (EP)</b> Supporting the Marketing of Florida Seafood .....3		<b>SB 1414 (HR)</b> Health Insurance .....7	
<b>Senator Hill</b>		<b>Budget Subcommittee on Criminal and Civil Justice</b>	
<b>SB 438 (CJ)</b> Injunctions for Protection Against Violence .....7		<b>Appropriations</b>	
<b>SB 1086 (CJ)</b> Restraint of Incarcerated Pregnant Women .....7		<b>SB 1012 (BC)</b> State Attorneys Revenue Trust Fund/JAC .....5	
<b>SR 1298 (SR)</b> Chi Chapter Day.....8		<b>SB 1014 (BC)</b> Public Defenders Revenue Trust Fund/JAC.....5	
<b>Senator Jones</b>		<b>SB 1016 (BC)</b> Indigent Civil Defense Trust Fund/JAC .....5	
<b>SB 392 (EP)</b> Commercial Parasailing.....3		<b>SB 1018 (BC)</b> State Courts Revenue Trust Fund .....5	
<b>Senator Joyner</b>		<b>SB 1020 (BC)</b> Federal Grants Trust Fund/DLA.....5	
<b>SB 240 (CJ)</b> Violations of Injunctions for Protection .....7		<b>SB 1022 (BC)</b> Operating Trust Fund/DLA.....5	
<b>CS/SB 246 (CJ)</b> Human Trafficking.....7		<b>SB 1024 (BC)</b> Federal Grants Trust Fund/DJJ.....5	
<b>SR 540 (SR)</b> Black History Month .....8		<b>Budget Subcommittee on Education Pre-K - 12</b>	
<b>SB 670 (JU)</b> Powers of Attorney .....7		<b>Appropriations</b>	
<b>SB 1226 (HR)</b> Health Care Fraud .....7		<b>SB 1026 (BC)</b> Operating Trust Fund/Department of	
<b>Senator Latvala</b>		Education.....5	
<b>SB 510 (CA)</b> Hurricane Loss Mitigation Program .....6		<b>SB 1028 (BC)</b> Administrative Trust Fund/Department of	
<b>SB 524 (MS)</b> Seaport Security .....3		Education.....5	
<b>SB 994 (CA)</b> Public Records/Public Airports .....6		<b>Budget Subcommittee on Finance and Tax</b>	
		<b>CS/SJR 958 (SO)</b> State Revenue Limitation .....8	

**Budget Subcommittee on General Government**

**Appropriations**

**SB 1030 (BC)** Trust Funds/Department of Financial Services ..5  
**SB 1032 (BC)** Federal Grants Trust Fund/DEP .....5  
**SB 1034 (BC)** Federal Grants Trust Fund/Department of  
Revenue.....5  
**SB 1036 (BC)** Operations Trust Fund/Department of  
Revenue.....5  
**SB 1038 (BC)** Federal Grants Trust Fund/DFS .....5  
**SB 1040 (BC)** Florida Drug, Device, and Cosmetic Trust  
Fund/DBPR .....5

**Budget Subcommittee on Transportation, Tourism, and**

**Economic Development Appropriations**

**SB 1042 (BC)** Federal Grants Trust Fund/HSMV .....5  
**SB 1044 (BC)** International Registration Clearing TF/HSMV ...5

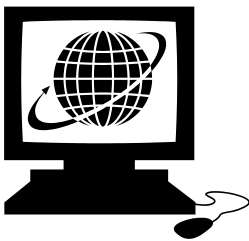




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# The Calendar of the House of Representatives **CORRECTED**

Speaker Dean Cannon

Speaker pro tempore John Legg

Week 1 --Day 3

Thursday, March 10, 2011

The House will convene on Thursday, March 10, 2011 at 1:00 PM

Wednesday, Day 2 March 9, 2011	TODAY Thursday, Day 3 March 10, 2011	Friday, Day 4 March 11, 2011	Projected Schedule Monday, Day 7 March 14, 2011	Projected Schedule Tuesday, Day 8 March 15, 2011
<p><u>8:00 - 10:30</u> Higher Education Appropriations Subcommittee Reed Hall (102 HOB)</p> <p><u>8:00 - 10:30</u> Justice Appropriations Subcommittee Morris Hall (17 HOB)</p> <p><u>8:00 - 9:00</u> Federal Affairs Subcommittee Webster Hall (212 Knott)</p> <p><u>8:00 - 10:00</u> Insurance &amp; Banking Subcommittee 404 HOB</p> <p><u>8:30 - 10:30</u> Health &amp; Human Services Access Subcommittee 12 HOB</p> <p><u>10:45 - 12:15</u> SESSION</p>	<p><u>8:00 - 12:00</u> Education Committee Morris Hall (17 HOB)</p> <p><u>9:15 - 12:00</u> Health &amp; Human Services Committee Reed Hall (102 HOB)</p> <p><u>10:00 - 12:00</u> Select Committee on Water Policy (Not Meeting)</p>	<p><u>8:00 - 8:30</u> Rules &amp; Calendar Committee 404 HOB</p> <p><u>9:00 - 12:00</u> Select Committee on Government Reorganization Webster Hall (212 Knott)</p>	<p>Notice deadline, 4:30 pm March 10, 2011</p>	<p>Notice deadline, 4:30 pm March 11, 2011</p> <p><u>8:00 - 11:00</u> Business &amp; Consumer Affairs Subcommittee Reed Hall (102 HOB)</p> <p>PreK-12 Appropriations Subcommittee Morris Hall (17 HOB)</p> <p>Transportation &amp; Economic Development Appropriations Subcommittee 12 HOB</p> <p>Energy &amp; Utilities Subcommittee Webster Hall (212 Knott)</p> <p>Criminal Justice Subcommittee 404 HOB</p> <p><u>8:00 - 12:00</u> Health &amp; Human Services Quality Subcommittee 306 HOB</p>
12:15 - 1:00 LUNCH	12:00 - 1:00 LUNCH			12:00 - 12:30 LUNCH
<p><u>1:00 - 3:45</u> Civil Justice Subcommittee 404 HOB</p> <p><u>1:00 - 3:45</u> Agriculture &amp; Natural Resources Appropriations Subcommittee 306 HOB</p> <p><u>1:00 - 3:45</u> K-20 Competitiveness Subcommittee (Not Meeting)</p> <p><u>1:00 - 3:45</u> Community &amp; Military Affairs Subcommittee Webster Hall (212 Knott)</p> <p><u>1:00 - 3:45</u> Government Operations Subcommittee Reed Hall (102 HOB)</p> <p><u>4:00 - 6:00</u> Finance &amp; Tax Committee Morris Hall (17 HOB)</p>	<p><u>2:45 - 5:45</u> Education Committee Morris Hall (17 HOB)</p> <p><u>2:45 - 5:45</u> Economic Affairs Committee Reed Hall (102 HOB)</p> <p><u>2:45 - 5:45</u> Judiciary Committee 404 HOB</p> <p><u>2:45 - 5:45</u> State Affairs Committee Webster Hall (212 Knott)</p> <p><u>1:00 - 2:30</u> SESSION</p>		<p><u>12:30 - 3:30</u> Health &amp; Human Services Committee Morris Hall (17 HOB)</p> <p><u>4:00 - 6:00</u> Civil Justice Subcommittee 404 HOB</p>	<p><u>12:30 - 2:30</u> Agriculture &amp; Natural Resources Subcommittee Reed Hall (102 HOB)</p> <p>Economic Development &amp; Tourism Subcommittee 12 HOB</p> <p>Government Operations Appropriations Subcommittee Morris Hall (17 HOB)</p> <p>Health Care Appropriations Subcommittee Webster Hall (212 Knott)</p> <p>K-20 Innovation Subcommittee 404 HOB</p> <p>Transportation &amp; Highway Safety Subcommittee 306 HOB</p> <p><u>2:45 - 11:45</u> SESSION</p>

Calendar subject to change.. Up to the minute information may be found at <http://www.myfloridahouse.gov/Sections/HouseCalendar/housecalendar.aspx> or select "House Daily Schedule" at <http://www.myfloridahouse.gov>. When using the web page, select the appropriate date to view meeting schedules.

## CALENDAR CHANGES

Thursday, Day 3, March 10, 2011

2:45 - 5:45 State Affairs Committee, Webster Hall (212 Knott)

## IMPORTANT LEGISLATIVE DATES

<b>2011</b>	<b>85<sup>th</sup> House, 113<sup>th</sup> Regular Session Since Statehood in 1845</b>	
January 10-14	Interim Committee or Subcommittee Meeting <b>Notice Deadline – January 3 – January 7</b>	<i>[Rule 7.11(d)] No later than 4:30 p.m. of the 7<sup>th</sup> day before the meeting</i>
January 11	<b>Early Member-Bill Request Submission Deadline:</b> By 5 p.m., a member must request submission for the first two of the six bills subject to the member-bill filing limit.	
January 24-28	Interim Committee or Subcommittee Meeting <b>Notice Deadline – January 17 – January 21</b>	<i>[Rule 7.11(d)] No later than 4:30 p.m. of the 7<sup>th</sup> day before the meeting</i>
January 25	<b>Early Member-Bill Filing Deadline:</b> A member may not file more than six bills for a regular session. Of the six bills, at least two must be approved for filing with the Clerk no later than noon of the 6 <sup>th</sup> Tuesday prior to the first day of the regular session.  <b>NOTE:</b> To meet a filing deadline, the bill must be APPROVED FOR FILING in Leagis by the applicable deadline.	<i>[Rule 5.3(a)(1)]</i>
January 28	<b>Final Member-Bill Request Submission Deadline:</b> By 5 p.m., a member must request submission for all other bills subject to the opening day deadline (including requests for companion bills).	
February 6	<b>Notice Deadline for Local Bills</b> for opening-day introduction that require proof of publication 30 days prior to being introduced.	<i>[Art. III, s. 10, FL Const.; s. 11.02, F.S.; Rule 5.5(c)]</i>
February 7-11	Interim Committee or Subcommittee Meeting <b>Notice Deadline – January 31 – February 4</b>	<i>[Rule 7.11(d)] No later than 4:30 p.m. of the 7<sup>th</sup> day before the meeting</i>
February 14-18	Interim Committee or Subcommittee Meeting <b>Notice Deadline – February 7 – February 11</b>	<i>[Rule 7.11(d)] No later than 4:30 p.m. of the 7<sup>th</sup> day before the meeting</i>
February 21-25	Interim Committee or Subcommittee Meeting <b>Notice Deadline – February 14 – February 18</b>	<i>[Rule 7.11(d)] No later than 4:30 p.m. of the 7<sup>th</sup> day before the meeting</i>
March 4	<b>Member-Bill Requests Deadline:</b> By 5 p.m., bill requests to be in final draft form (including companion bills).	
<b>March 8</b>	<b>First Day of Session</b>  [85 <sup>th</sup> House since Statehood: 113 <sup>th</sup> Regular Session since Statehood; 22 <sup>nd</sup> House since 1968 Constitutional Revision]	<i>[Art. III, s. 3(b), FL Const.]</i>
March 8	<b>Final Member-Bill Filing Deadline:</b> No general bill, local bill, joint resolution, concurrent resolution (except one relating to extension of a session or legislative organization or procedures), substantive House resolution, or memorial shall be given first reading unless approved for filing with the Clerk no later than noon of the first day of the regular session.  <b>NOTE:</b> To meet a filing deadline, the bill must be APPROVED FOR FILING in Leagis by the applicable deadline.	<i>Day 1 [Art. III, s. 3(b), FL Const.; Rule 5.2(a)]</i>
March 8	First day for committees or subcommittees to meet after giving notice no later than 4:30 p.m. of the 2 <sup>nd</sup> day (excluding Saturdays, Sundays, and official state holidays) before the committee or subcommittee meeting for the purpose of considering legislation.	<i>Day 1-45 [Rule 7.11(e)]</i>
March 11	<b>Request submission deadline</b> by 5 p.m for additional bill filed after favorable reporting of repealer bill by its first committee of reference.	
March 28	<b>Filing deadline</b> by noon, for additional bill filed after favorable reporting of a repealer bill by its first committee of reference.	<i>[Rule 5.3(c)]</i>
April 7	<b>Ceremonial Resolution Request Submission Deadline:</b> By 5 p.m., ceremonial resolutions to be submitted to Rules & Calendar Committee.	
April 17	After the 40 <sup>th</sup> day (April 16), no bill may be retained for the purpose of reconsideration in committee or subcommittee.	<i>Day 41 [Rule 7.16(b)]</i>

April 21	Last day for committees or subcommittees to meet after giving notice no later than 4:30 p.m. of the 2 <sup>nd</sup> day (excluding Saturdays, Sundays, and official state holidays) before the committee or subcommittee meeting for the purpose of considering legislation. After the 45 <sup>th</sup> day, the notice must be provided no later than 4:30 p.m. on the day (including Saturdays, Sundays, and official state holidays) before the committee or subcommittee meeting.	<i>Day 45 [Rule 7.11(e)]</i>
April 21	<b>Ceremonial Resolution Filing Deadline:</b> No ceremonial resolution shall be given first reading unless approved for filing with the Clerk prior to the 46 <sup>th</sup> day of regular session.	<i>[Rule 5.2(b)]</i>
April 22	After the 45 <sup>th</sup> day (April 21) of a regular session, by a majority vote, the House may, on motion of the Chair or Vice Chair of the Rules & Calendar Committee, move to Communications, Messages from the Senate, Bills and Joint Resolutions on Third Reading, or Special Orders.	<i>Day 46 [Rule 10.2(d)]</i>
April 23	All measures transmitted to the Senate without delay.	<i>Last 14 Days [Rule 11.7(k)]</i>
May 1	Last day of the regular session for the Special Order Calendar to be published in two Calendars of the House, and it may be taken up on the day of the second published Calendar. After the 55 <sup>th</sup> day (May 1) of the regular session, the Special Order Calendar shall be published in one Calendar of the House and may be taken up on the day the Calendar is published.	<i>Day 55 [Rule 10.11(a)(3)]</i>
May 1	Last day that main floor amendments must be approved for filing with the Clerk by 2 p.m. of the first day a bill appears on the Special Order Calendar in the Calendar of the House; and amendments to main floor amendments and substitute amendments for main floor amendments must be approved for filing by 5 p.m. of the same day.	<i>Day 55 [Rule 12.2(a)(1&amp;2)]</i>
May 2	After the 55 <sup>th</sup> day (May 1) of regular session, main floor amendments must be approved for filing with the Clerk not later than 2 hours before session is scheduled to convene on the day a bill appears on the Special Order Calendar in the Calendar of the House; and amendments to main floor amendments and substitute amendments for main floor amendments must be approved for filing not later than 1 hour after the main floor amendment deadline.	<i>Day 56 [Rule 12.2(b)(1&amp;2)]</i>
May 2	After the 55 <sup>th</sup> day (May 1) of regular session, no House bills on second reading may be taken up and considered by the House.	<i>Day 56 [Rule 10.18]</i>
May 5	After the 58 <sup>th</sup> day (May 4) of regular session, the House may consider only: Returning Messages, Conference Reports, and Concurrent Resolutions.	<i>Day 59 [Rule 10.19]</i>
May 6	<b>Last day of Regular Session, if Legislature completes work in 60 days</b>	

### Table Of Contents

Committee & Subcommittee Meetings.....	4	Committee & Subcommittee Agenda Index .....	11
Bills and Joint Resolutions on Third Reading.....	6	Bill Index By Calendar.....	12
Special Order Calendar for Thursday, March 10, 2011.....	7	House Sponsor Index .....	13
Bills and Joint Resolutions on Second Reading.....	9		
Bill Index.....	10		

## COMMITTEE & SUBCOMMITTEE MEETINGS

PURSUANT TO RULE 7.3, ITEMS MAY NOT NECESSARILY BE TAKEN UP IN THE ORDER IN WHICH THEY APPEAR ON THE AGENDA.

**Thursday, March 10, 2011**

### **Economic Affairs Committee**

2:45 PM - 5:45 PM Reed Hall (102 HOB)

Consideration of the following bill(s):

HB 4001 by Diaz and others -- Growth Policy  
HB 4007 by Workman -- Driver Licenses  
HB 4009 by Workman -- Outdoor Theaters  
CS/HB 4013 by Business & Consumer Affairs Subcommittee, Eisnaugle -- Television Picture Tubes  
HB 4019 by Workman -- Traffic Offenses  
HB 4021 by Workman -- Water Vending Machines  
HB 4023 by Plakon -- Sales Representative Contracts Involving Commissions  
HB 4029 by Horner -- Transportation Corporations  
HB 4031 by Dorworth and others -- Local Government Services  
HB 4033 by Dorworth -- Florida Industrial Development Corporation  
HB 4077 by Dorworth -- Transportation Corridors  
HB 4081 by Horner -- Repeal of Obsolete Insurance Provisions  
HB 4083 by Albritton -- Workers' Compensation  
CS/HB 4099 by Insurance & Banking Subcommittee, Nelson -- Repeal of Property and Casualty Insurance Provisions  
HB 4115 by Plakon -- Powers of the Consumer Advocate  
HB 4129 by Crisafulli -- Residential Property Structural Soundness Evaluation Grant Program

Pursuant to rule 7.12, the filing deadline for amendments to bills on the agenda by a member who is not a member of the committee or subcommittee considering the bill is 6 p.m., Wednesday, March 9, 2011.

By request of the Chair, all Economic Affairs Committee members are asked to have amendments to bills on the agenda submitted to staff by 6:00 p.m., Wednesday, March 9, 2011.

### **Education Committee**

8:00 AM - 12:00 PM Morris Hall (17 HOB)

Consideration of the following bill(s):

HB 7019 by K-20 Competitiveness Subcommittee, Fresen and others -- Education Personnel

Pursuant to rule 7.12, the deadline for amendments to the bill on the agenda by non-appointed members shall be 6:00 pm, Wednesday, March 9, 2011.

By request of the chair, all committee members are asked to have amendments to the bill on the agenda submitted by 6:00 pm, Wednesday, March 9, 2011.

### **Education Committee**

2:45 PM - 5:45 PM Morris Hall (17 HOB)

Consideration of the following bill(s):

HB 7019 by K-20 Competitiveness Subcommittee, Fresen and others -- Education Personnel

Pursuant to rule 7.12, the deadline for amendments to the bill on the agenda by non-appointed members shall be 6:00 pm, Wednesday, March 9, 2011.

By request of the chair, all committee members are asked to have amendments to the bill on the agenda submitted by 6:00 pm, Wednesday, March 9, 2011.

### **Health & Human Services Committee**

9:15 AM - 12:00 PM Reed Hall (102 HOB)

Consideration of the following proposed committee bill(s):

PCB HHSC 11-03 Controlled Substances  
PCB HHSC 11-04 Office of Drug Control

Pursuant to Rule 7.12, the deadline for amendments to bills on the agenda by non-appointed members shall be 6:00 p.m., Wednesday, March 9, 2011.

By request of the Chair, all committee members are asked to have amendments to bills on the agenda submitted to staff by 6:00 p.m., Wednesday, March 9, 2011.

### **Judiciary Committee**

2:45 PM - 5:45 PM 404 HOB

Consideration of the following bill(s):

HB 105 by Goodson and others -- Open House Parties  
HB 4067 by McBurney -- Residence of Clerk of the Circuit Court  
HB 4121 by Artiles -- Clove Cigarettes

Consideration of the following proposed committee bill(s):

PCB JDC 11-01 Immigration

### **Select Committee on Water Policy**

10:00 AM - 12:00 PM 404 HOB

[NOT MEETING]

### **State Affairs Committee**

2:45 PM - 5:45 PM Webster Hall (212 Knott) (AMENDED[2])

Consideration of the following bill(s):

HB 1021 by Dorworth and others -- Labor and Employment

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**Friday, March 11, 2011**

**Rules & Calendar Committee**

8:00 AM - 8:30 AM 404 HOB

Actionable Items

Set Special Order Calendar for Tuesday, March 15, 2011

**Select Committee on Government Reorganization**

9:00 AM - 12:00 PM Webster Hall (212 Knott)

Presentation by Economic Development Partners

---Enterprise Florida, Inc.

---Governor's Office of Tourism, Trade and Economic  
Development

---Tampa Bay Partnership

Presentation by the Department of Health on the Evaluation and  
Justification Review Report required by Chapter 2010-161,  
Laws of Florida.

---Included in the meeting packet is the Executive Summary.

The entire report can be found on the following website:

<http://www.doh.state.fl.us/REPORT.PDF>

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## DAILY ORDER OF BUSINESS

1. Call to Order.
2. Prayer.
3. Roll Call.
4. Pledge of Allegiance.
5. Correction of the *Journal*.
6. Communications.
7. Messages from the Senate.
8. Reports of Standing Committees and Subcommittees.
9. Reports of Select Committees.
10. Motions Relating to Committee and Subcommittee References.
11. Matters on Reconsideration.
12. Bills and Joint Resolutions on Third Reading.

## BILLS AND JOINT RESOLUTIONS ON THIRD READING

### **SB 1204 by Thrasher** (Identical HB 7017)

**Joint Legislative Organizations;** Repeals provisions relating to the Office of Program Policy Analysis and Government Accountability, the Joint Administrative Procedures Committee, the Legislative Committee on Intergovernmental Relations, the Joint Legislative Committee on Everglades Oversight, and the Florida Government Accountability Act. Repeal provisions relating to creation of a joint select committee to review the findings and recommendations of the Century Commission for a Sustainable Florida for potential action, etc. Effective Date: upon becoming a law

Read second time March 9

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### **CS/CS/HB 7005 by Economic Affairs Committee, Finance & Tax Committee, Economic Development & Tourism Subcommittee, Holder** (Compare HB 1283, CS/SB 728, SB 1728)

**Unemployment Compensation;** Increases number of employer payroll service providers who qualify for access to unemployment tax information; revises provisions relating to

statutory construction; requires that applicant for benefits participate in initial skills review; provides exceptions; clarifies "good cause" for voluntarily leaving employment; disqualifies certain person for benefits; reduces amount & revises calculation of number of weeks of claimant's benefit eligibility; revises employer's unemployment compensation contribution rate by certain factors; revises application to conform to changes made by this act; provides employer payment schedule for 2012, 2013, & 2014 contributions; revises allowable forms of evidence in benefit appeals; revises judicial venue for reviewing commission orders; specifies that evidence of mailing agency document is based on date stated on document; revives, readopts, & amends provision relating to temporary extended benefits; provides for retroactive application; establishes temporary state extended benefits for weeks of unemployment; provides for state extended benefits for certain weeks & for periods of high unemployment; provides severability; provides applicability; provides appropriations for purposes of implementation; provides that act fulfills important state interest. Effective Date: upon becoming a law

Read second time and amended March 9

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13. Special Orders.

**SPECIAL ORDER CALENDAR FOR THURSDAY, MARCH 10, 2011**  
(As Reported by the Rules & Calendar Committee on Monday, March 07, 2011)

**I. Consideration of the following bills:**

⌈ **HB 7007 by Rules & Calendar Committee, Aubuchon** ⌋  
(Identical SB 944)

**Florida Statutes;** Deletes provisions that have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replaces incorrect cross-references & citations; corrects grammatical, typographical, & like errors; removes inconsistencies, redundancies, & unnecessary repetition in statutes; improves clarity of statutes & facilitates their correct interpretation; confirms restoration of provisions unintentionally omitted from republication in acts of Legislature during amendatory process & removes gender-specific references applicable to human beings from Florida Statutes without substantive change in legal effect. Effective Date: on the 60th day after adjournment sine die of the session of the Legislature in which enacted

Calendar without reference

**SB 944 by Thrasher (Identical HB 7007)**

**Florida Statutes;** Amends and reenacts various provisions of the Florida Statutes. Effective Date: 60 days after sine die

Calendar without reference

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⌈ **HB 7009 by Rules & Calendar Committee, Aubuchon** ⌋  
(Identical SB 924)

**Florida Statutes;** Repeals provisions that have become inoperative by noncurrent repeal or expiration & pursuant to s. 11.242(5)(b) & (i), F.S., may be omitted from 2010 Florida Statutes only through reviser's bill; conforms provisions. Effective Date: on the 60th day after adjournment sine die of the session of the Legislature in which enacted

Calendar without reference

**SB 924 by Thrasher (Identical HB 7009)**

**Florida Statutes;** Deletes provisions which have become inoperative by noncurrent repeal or expiration and, pursuant to provisions, may be omitted from the 2011 Florida Statutes only through a reviser's bill duly enacted by the Legislature. Conforms cross-references. Effective Date: 60 days after sine die

Calendar without reference

⌋

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⌈ **HB 7011 by Rules & Calendar Committee, Aubuchon** ⌋  
(Identical SB 946)

**Florida Statutes;** Conforms to directive in s. 21 of ch. 2010-70, Laws of Florida, to prepare reviser's bill to substitute term "Florida College System Institution" for terms "Florida college," "community college," & "junior college" where those terms appear in Florida K-20 Education Code. Effective Date: on the 60th day after adjournment sine die of the session of the Legislature in which enacted

Calendar without reference

**SB 946 by Thrasher (Identical HB 7011)**

**Florida Statutes;** Amends provisions to conform to the directive in section 21 of chapter 2010-70, Laws of Florida, to prepare a reviser's bill for consideration by the 2011 Regular Session of the Legislature to substitute the term "Florida College System Institution" for the terms "Florida college," "community college," and "junior college" where those terms appear in the Florida K-20 Education Code. Effective Date: 60 days after sine die

Calendar without reference

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⌈ **HB 7013 by Rules & Calendar Committee, Aubuchon** ⌋  
(Identical SB 916)

**Official Florida Statutes;** Adopts Florida Statutes 2011 & designates portions thereof that are to constitute official law of state; provides that Florida Statutes 2011 shall be effective immediately upon publication; provides that general laws enacted during 2010 regular session & prior thereto & not included in Florida Statutes 2011 are repealed; provides that general laws enacted during November 16, 2010, special session & 2011 regular session are not repealed by this adoption act. Effective Date: on the 60th day after adjournment sine die of the session of the Legislature in which enacted

Calendar without reference

**SB 916 by Thrasher** (Identical HB 7013)

**Official Florida Statutes;** Adopts the Florida Statutes 2011 and designates the portions thereof that are to constitute the official law of the state. Provides that the Florida Statutes 2011 shall be effective immediately upon publication. Provides that general laws enacted during the 2010 regular session and prior thereto and not included in the Florida Statutes 2011 are repealed. Provides that general laws enacted during the November 16, 2010, special session and the 2011 regular session are not repealed by this adoption act. Effective Date: 60 days after sine die

Calendar without reference

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**14. House Resolutions.**

**15. Unfinished Business.**

**16. Introduction and Reference.**

**END OF DAILY ORDER OF BUSINESS**

## BILLS AND JOINT RESOLUTIONS ON SECOND READING

**HB 93 by Steube, Boyd, Brandes, Corcoran** (Identical SB 172)

**Security Cameras;** Reenacts provisions relating to prohibited standards for security cameras; provides for retroactive operation of act; provides exception under specified circumstances. Effective Date: upon becoming a law, and shall operate retroactively to June 1, 2009. If such retroactive application is held by a court of last resort to be unconstitutional, this act shall apply prospectively from the date that this act becomes a law

Economic Affairs Committee: Favorable

**HB 7001 by Community & Military Affairs Subcommittee, Workman** (Identical SB 174)

**Growth Management;** Reenacts provisions of law relating to growth management, portions of which were amended, created, or repealed by ch. 2009-96, Laws of Florida; provides for retroactive operation with respect to such portions. Effective Date: upon becoming a law

Economic Affairs Committee: Favorable

**HB 7003 by Community & Military Affairs Subcommittee, Workman** (Identical SB 176)

**Affordable Housing;** Reenacts provisions of law relating to affordable housing, portions of which were amended, created, or repealed by ch. 2009-96, Laws of Florida; provides for retroactive operation with respect to such portions. Effective Date: upon becoming a law

Economic Affairs Committee: Favorable

**BILL INDEX**

<b>HB 93 Security Cameras .....</b>	<b>9</b>	<b>HB 4067 Residence of Clerk of the Circuit Court .....</b>	<b>4</b>
<b>HB 105 Open House Parties.....</b>	<b>4</b>	<b>HB 4077 Transportation Corridors .....</b>	<b>4</b>
<b>SB 916 Official Florida Statutes.....</b>	<b>8</b>	<b>HB 4081 Repeal of Obsolete Insurance Provisions .....</b>	<b>4</b>
<b>SB 924 Florida Statutes .....</b>	<b>7</b>	<b>HB 4083 Workers' Compensation.....</b>	<b>4</b>
<b>SB 944 Florida Statutes .....</b>	<b>7</b>	<b>CS/HB 4099 Repeal of Property and Casualty Insurance</b>	
<b>SB 946 Florida Statutes .....</b>	<b>7</b>	<b>Provisions .....</b>	<b>4</b>
<b>HB 1021 Labor and Employment.....</b>	<b>4</b>	<b>HB 4115 Powers of the Consumer Advocate .....</b>	<b>4</b>
<b>SB 1204 Joint Legislative Organizations .....</b>	<b>6</b>	<b>HB 4121 Clove Cigarettes .....</b>	<b>4</b>
<b>HB 4001 Growth Policy .....</b>	<b>4</b>	<b>HB 4129 Residential Property Structural Soundness</b>	
<b>HB 4007 Driver Licenses .....</b>	<b>4</b>	<b>Evaluation Grant Program.....</b>	<b>4</b>
<b>HB 4009 Outdoor Theaters .....</b>	<b>4</b>	<b>HB 7001 Growth Management.....</b>	<b>9</b>
<b>CS/HB 4013 Television Picture Tubes .....</b>	<b>4</b>	<b>HB 7003 Affordable Housing.....</b>	<b>9</b>
<b>HB 4019 Traffic Offenses .....</b>	<b>4</b>	<b>CS/CS/HB 7005 Unemployment Compensation .....</b>	<b>6</b>
<b>HB 4021 Water Vending Machines .....</b>	<b>4</b>	<b>HB 7007 Florida Statutes .....</b>	<b>7</b>
<b>HB 4023 Sales Representative Contracts Involving</b>		<b>HB 7009 Florida Statutes .....</b>	<b>7</b>
<b>Commissions.....</b>	<b>4</b>	<b>HB 7011 Florida Statutes .....</b>	<b>7</b>
<b>HB 4029 Transportation Corporations .....</b>	<b>4</b>	<b>HB 7013 Official Florida Statutes .....</b>	<b>8</b>
<b>HB 4031 Local Government Services.....</b>	<b>4</b>	<b>HB 7019 Education Personnel.....</b>	<b>4</b>
<b>HB 4033 Florida Industrial Development Corporation.....</b>	<b>4</b>		

**COMMITTEE & SUBCOMMITTEE AGENDA INDEX**

<b>HB 105 Open House Parties.....</b>	<b>4</b>	<b>HB 4033 Florida Industrial Development Corporation .....</b>	<b>4</b>
<b>HB 1021 Labor and Employment.....</b>	<b>4</b>	<b>HB 4067 Residence of Clerk of the Circuit Court .....</b>	<b>4</b>
<b>HB 4001 Growth Policy .....</b>	<b>4</b>	<b>HB 4077 Transportation Corridors .....</b>	<b>4</b>
<b>HB 4007 Driver Licenses .....</b>	<b>4</b>	<b>HB 4081 Repeal of Obsolete Insurance Provisions .....</b>	<b>4</b>
<b>HB 4009 Outdoor Theaters .....</b>	<b>4</b>	<b>HB 4083 Workers' Compensation.....</b>	<b>4</b>
<b>CS/HB 4013 Television Picture Tubes .....</b>	<b>4</b>	<b>CS/HB 4099 Repeal of Property and Casualty Insurance</b>	
<b>HB 4019 Traffic Offenses .....</b>	<b>4</b>	<b>Provisions .....</b>	<b>4</b>
<b>HB 4021 Water Vending Machines .....</b>	<b>4</b>	<b>HB 4115 Powers of the Consumer Advocate .....</b>	<b>4</b>
<b>HB 4023 Sales Representative Contracts Involving</b>		<b>HB 4121 Clove Cigarettes .....</b>	<b>4</b>
<b>Commissions.....</b>	<b>4</b>	<b>HB 4129 Residential Property Structural Soundness</b>	
<b>HB 4029 Transportation Corporations .....</b>	<b>4</b>	<b>Evaluation Grant Program.....</b>	<b>4</b>
<b>HB 4031 Local Government Services.....</b>	<b>4</b>	<b>HB 7019 Education Personnel.....</b>	<b>4</b>

**BILL INDEX BY CALENDAR**

**Bills and Joint Resolutions on Third Reading**

SB 1204 Joint Legislative Organizations .....6                      CS/CS/HB 7005 Unemployment Compensation ..... 6

**Special Order Calendar for Thursday, March 10, 2011**

SB 916 Official Florida Statutes.....8                      HB 7007 Florida Statutes ..... 7  
SB 924 Florida Statutes .....7                              HB 7009 Florida Statutes ..... 7  
SB 944 Florida Statutes .....7                              HB 7011 Florida Statutes ..... 7  
SB 946 Florida Statutes .....7                              HB 7013 Official Florida Statutes ..... 8

**Bills and Joint Resolutions on Second Reading**

HB 93 Security Cameras .....9                              HB 7003 Affordable Housing..... 9  
HB 7001 Growth Management .....9

## HOUSE SPONSOR INDEX

CB---Claim Bill Calendar  
 CC---Consent Calendar  
 CA---Committee Agenda Calendar  
 LB---Local Bill Calendar

HR---House Resolution Calendar  
 SO---Special Order Calendar  
 PSO--Pending Special Order Calendar  
 2R---Second Reading Calendar  
 3R---Third Reading Calendar

**Representative Albritton**  
 HB 4083 Workers' Compensation .....4

**Representative Artiles**  
 HB 4121 Clove Cigarettes .....4

**Representative Aubuchon**  
 HB 7007 (SO) Florida Statutes .....7  
 HB 7009 (SO) Florida Statutes .....7  
 HB 7011 (SO) Florida Statutes .....7  
 HB 7013 (SO) Official Florida Statutes .....8

**Representative Crisafulli**  
 HB 4129 Residential Property Structural Soundness  
 Evaluation Grant Program .....4

**Representative Diaz**  
 HB 4001 Growth Policy .....4

**Representative Dorworth**  
 HB 1021 Labor and Employment .....4  
 HB 4031 Local Government Services .....4  
 HB 4033 Florida Industrial Development Corporation.....4  
 HB 4077 Transportation Corridors .....4

**Representative Eisnaugle**  
 CS/HB 4013 Television Picture Tubes.....4

**Representative Fresen**  
 HB 7019 Education Personnel .....4

**Representative Goodson**  
 HB 105 Open House Parties .....4

**Representative Holder**  
 CS/CS/HB 7005 (3R) Unemployment Compensation .....6

**Representative Horner**  
 HB 4029 Transportation Corporations .....4  
 HB 4081 Repeal of Obsolete Insurance Provisions.....4

**Representative McBurney**  
 HB 4067 Residence of Clerk of the Circuit Court.....4

**Representative Nelson**  
 CS/HB 4099 Repeal of Property and Casualty Insurance  
 Provisions.....4

**Representative Plakon**  
 HB 4023 Sales Representative Contracts Involving  
 Commissions .....4  
 HB 4115 Powers of the Consumer Advocate .....4

**Representative Steube**  
 HB 93 (2R) Security Cameras .....9

**Representative Workman**  
 HB 4007 Driver Licenses .....4  
 HB 4009 Outdoor Theaters .....4  
 HB 4019 Traffic Offenses.....4  
 HB 4021 Water Vending Machines .....4  
 HB 7001 (2R) Growth Management .....9  
 HB 7003 (2R) Affordable Housing .....9

**Senator Thrasher**  
 SB 916 Official Florida Statutes.....8  
 SB 924 Florida Statutes .....7  
 SB 944 Florida Statutes .....7  
 SB 946 Florida Statutes .....7  
 SB 1204 (3R) Joint Legislative Organizations .....6



# Journal of the Senate

Number 5—Regular Session

Tuesday, March 15, 2011

## CONTENTS

Bills on Third Reading . . . . .	217
Call to Order . . . . .	217
Co-Introducers . . . . .	229
Committee Substitutes, First Reading . . . . .	227
Motions Relating to Committee Reference . . . . .	225
Reports of Committees . . . . .	226
Special Guests . . . . .	219
Special Order Calendar . . . . .	223
Trust Fund Bill Calendar . . . . .	219

## CALL TO ORDER

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

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Bullard	Joyner	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Negron	
Fasano	Norman	

## PRAYER

The following prayer was offered by Chief Bobby Johns Bearheart, Perdido Bay Tribe of Lower Muscogee Creek Indians, Pensacola:

God grant these devoted legislators, and the adjoining house, the strength of the eagle's wings, the faith and courage to fly to new heights, and the wisdom to rely on his spirit to carry them through the challenges they are charged with.

Almighty God, He-sa-ke-tv-me-see, Master Giver and Taker of Breath, illuminate their path as they seek justice for the people with dignity. Hear our prayer and evermore. Amen.

## PLEDGE

Senate Pages Tucker O'Neill of Ocala; Brad Webster of Winter Haven; Dylan Brandenburg of North Palm Beach; Jordan Lulich of Sebastian; and Dominique McCloud of Miami, 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. Steven Kailes of Jacksonville, sponsored by Senator Wise, as doctor of the day. Dr. Kailes specializes in Emergency Medicine.

## BILLS ON THIRD READING

**CS for SJR 958**—A joint resolution proposing an amendment to Section 1 of Article VII and the creation of Section 19 of Article VII and Section 32 of Article XII of the State Constitution to replace the existing state revenue limitation with a new state revenue limitation based on inflation and population changes.

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

That the following amendment to Section 1 of Article VII and the creation of Section 19 of Article VII and Section 32 of Article XII of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

### ARTICLE VII

#### FINANCE AND TAXATION

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

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

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

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

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

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



~~means taxes, fees, licenses, and charges for services imposed by the legislature on individuals, businesses, or agencies outside state government. However, "state revenues" does not include: revenues that are necessary to meet the requirements set forth in documents authorizing the issuance of bonds by the state; revenues that are used to provide matching funds for the federal Medicaid program with the exception of the revenues used to support the Public Medical Assistance Trust Fund or its successor program and with the exception of state matching funds used to fund elective expansions made after July 1, 1994; proceeds from the state lottery returned as prizes; receipts of the Florida Hurricane Catastrophe Fund; balances carried forward from prior fiscal years; taxes, licenses, fees, and charges for services imposed by local, regional, or school district governing bodies; or revenue from taxes, licenses, fees, and charges for services required to be imposed by any amendment or revision to this constitution after July 1, 1994. An adjustment to the revenue limitation shall be made by general law to reflect the fiscal impact of transfers of responsibility for the funding of governmental functions between the state and other levels of government. The legislature shall, by general law, prescribe procedures necessary to administer this subsection.~~

*SECTION 19. State revenue limitation.—*

*(a) STATE REVENUE LIMITATION.—Except as provided in this section, state revenues collected in any fiscal year are limited as follows:*

*(1) For the 2014-2015 fiscal year, state revenues are limited to an amount equal to the state revenues collected during the 2013-2014 fiscal year multiplied by the sum of the adjustment for growth plus four one-hundredths.*

*(2) For the 2015-2016 fiscal year, state revenues are limited to an amount equal to the state revenue limitation for fiscal year 2014-2015 multiplied by the sum of the adjustment for growth plus three one-hundredths.*

*(3) For the 2016-2017 fiscal year, state revenues are limited to an amount equal to the state revenue limitation for fiscal year 2015-2016 multiplied by the sum of the adjustment for growth plus two one-hundredths.*

*(4) For the 2017-2018 fiscal year, state revenues are limited to an amount equal to the state revenue limitation for fiscal year 2016-2017 multiplied by the sum of the adjustment for growth plus one one-hundredth.*

*(5) For the 2018-2019 fiscal year and thereafter, state revenues are limited to an amount equal to the state revenue limitation for the previous fiscal year multiplied by the adjustment for growth.*

*(6) The adjustment for growth for a fiscal year shall be determined by March 1 preceding the fiscal year using the latest information available. Once the adjustment for growth is determined for a fiscal year, it may not be changed based on revisions to the information used to make the determination.*

*(b) REVENUES IN EXCESS OF THE LIMITATION.—State revenues collected in any fiscal year in excess of the revenue limitation shall be transferred to the budget stabilization fund until the fund reaches the maximum balance specified in Section 19(g) of Article III, and thereafter shall be used for the support and maintenance of public schools by reducing the minimum financial effort required from school districts for participation in a state-funded education finance program, or, if the minimum financial effort is no longer required, returned to taxpayers as provided by general law.*

*(c) AUTHORITY OF THE LEGISLATURE TO INCREASE THE REVENUE LIMITATION.—*

*(1) The state revenue limitation for any fiscal year may be increased by a two-thirds vote of the membership of each house of the legislature. Unless otherwise provided by the bill increasing the revenue limitation,*

*the increased revenue limitation enacted under this paragraph shall be used to determine the revenue limitation for future fiscal years.*

*(2) The state revenue limitation for any one fiscal year may be increased by a three-fifths vote of the membership of each house of the legislature. Increases to the revenue limitation enacted under this paragraph must be disregarded when determining the revenue limitation in subsequent fiscal years.*

*(3) A bill increasing the revenue limitation may not contain any other subject and must set forth the dollar amount by which the state revenue limitation will be increased. The vote may not be taken less than seventy-two hours after the third reading in either house of the legislature of the bill in the form that will be presented to the governor.*

*(d) AUTHORITY OF THE ELECTORS TO INCREASE THE REVENUE LIMITATION.—The legislature may propose an increase in the state revenue limitation pursuant to a concurrent resolution enacted by a three-fifths vote of the membership of each house. The proposed increase shall be submitted to the electors at the next general election held more than ninety days after the resolution is filed with the custodian of state records. However, the legislature may submit the proposed increase at an earlier special election held more than ninety days after it is filed with the custodian of state records pursuant to a law enacted by the affirmative vote of three-fourths of the membership of each house of the legislature. The resolution must set forth the dollar amount by which the state revenue limitation will be increased. Unless otherwise provided in the resolution, the increased revenue limitation shall be used to determine the revenue limitation for future fiscal years. The proposed increase shall take effect if it is approved by a vote of at least 60 percent of the electors voting on the matter.*

*(e) REVENUE LIMIT ADJUSTMENT BY THE LEGISLATURE.—The legislature shall provide by general law for adjustments to the state revenue limitation to reflect:*

*(1) The fiscal impact of transfers of responsibility for the funding of governmental functions between the state and other levels of government occurring after May 6, 2011; or*

*(2) The fiscal impact of a new federal mandate.*

*(f) GENERAL LAW IMPLEMENTATION.—The legislature shall, by general law, prescribe procedures necessary to administer this section.*

*(g) DEFINITIONS.—As used in this section, the term:*

*(1) "Adjustment for growth" means an amount equal to the average for the previous five years of the product of the inflation factor and the population factor.*

*(2) "Inflation factor" means an amount equal to one plus the percent change in the calendar year annual average of the Consumer Price Index. The term "Consumer Price Index" means the Consumer Price Index for All Urban Consumers, U.S. city average (not seasonally adjusted, current base for all items), as published by the United States Department of Labor. In the event the index ceases to exist, the legislature shall determine the successor index by general law.*

*(3) "Population factor" means an amount equal to one plus the percent change in population of the state as of April 1 compared to April 1 of the prior year. For purposes of calculating the annual rate of change in population, the state's official population estimates shall be used.*

*(4) "State revenues" means taxes, fees, licenses, fines, and charges for services imposed by the legislature on individuals, businesses, or agencies outside state government. However, the term "state revenues" does not include: revenues that are necessary to meet the requirements set forth in documents authorizing the issuance of bonds by the state for bonds issued before July 1, 2012; revenues that are used to provide matching funds for the federal Medicaid program with the exception of the revenues used to support the Public Medical Assistance Trust Fund or its successor program and with the exception of state matching funds used to fund optional expansions made after July 1, 1994; proceeds from the state lottery returned as prizes; receipts of the Florida Hurricane Catastrophe Fund*

and Citizens Property Insurance Corporation; receipts of public universities and colleges; balances carried forward from prior fiscal years; taxes, fees, licenses, fines, and charges for services imposed by local, regional, or school district governing bodies; or revenue from taxes, fees, licenses, fines, and charges for services authorized by any amendment or revision to this constitution after May 6, 2011.

ARTICLE XII

SCHEDULE

SECTION 32. State revenue limitation.—The amendment to Section 1 and the creation of Section 19 of Article VII, revising the state revenue limitation, and this section take effect upon approval by the electors and apply beginning in the 2014-2015 state fiscal year.

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

ARTICLE VII, SECTIONS 1 and 19

ARTICLE XII, SECTION 32

CONSTITUTIONAL AMENDMENT

STATE GOVERNMENT REVENUE LIMITATION.—This proposed amendment to the State Constitution replaces the existing state revenue limitation based on Florida personal income growth with a new state revenue limitation based on inflation and population changes. Under the amendment, state revenues, as defined in the amendment, collected in excess of the revenue limitation must be deposited into the budget stabilization fund until the fund reaches its maximum balance, and thereafter shall be used for the support and maintenance of public schools by reducing the minimum financial effort required from school districts for participation in a state-funded education finance program, or, if the minimum financial effort is no longer required, returned to the taxpayers. The Legislature may increase the state revenue limitation through a bill approved by a super majority vote of each house of the Legislature. The Legislature may also submit a proposed increase in the state revenue limitation to the voters. The Legislature must implement this proposed amendment by general law. The amendment will take effect upon approval by the electors and will first apply to the 2014-2015 state fiscal year.

—was read the third time in full.

On motion by Senator Bogdanoff, CS for SJR 958 was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—27

Table with 3 columns: Mr. President, Fasano, Montford, Alexander, Flores, Negron, Altman, Gaetz, Norman, Benacquisto, Garcia, Oelrich, Bennett, Gardiner, Richter, Bogdanoff, Hays, Simmons, Dean, Jones, Storms, Diaz de la Portilla, Latvala, Thrasher, Evers, Lynn, Wise

Nays—13

Table with 3 columns: Braynon, Joyner, Siplin, Bullard, Margolis, Smith, Detert, Rich, Sobel, Dockery, Ring, Hill, Sachs

SPECIAL GUESTS

Senator Rich recognized former Senator Ron Silver and his daughter, Elaine Hollander, and granddaughter, Kayla, who were present in the gallery.

TRUST FUND BILL CALENDAR

SB 1038—A bill to be entitled An act relating to trust funds; creating s. 17.67, F.S.; creating the Federal Grants Trust Fund within the Department of Financial Services; providing for the purpose of the trust fund and sources of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title. On motions by Senator Hays, by two-thirds vote SB 1038 was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—39

Table with 3 columns: Mr. President, Fasano, Negron, Alexander, Flores, Norman, Altman, Gaetz, Oelrich, Benacquisto, Garcia, Rich, Bennett, Gardiner, Richter, Bogdanoff, Hays, Ring, Braynon, Hill, Sachs, Bullard, Jones, Siplin, Dean, Joyner, Smith, Detert, Latvala, Sobel, Diaz de la Portilla, Lynn, Storms, Dockery, Margolis, Thrasher, Evers, Montford, Wise

Nays—None

Vote after roll call:

Yea—Simmons

SB 1040—A bill to be entitled An act relating to trust funds; amending s. 455.116, F.S.; providing a statutory reference for the trust fund created by the act; creating s. 499.0031, F.S.; creating the Florida Drug, Device, and Cosmetic Trust Fund within the Department of Business and Professional Regulation; providing for the purpose of the trust fund and sources of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title. On motions by Senator Hays, by two-thirds vote SB 1040 was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—39

Table with 3 columns: Mr. President, Flores, Norman, Alexander, Gaetz, Oelrich, Altman, Garcia, Rich, Benacquisto, Gardiner, Richter, Bennett, Hays, Ring, Bogdanoff, Hill, Sachs, Braynon, Jones, Simmons, Bullard, Joyner, Siplin, Dean, Latvala, Smith, Diaz de la Portilla, Lynn, Sobel, Dockery, Margolis, Storms, Evers, Montford, Thrasher, Fasano, Negron, Wise

Nays—None

Vote after roll call:

Yea—Detert

SB 1030—A bill to be entitled An act relating to trust funds; terminating specified trust funds within the Department of Financial Services; providing for the disposition of balances in and revenues of such

trust funds; prescribing procedures for the termination of such trust funds; providing an effective date.

—was read the second time by title. On motions by Senator Hays, by two-thirds vote **SB 1030** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Bullard	Joyner	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Negron	
Fasano	Norman	

Nays—None

**SB 1044**—A bill to be entitled An act relating to trust funds; terminating the International Registration Clearing Trust Fund within the Department of Highway Safety and Motor Vehicles; providing for the disposition of balances in and revenues of the trust fund; prescribing procedures for terminating the trust fund; repealing s. 2(4)(a), ch. 2004-235, Laws of Florida, relating to an exemption from termination provided for the trust fund; providing an effective date.

—was read the second time by title. On motions by Senator Gaetz, by two-thirds vote **SB 1044** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Bullard	Joyner	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Negron	
Fasano	Norman	

Nays—None

**SB 1012**—A bill to be entitled An act relating to trust funds; re-creating the State Attorneys Revenue Trust Fund within the Justice Administrative Commission without modification; repealing s. 27.367(2), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was read the second time by title. On motions by Senator Fasano, by two-thirds vote **SB 1012** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Altman	Bennett
Alexander	Benacquisto	Bogdanoff

Braynon	Hays	Richter
Bullard	Hill	Ring
Dean	Jones	Sachs
Detert	Joyner	Simmons
Diaz de la Portilla	Latvala	Siplin
Dockery	Lynn	Smith
Evers	Margolis	Sobel
Fasano	Montford	Storms
Flores	Negron	Thrasher
Gaetz	Norman	Wise
Garcia	Oelrich	
Gardiner	Rich	

Nays—None

**SB 1014**—A bill to be entitled An act relating to trust funds; re-creating the Public Defenders Revenue Trust Fund within the Justice Administrative Commission without modification; repealing s. 27.61(2), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was read the second time by title. On motions by Senator Fasano, by two-thirds vote **SB 1014** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Bullard	Joyner	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Negron	
Fasano	Norman	

Nays—None

**SB 1016**—A bill to be entitled An act relating to trust funds; re-creating the Indigent Civil Defense Trust Fund within the Justice Administrative Commission without modification; repealing s. 27.5111(2), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was read the second time by title. On motions by Senator Fasano, by two-thirds vote **SB 1016** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Negron
Alexander	Flores	Norman
Altman	Gaetz	Oelrich
Benacquisto	Garcia	Rich
Bennett	Gardiner	Richter
Bogdanoff	Hays	Ring
Braynon	Hill	Sachs
Bullard	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher

Wise

Nays—None

**SB 1018**—A bill to be entitled An act relating to trust funds; re-creating the State Courts Revenue Trust Fund within the state courts system without modification; repealing s. 29.22(2), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was read the second time by title. On motions by Senator Fasano, by two-thirds vote **SB 1018** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Bullard	Joyner	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Negron	
Fasano	Norman	

Nays—None

**SB 1020**—A bill to be entitled An act relating to trust funds; re-creating the Federal Grants Trust Fund within the Department of Legal Affairs without modification; repealing s. 20.112(3), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was read the second time by title. On motions by Senator Fasano, by two-thirds vote **SB 1020** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Bullard	Joyner	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Negron	
Fasano	Norman	

Nays—None

**SB 1022**—A bill to be entitled An act relating to trust funds; re-creating the Operating Trust Fund within the Department of Legal Affairs without modification; repealing s. 20.111(3), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was read the second time by title. On motions by Senator Fasano, by two-thirds vote **SB 1022** was read the third time by title, passed by the

required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Bullard	Joyner	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Negron	
Fasano	Norman	

Nays—None

**SB 1024**—A bill to be entitled An act relating to trust funds; re-creating the Federal Grants Trust Fund within the Department of Juvenile Justice without modification; repealing s. 20.3161(3), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was read the second time by title. On motions by Senator Fasano, by two-thirds vote **SB 1024** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Bullard	Joyner	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Negron	
Fasano	Norman	

Nays—None

**SB 1026**—A bill to be entitled An act relating to trust funds; re-creating the Operating Trust Fund within the Department of Education without modification; repealing s. 1001.281(4), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was read the second time by title. On motions by Senator Simmons, by two-thirds vote **SB 1026** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Bullard	Flores
Alexander	Dean	Gaetz
Altman	Detert	Garcia
Benacquisto	Diaz de la Portilla	Gardiner
Bennett	Dockery	Hays
Bogdanoff	Evers	Hill
Braynon	Fasano	Jones

Joyner	Oelrich	Smith
Latvala	Rich	Sobel
Lynn	Richter	Storms
Margolis	Ring	Thrasher
Montford	Sachs	Wise
Negron	Simmons	
Norman	Siplin	

Nays—None

**SB 1028**—A bill to be entitled An act relating to trust funds; re-creating the Administrative Trust Fund within the Department of Education without modification; repealing s. 1001.282(4), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was read the second time by title. On motions by Senator Simmons, by two-thirds vote **SB 1028** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Bullard	Joyner	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Negron	
Fasano	Norman	

Nays—None

**SB 1032**—A bill to be entitled An act relating to trust funds; re-creating the Federal Grants Trust Fund within the Department of Environmental Protection without modification; repealing s. 20.25501(3), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was read the second time by title. On motions by Senator Hays, by two-thirds vote **SB 1032** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Bullard	Joyner	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Negron	
Fasano	Norman	

Nays—None

**SB 1034**—A bill to be entitled An act relating to trust funds; re-creating the Federal Grants Trust Fund within the Department of Revenue without modification; repealing s. 215.197(3), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was read the second time by title. On motions by Senator Hays, by two-thirds vote **SB 1034** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Bullard	Joyner	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Negron	
Fasano	Norman	

Nays—None

**SB 1036**—A bill to be entitled An act relating to trust funds; re-creating and renaming the Operations Trust Fund within the Department of Revenue; repealing s. 215.198(3), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was read the second time by title. On motions by Senator Hays, by two-thirds vote **SB 1036** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Bullard	Joyner	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Negron	
Fasano	Norman	

Nays—None

**SB 1042**—A bill to be entitled An act relating to trust funds; re-creating the Federal Grants Trust Fund within the Department of Highway Safety and Motor Vehicles without modification; repealing s. 20.241(3), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was read the second time by title. On motions by Senator Gaetz, by two-thirds vote **SB 1042** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Bullard	Joyner	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Negron	
Fasano	Norman	

Nays—None

**SPECIAL ORDER CALENDAR**

On motion by Senator Richter—

**CS for SB 142**—A bill to be entitled An act relating to negligence; amending s. 768.81, F.S.; defining the terms “negligence action” and “products liability action”; requiring the trier of fact to consider the fault of all persons who contributed to an accident when apportioning damages in a products liability action alleging an additional or enhanced injury; providing legislative intent to overrule a judicial opinion; providing a legislative finding that fault should be apportioned among all responsible persons in a products liability action; providing for retroactive application of the act; providing a legislative finding that the retroactive application of the act does not impair vested rights; providing an effective date.

—was read the second time by title.

**MOTION**

On motion by Senator Simmons, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Simmons moved the following amendment which was adopted:

**Amendment 1 (506090) (with title amendment)**—Delete lines 73-77 and insert: *received by a claimant in an accident were enhanced by a defective product, the trier of fact shall consider the fault of all persons who contributed to the accident when apportioning fault between or among them. The jury shall be appropriately instructed by the trial judge on the apportionment of fault in products liability actions where there are allegations that the injuries received by the claimant in an accident were enhanced by a defective product. The rules of evidence apply to these actions.*

And the title is amended as follows:

Delete lines 7 and 8 and insert: *in a products liability action alleging an enhanced injury; requiring the jury instructions to apportion certain fault in a products liability action; providing the rules of evidence apply; providing legislative intent to*

**MOTION**

On motion by Senator Simmons, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Simmons moved the following amendment:

**Amendment 2 (832304) (with title amendment)**—Delete lines 24-39 and insert:

(a) *“Accident” means the events and actions that relate to the incident as well as those events and actions that relate to the alleged defect or injuries, including enhanced injuries.*

(b) *“Economic damages” means past lost income and future lost income reduced to present value; medical and funeral expenses; lost support and services; replacement value of lost personal property; loss of appraised fair market value of real property; costs of construction repairs, including labor, overhead, and profit; and any other economic loss that which would not have occurred but for the injury giving rise to the cause of action.*

(c) *“Negligence action” means, without limitation, a civil action for damages based upon a theory of negligence; strict liability; products liability; or professional malpractice, whether couched in terms of contract, tort, or breach of warranty and like theories. The substance of an action, not conclusory terms used by a party, determines whether an action is a negligence action.*

(d) *“Products liability action” means a civil action based*

And the title is amended as follows:

Delete line 3 and insert: F.S.; defining the terms “accident,” “negligence action,” and

**MOTION**

On motion by Senator Richter, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Richter moved the following amendment to **Amendment 2** which was adopted:

**Amendment 2A (113628)**—Delete lines 17-19 and insert: *action for damages based upon a theory of negligence, strict liability, products liability, professional malpractice whether couched in terms of contract or tort, or breach of*

**Amendment 2** as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 142** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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Consideration of **CS for SM 214** was deferred.

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On motion by Senator Alexander, by unanimous consent—

**SB 298**—A bill to be entitled An act relating to municipal governing body meetings; creating s. 166.0213, F.S.; authorizing the governing bodies of certain municipalities to hold meetings within specified boundaries; providing an effective date.

—was taken up out of order and read the second time by title.

Pursuant to Rule 4.19, **SB 298** was placed on the calendar of Bills on Third Reading.

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**CS for SM 214**—A memorial to the Congress of the United States, urging Congress to support the tax-relief provisions of H.R. 5699 and S. 3934, initiated in the 111th Congress, or similar legislation, relating to the Deepwater Horizon Oil Spill of 2010.

WHEREAS, on April 20, 2010, an explosion occurred on the Deepwater Horizon oil drilling platform, allowing millions of gallons of crude oil to contaminate the waters of the Gulf of Mexico and the beaches and coastline of Florida, and

WHEREAS, the oil spill forced the closure of many areas of the Gulf of Mexico to commercial fishing, creating financial hardship for Floridians engaged in fishing and the related industries of seafood processing, seafood packaging, and the wholesale and retail sales of seafood, and

WHEREAS, the oil spill forced the closure of many miles of pristine, white, sandy public beaches in Florida, depositing tar balls and oily sheen on the beaches and threatening tidal marshes and bays elsewhere in Florida, and

WHEREAS, closure of the beaches and Gulf waters created financial hardships for the state’s hospitality industry, particularly in Northwest

Florida, during its most profitable time of the year, NOW, THEREFORE,

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

That certain provisions of H.R. 5699 and S. 3934, initiated in the 111th Congress, or similar legislation, which address tax relief for affected businesses and individuals and which would be most beneficial to Floridians should be approved by Congress. These provisions are: exempting from federal taxation as income any insurance payouts arising from the oil spill and payments for damages attributable to the oil spill under s. 1002 of the Oil Pollution Act of 1990, 33 U.S.C. 2702, which were reinvested in the Oil Spill Recovery Zone; recognizing any taxpayer who has a qualified oil-spill loss as eligible to use the federal 5-year net operating loss carryback for federal tax purposes; exempting from federal taxation the housing stipends paid to persons who are employed in the cleanup efforts, and awarding a tax credit to employers who paid the stipends; awarding an Employee Retention Tax Credit to qualified employers in the affected Gulf Coast area; waiving the tax penalty on early withdrawals of certain retirement plans if the proceeds are used as specified; relaxing the cap on federal deductions for charitable contributions dedicated to the cleanup efforts; and awarding a Work Opportunity Tax Credit for the hiring of qualified recovery zone employees.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

—was read the second time in full. On motion by Senator Gaetz, **CS for SM 214** was adopted and certified to the House.

**SM 216**—A memorial to the Congress of the United States, urging Congress to exempt from federal income tax payments made to victims of the Deepwater Horizon oil disaster and to extend the net operating loss carryback period from 2 years to 5 years.

WHEREAS, there was an explosion at the Deepwater Horizon oil rig the night of April 20, 2010, and

WHEREAS, the explosion caused hundreds of millions of gallons of oil to spill into the Gulf of Mexico and wash up on the coastlines of the five Gulf Coast states, and

WHEREAS, this man-made disaster has spoiled Florida's coastline and waterways and devastated its fishing and tourism industries, and

WHEREAS, this man-made disaster has directly resulted in the loss of jobs and business for Floridians, and

WHEREAS, in June 2010, a preliminary study by the University of Central Florida predicted job losses of 195,000 and spending losses of \$10.9 billion if Florida's 23 counties along the Gulf Coast lose 50 percent of their tourism and leisure jobs and spending, and

WHEREAS, that preliminary study also predicted job losses of 39,000 and spending losses of \$2 billion if those same counties lose 10 percent of their tourism and leisure jobs and spending, and

WHEREAS, under the Oil Pollution Act of 1990 and other applicable laws, BP has been designated as a responsible party and is accountable for processing and paying all costs and applicable damages incurred by individuals, businesses, the state, and local governments as a result of the disaster, and

WHEREAS, in late August, a neutral fund administrator took over claims for costs and damages incurred as a result of the oil discharges due to the Deepwater Horizon oil disaster through the Gulf Coast Claims Facility, to be paid from an escrow account to which BP has agreed to contribute \$20 billion over a 4-year period, and

WHEREAS, the Gulf Coast Claims Facility evaluates claims for removal and clean-up costs, damage to real or personal property, lost earnings or profits, loss of subsistence use of natural resources, or physical injury or death, and

WHEREAS, the Internal Revenue Service has determined that claims paid for lost wages, income, and profits, as well as claims paid for certain property damage, are subject to federal income tax, NOW, THEREFORE,

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

That the Legislature requests the United States Congress to enact legislation that:

(1) Exempts from federal income tax those claim payments made to individuals and businesses as a result of the Deepwater Horizon oil disaster for:

- (a) Lost wages, income, and profits; and
- (b) Property damage.

(2) Allows fishing- and tourism-related businesses to carry back their net operating losses from the oil disaster for an additional 3 taxable years.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

—was read the second time in full. On motion by Senator Gaetz, **SM 216** was adopted and certified to the House.

**SM 218**—A memorial to the Congress of the United States, urging Congress to dedicate penalties collected from parties responsible for the Deepwater Horizon oil disaster to repairing the environmental and economic damage caused by the disaster.

WHEREAS, on the night of April 20, 2010, there was an explosion at the Deepwater Horizon oil rig which caused at least 170 million gallons of oil to spill into the Gulf of Mexico over the course of several months and wash up onto the coastlines of the five Gulf states, and

WHEREAS, this man-made disaster spoiled portions of Florida's coastline and waterways and devastated its fishing and tourism industries, and

WHEREAS, this man-made disaster has directly resulted in the loss of jobs and business for Floridians, and

WHEREAS, a preliminary study by the University of Central Florida predicted job losses of 195,000 and spending losses of \$10.9 billion if Florida's 23 counties along the Gulf Coast lose 50 percent of their tourism and leisure jobs and spending, and

WHEREAS, that preliminary study also predicted job losses of 39,000 and spending losses of \$2 billion if those same counties lose 10 percent of their tourism and leisure jobs and spending, and

WHEREAS, despite clean-up efforts, oil remains buried in the sand on the Gulf states' coastlines and in the waters offshore, and

WHEREAS, the amount of oil remaining in the Gulf waters is still unknown and some researchers have discovered oil below the sea's surface, including on the ocean floor, and

WHEREAS, although seafood caught off of Florida's coast is safe to eat and approximately 90 percent of the fishing closures in federal waters have been lifted, the long-term effect on the Gulf's sea life is still unknown, and

WHEREAS, under current law, any civil penalties recovered pursuant to the Clean Water Act must be deposited into the Oil Spill Liability Trust Fund to be used for clean-up and response efforts for future oil spills, and

WHEREAS, United States Secretary of the Navy, Ray Mabus, recommended that Congress dedicate a significant portion of any civil penalties recovered under the Clean Water Act to providing assistance

for the region where the damage from the disaster occurred, NOW, THEREFORE,

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

That the Legislature requests the United States Congress to enact legislation that permits any civil penalties recovered under the Clean Water Act due to the Deepwater Horizon oil disaster to be distributed in the following manner:

- (1) Deposited into a newly created Gulf Coast Recovery Fund, which is managed by a Gulf Coast Recovery Council and used to provide assistance for long-term environmental and economic recovery in the Gulf;
- (2) Directed to the five Gulf states to enable each state to pursue its own recovery efforts; and
- (3) Deposited into the Oil Spill Liability Trust Fund for future recovery efforts.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

—was read the second time in full. On motion by Senator Gaetz, **SM 218** was adopted and certified to the House.

**SM 220**—A memorial to the Congress of the United States, urging Congress to enact a law providing unemployment assistance for individuals who become unemployed as a result of an oil spill.

WHEREAS, there was an explosion at the Deepwater Horizon oil rig the night of April 20, 2010, and

WHEREAS, the explosion caused hundreds of millions of gallons of oil to spill into the Gulf of Mexico and wash up on the coastlines of the five Gulf states, and

WHEREAS, this man-made disaster has spoiled Florida’s coastline and waterways and devastated its fishing and tourism industries, and

WHEREAS, this man-made disaster has directly resulted in the loss of jobs for Floridians, and

WHEREAS, many of these individuals were self-employed or independent contractors, and as such do not qualify for unemployment compensation benefits, and

WHEREAS, the federal Disaster Unemployment Assistance Program benefits individuals who become unemployed only as a direct result of a disaster declared by the President of the United States pursuant to the Robert T. Stafford Disaster Relief and Emergency Act of 1974, and assistance paid under the act may be invoked only for natural disasters, NOW, THEREFORE,

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

That the Legislature requests the United States Congress to enact legislation that creates an Oil Spill Unemployment Assistance Program to provide income assistance to individuals who are unemployed as a result of a spill of national significance and who are not entitled to any other unemployment compensation, the cost of which shall be borne by responsible parties under the Oil Pollution Act.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

—was read the second time in full. On motion by Senator Gaetz, **SM 220** was adopted and certified to the House.

On motion by Senator Gaetz—

**CS for CS for CS for SB 248**—A bill to be entitled An act relating to economic recovery from the Deepwater Horizon disaster; amending s. 14.2015, F.S.; defining the term “Disproportionally Affected County”; creating a process for the Office of Tourism, Trade, and Economic Development to waive any or all job or wage eligibility requirements under certain circumstances when in the best interest of the public; amending s. 220.191, F.S.; waiving the requirement that a facility located in a Disproportionally Affected County be in a high-impact sector in order to qualify for the capital investment tax credit; amending s. 288.106, F.S.; creating a process for the Office of Tourism, Trade, and Economic Development to waive wage or local financial support eligibility requirements; providing a special incentive under the tax refund program for a limited time for a qualified target industry business that relocates from another state to a Disproportionally Affected County; creating s. 252.363, F.S.; tolling and extending the expiration dates of certain building permits or other authorizations following the declaration of a state of emergency by the Governor; providing exceptions; providing for the laws, administrative rules, and ordinances in effect when the permit was issued to apply to activities described in a permit or other authorization; providing an exception; amending s. 253.02, F.S.; requiring the Board of Trustees of the Internal Improvement Trust Fund to recommend to the Legislature whether existing multistate compacts for mutual aid should be modified or if a new multistate compact is necessary to address the Deepwater Horizon event or similar future incidents; requiring that the Board of Trustees of the Internal Improvement Trust Fund appoint members to the Commission on Oil Spill Response Coordination; providing for the designation of the chair of the commission by the Governor; requiring the commission to prepare a report for review and approval by the board of trustees; specifying the subject matter of the report; providing for future expiration; defining the term “Disproportionally Affected County”; providing an appropriation to the Office of Tourism, Trade, and Economic Development to contract with Florida’s Great Northwest, Inc., in order to develop and implement an economic development program for a Disproportionally Affected County; specifying a preference for a Disproportionally Affected County or municipalities within a Disproportionally Affected County which provide for expedited or combined permitting for certain purposes; providing for the appropriation to be placed in reserve by the Executive Office of the Governor for release as authorized by law or the Legislative Budget Commission; defining the term “Disproportionally Affected County”; providing for the deposit of funds received by entities involved in the Deepwater Horizon oil spill into applicable state trust funds; specifying permissible uses of such funds; designating the Department of Environmental Protection as the lead agency for expending funds for environmental restoration; designating the Office of Tourism, Trade, and Economic Development as the lead agency for funds designated for economic incentives and diversification efforts; authorizing the holder of a lease of sovereignty submerged lands to apply to the Department of Environmental Protection for the payment or the reimbursement of lease fees for the period of the state of emergency for the Deepwater Horizon oil spill; specifying conditions for eligibility; requiring an application to the Department of Environmental Protection; requiring the Chief Financial Officer to use the full extent of the law to recover payments from the responsible party or other independently administered claims process; providing a short title for certain sections of the act; providing an effective date.

—was read the second time by title.

**SENATOR FASANO PRESIDING**

**THE PRESIDENT PRESIDING**

Pursuant to Rule 4.19, **CS for CS for CS for SB 248** was placed on the calendar of Bills on Third Reading.

**MOTIONS RELATING TO COMMITTEE REFERENCE**

On motion by Senator Bennett, by two-thirds vote **SB 136** and **SB 640** were withdrawn from the committees of reference and further consideration.



On motion by Senator Sachs, by two-thirds vote **SB 802** was withdrawn from the committees of reference and further consideration.

On motion by Senator Thrasher, by two-thirds vote **SB 1846** was withdrawn from further consideration.

On motion by Senator Thrasher, by two-thirds vote **SB 1322** was withdrawn from the Committee on Governmental Oversight and Accountability and referred to the Committees on Rules Subcommittee on Ethics and Elections; Rules; and Budget; **SB 1360** was withdrawn from the Committee on Commerce and Tourism and referred to the Committees on Banking and Insurance; Regulated Industries; and Budget; **SJR 1672** was withdrawn from the Committee on Rules Subcommittee on Ethics and Elections and referred to the Committees on Judiciary; Rules Subcommittee on Ethics and Elections; Rules; and Budget; **SB 1750** was withdrawn from the Committees on Health Regulation; and Criminal Justice and referred to the Committees on Banking and Insurance; and Budget; and **SB 1758** was withdrawn from the Committee on Health Regulation and referred to the Committees on Agriculture; Community Affairs; and Budget.

## REPORTS OF COMMITTEES

Pursuant to Rule 4.17(1), the Special Order Calendar Group submits the following bills to be placed on the Trust Fund Bill Calendar for Tuesday, March 15, 2011: SB 1038, SB 1040, SB 1030, SB 1044, SB 1012, SB 1014, SB 1016, SB 1018, SB 1020, SB 1022, SB 1024, SB 1026, SB 1028, SB 1032, SB 1034, SB 1036, SB 1042.

Respectfully submitted,  
*John Thrasher*, Chair

Pursuant to Rule 4.17(1), the Special Order Calendar Group submits the following bills to be placed on the Special Order Calendar for Tuesday, March 15, 2011: CS for SM 214, SM 216, SM 218, SM 220, CS for CS for SB 248, SB 298.

Respectfully submitted,  
*John Thrasher*, Chair

The Committee on Health Regulation recommends the following pass: SB 1414

**The bill was referred to the Committee on Banking and Insurance under the original reference.**

The Committee on Children, Families, and Elder Affairs recommends the following pass: CS for SB 138; SB 586; SB 912

The Committee on Community Affairs recommends the following pass: SB 510; SB 634; SB 638

The Committee on Criminal Justice recommends the following pass: SB 118; CS for SB 246

The Committee on Governmental Oversight and Accountability recommends the following pass: SB 636

The Committee on Health Regulation recommends the following pass: SB 446

The Committee on Judiciary recommends the following pass: CS for SB 400

**The bills contained in the foregoing reports were referred to the Committee on Budget under the original reference.**

The Committee on Judiciary recommends the following pass: SM 954

**The bill was referred to the Committee on Children, Families, and Elder Affairs under the original reference.**

The Committee on Communications, Energy, and Public Utilities recommends the following pass: SB 1164

The Committee on Community Affairs recommends the following pass: SB 994 with 1 amendment

**The bills contained in the foregoing reports were referred to the Committee on Commerce and Tourism under the original reference.**

The Committee on Health Regulation recommends the following pass: SB 1226

**The bill was referred to the Committee on Criminal Justice under the original reference.**

The Committee on Communications, Energy, and Public Utilities recommends the following pass: SB 770; SB 772

**The bills were referred to the Committee on Environmental Preservation and Conservation under the original reference.**

The Committee on Children, Families, and Elder Affairs recommends the following pass: SB 1192

**The bill was referred to the Committee on Health Regulation under the original reference.**

The Committee on Health Regulation recommends the following pass: SB 626

**The bill was referred to the Committee on Higher Education under the original reference.**

The Committee on Community Affairs recommends the following pass: SB 1144

The Committee on Criminal Justice recommends the following pass: SB 240; SB 888 with 1 amendment; SB 1092

The Committee on Health Regulation recommends the following pass: SJR 1538

**The bills contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.**

The Committee on Governmental Oversight and Accountability recommends the following pass: SM 358

**The bill was referred to the Committee on Rules under the original reference.**

The Committee on Judiciary recommends the following pass: CS for SB 146; SB 344

**The bills were placed on the Calendar.**

The Committee on Higher Education recommends a committee substitute for the following: SB 1194

**The bill with committee substitute attached was referred to the Committee on Children, Families, and Elder Affairs under the original reference.**

The Committee on Children, Families, and Elder Affairs recommends committee substitutes for the following: SB 516; SB 1412

The Committee on Community Affairs recommends a committee substitute for the following: SB 830

**The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on Governmental Oversight and Accountability under the original reference.**

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The Committee on Children, Families, and Elder Affairs recommends a committee substitute for the following: SB 1366

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1086

**The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on Health Regulation under the original reference.**

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The Committee on Community Affairs recommends a committee substitute for the following: SJR 658

The Committee on Criminal Justice recommends committee substitutes for the following: SB 234; SB 438

**The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.**

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The Committee on Health Regulation recommends a committee substitute for the following: SB 1228

**The bill with committee substitute attached was referred to the Committee on Military Affairs, Space, and Domestic Security under the original reference.**

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The Committee on Community Affairs recommends a committee substitute for the following: SB 582

**The bill with committee substitute attached was referred to the Committee on Regulated Industries under the original reference.**

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The Committee on Children, Families, and Elder Affairs recommends a committee substitute for the following: SB 1140

**The bill with committee substitute attached was referred to the Committee on Transportation under the original reference.**

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The Committee on Judiciary recommends the following not pass: SB 262

**The bill was laid on the table.**

**COMMITTEE SUBSTITUTES**

**FIRST READING**

By the Committee on Criminal Justice; and Senators Evers, Dockery, Lynn, Hays, Norman, Negron, and Garcia—

**CS for SB 234**—A bill to be entitled An act relating to firearms; amending s. 790.06, F.S.; providing that a person in compliance with the terms of a concealed carry license may carry openly notwithstanding specified provisions; allowing the Division of Licensing of the Department of Agriculture and Consumer Services to take fingerprints from concealed carry license applicants; providing that concealed carry licenses shall not be prohibited from carrying or storing a firearm in a vehicle for lawful purposes; repealing s. 790.28, F.S., relating to the purchase of rifles and shotguns in contiguous states; amending s. 790.065, F.S.; providing that specified provisions do not apply to certain firearms transactions by a resident of this state which take place in another state; providing an effective date.

By the Committee on Criminal Justice; and Senator Hill—

**CS for SB 438**—A bill to be entitled An act relating to injunctions for protection against domestic violence, repeat violence, sexual violence, or dating violence; amending ss. 741.30 and 784.046, F.S.; subject to available funding, directing the Florida Association of Court Clerks and Comptrollers to develop an automated process by which a petitioner for an injunction for protection may request notification of service of the injunction or notice of other court actions related to the injunction; requiring that notice be given to the petitioner within a specified time; providing for the content of the notice; providing an effective date.

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By the Committee on Children, Families, and Elder Affairs; and Senator Garcia—

**CS for SB 516**—A bill to be entitled An act relating to autism; creating the Autism Spectrum Disorder Study Committee to study autism spectrum disorder in families in which English is the second language; providing for membership, meetings, and duties; prohibiting committee members from receiving compensation for their services; authorizing certain funding for publications, subject to approval of the State Surgeon General; requiring a report to the Governor and Legislature; providing for expiration of the committee; providing an effective date.

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By the Committee on Community Affairs; and Senator Detert—

**CS for SB 582**—A bill to be entitled An act relating to local business taxes; amending s. 205.022, F.S.; defining the term “independent contractor”; creating s. 205.066, F.S.; exempting an individual engaging in or managing a business in an individual capacity as an employee from requirements related to local business taxes; specifying that an individual licensed and operating as a broker associate or sales associate is an employee; specifying that an independent contractor is not an employee; prohibiting a local governing authority from holding an exempt employee liable for the failure of a principal or employer to comply with certain obligations related to a local business tax or requiring an exempt employee to take certain actions related to a local business tax; prohibiting a local governing authority from requiring a principal or employer to provide personal or contact information for exempt individuals in order to obtain a local business tax receipt; amending s. 205.194, F.S.; requiring a person applying for or renewing a local business tax receipt to engage in or manage any business or occupation regulated by a state agency to exhibit proof of an active registration or license; providing for online renewals; deleting obsolete provisions; deleting a requirement that the Department of Business and Professional Regulation provide certain professional regulation information to local officials who issue business tax receipts; deleting a provision prohibiting a local official who issues business tax receipts from renewing a license under certain circumstances; providing an effective date.

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By the Committee on Community Affairs; and Senator Fasano—

**CS for SJR 658**—A joint resolution proposing amendments to Sections 4 and 6 of Article VII and the creation of Sections 32 and 33 of Article XII of the State Constitution to prohibit increases in the assessed value of homestead property if the just value of the property decreases, reduce the limitation on annual assessment increases applicable to nonhomestead real property, provide an additional homestead exemption for owners of homestead property who have not owned homestead property for a specified time before purchase of the current homestead property, and application and limitations with respect thereto, and provide effective dates.

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By the Committee on Community Affairs; and Senators Thrasher and Gaetz—

**CS for SB 830**—A bill to be entitled An act relating to labor and employment; amending s. 110.114, F.S.; prohibiting a state agency from deducting from employee wages the dues, uniform assessments, fines, penalties, or special assessments of an employee organization or contributions made for purposes of political activity; amending s. 112.171, F.S.; prohibiting a county, municipality, or other local governmental entity from deducting from employee wages the dues, uniform assess-

ments, fines, penalties, or special assessments of an employee organization or contributions made for purposes of political activity; creating s. 447.18, F.S.; prohibiting labor organizations from collecting dues, assessments, fines, or penalties without written authorization; providing for a refund to employees who have not given a written authorization in certain situations; requiring that the labor organization provide notice of such contributions and expenditures; prohibiting a labor organization from requiring an employee to authorize the collection of funds for political contributions and expenditures as a condition of membership in the organization; amending s. 447.303, F.S.; prohibiting a public employer from deducting or collecting from employee wages the dues, uniform assessments, fines, penalties, or special assessments of an employee organization; amending s. 447.507, F.S., relating to violation of the strike prohibition; conforming provisions to changes made by the act; providing for severability; providing for prospective application; providing an effective date.

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By the Committee on Criminal Justice; and Senator Hill—

**CS for SB 1086**—A bill to be entitled An act relating to the restraint of incarcerated pregnant women; providing a short title; defining terms; prohibiting use of restraints on a prisoner known to be pregnant during labor, delivery, and postpartum recovery unless a corrections official makes an individualized determination that the prisoner presents an extraordinary circumstance requiring restraints; providing that a doctor, nurse, or other health care professional treating the prisoner may request that restraints not be used, in which case the corrections officer or other official accompanying the prisoner shall remove all restraints; requiring that any restraint applied must be done in the least restrictive manner necessary; requiring the corrections official to make written findings within 10 days as to the extraordinary circumstance that dictated the use of restraints; restricting the use of waist, wrist, or leg and ankle restraints during the third trimester of pregnancy or when requested by a doctor, nurse, or other health care professional treating the prisoner; providing that the use of restraints at any time after it is known that a prisoner is pregnant must be by the least restrictive manner necessary in order to mitigate the possibility of adverse clinical consequences; requiring that the findings be kept on file by the correctional institution or detention facility for at least 5 years and be made available for public inspection under certain circumstances; authorizing any woman who is restrained in violation of the act to file a complaint within a specified period; providing that these remedies do not prevent a woman harmed from filing a complaint under any other relevant provision of federal or state law; directing the Department of Corrections and the Department of Juvenile Justice to adopt rules; requiring correctional institutions and detention facilities to inform female prisoners of the rules upon admission, include the policies and practices in the prisoner handbook, and post the policies and practices in the correctional institution or detention facility; requiring the Secretary of Corrections, the Secretary of Juvenile Justice, and county and municipal corrections officials to annually file written reports with the Executive Office of the Governor detailing each incident of restraint in violation of law or as an authorized exception; providing an effective date.

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By the Committee on Children, Families, and Elder Affairs; and Senator Sachs—

**CS for SB 1140**—A bill to be entitled An act relating to child care facilities; providing a short title; amending s. 402.305, F.S.; requiring vehicles used by child care facilities and large family child care homes to be equipped with an alarm system that prompts the driver to inspect the vehicle for children before exiting the vehicle; requiring the Department of Children and Family Services to adopt rules and maintain a list of approved alarm systems; providing an effective date.

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By the Committee on Higher Education; and Senator Oelrich—

**CS for SB 1194**—A bill to be entitled An act relating to postsecondary education; amending s. 1004.68, F.S.; deleting provisions relating to the use of test scores for assessment of college-level communication and computation skills; amending s. 1007.01, F.S.; providing legislative intent and requirements relating to articulation; requiring the establishment of the Articulation Coordinating Committee and providing its responsibilities; amending s. 1007.25, F.S.; deleting provisions relating to the CLAST and authorized examinations that demonstrate mastery of

certain academic competencies; revising degree requirements; amending ss. 1007.264 and 1007.265, F.S.; deleting provisions that exclude students with intellectual disabilities from eligibility for substitute requirements for admission to or graduation from a public postsecondary educational institution; amending s. 1008.30, F.S.; revising requirements of the common placement testing program; requiring access to approved remedial instruction; requiring rules for remediation opportunities, retesting, and academic competencies; requiring that students be advised of academic requirements, financial aid eligibility, and certain costs; amending s. 1008.345, F.S.; deleting Department of Education duties relating to tests and assessment procedures that measure student achievement of college-level communication and computation skills; amending s. 1008.38, F.S.; revising and conforming provisions relating to the articulation process; amending s. 1009.534, F.S.; revising provisions relating to approval of community service work for eligibility for the Florida Academic Scholars award; amending ss. 1001.64 and 1011.30, F.S.; removing provisions requiring that a budget of a community college be transmitted to the Department of Education for approval; amending ss. 467.009 and 1012.56, F.S.; deleting provisions relating to the CLAST; repealing s. 6 of chapter 2006-58, Laws of Florida; abrogating the repeal of s. 1004.226, F.S., which created the 21st Century World Class Scholars Program; providing an effective date.

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By the Committee on Health Regulation; and Senator Altman—

**CS for SB 1228**—A bill to be entitled An act relating to temporary certificates and licenses for certain health care practitioners; amending s. 456.024, F.S.; providing for issuance of a temporary license to specified health care practitioners who are spouses of active duty members of the Armed Forces under certain circumstances; providing for criminal history checks; providing fees; providing for expiration of a temporary license; requiring a person who is issued a temporary license to be subject to certain general licensing requirements; amending ss. 458.315 and 459.0076, F.S.; naming the temporary certificates issued to physicians who practice in areas of critical need after Rear Admiral LeRoy Collins, Jr.; providing an effective date.

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By the Committee on Children, Families, and Elder Affairs; and Senator Storms—

**CS for SB 1366**—A bill to be entitled An act relating to administrative monitoring of providers of child welfare services, mental health services, and substance abuse services; amending s. 402.7306, F.S.; requiring the Department of Children and Family Services, the Department of Health, the Agency for Persons with Disabilities, the Agency for Health Care Administration, community-based care lead agencies, managing entities, and their contracted monitoring agents to adopt certain revised policies for the administrative monitoring of providers of child welfare services, mental health services, and substance abuse services; conforming provisions to changes made by the act; providing an effective date.

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By the Committee on Children, Families, and Elder Affairs; and Senator Storms—

**CS for SB 1412**—A bill to be entitled An act relating to the Department of Children and Family Services; amending s. 20.04, F.S.; changing the name of the department to the Department of Children and Families; authorizing the department to establish circuits and regions headed by circuit administrators and regional directors; amending s. 20.19, F.S.; revising provisions relating to the establishment of the department; providing for operating units known as circuits and regions based on judicial circuits; deleting provisions relating to the program directors for mental health and substance abuse, the service districts, the membership of community alliances, and the prototype region; amending ss. 20.43, 39.01, and 394.78, F.S.; conforming cross-references; repealing s. 402.35, F.S., relating to the application of Department of Management Services' rules; amending s. 420.622, F.S.; deleting the requirement for the Governor to appoint an executive director to the State Office on Homelessness; providing for legislation to conform the Florida Statutes to changes made by the act; providing an effective date.

**CORRECTION AND APPROVAL OF JOURNAL**

The Journals of March 10 and March 14 were corrected and approved.

**CO-INTRODUCERS**

Senators Braynon—CS for SB 146; Bullard—CS for SB 146; Fasano—SB 1184; Flores—SB 1110; Gaetz—SB 1590, SB 1872; Hill—CS for SB 146; Jones—SCR 286; Joyner—CS for SB 146, CS for SB 400; Latvala—CS for SB 650, SB 832; Negron—SB 130, SB 508; Siplin—CS for SB 146; Sobel—SB 626; Thrasher—SB 1524

Senator Hays withdrew as introducer of SB 1830. Senator Wise was recorded as introducer of SB 1830.

Senator Braynon withdrew as introducer of SB 2026. Senator Sachs was recorded as introducer of SB 2026.

**RECESS**

On motion by Senator Thrasher, the Senate recessed at 11:52 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Wednesday, March 16 or upon call of the President.

# JOURNAL OF THE SENATE

## Daily Numeric Index for

March 15, 2011

BA — Bill Action  
BP — Bill Passed  
CO — Co-Introducers  
CR — Committee Report

CS — Committee Substitute, First Reading  
FR — First Reading  
MO — Motion  
RC — Reference Change

<b>SB 118</b> .....	(CR) 226	<b>SB 1012</b> .....	(BA) 220, (BP) 220, (CR) 226
<b>SB 130</b> .....	(CO) 229	<b>SB 1014</b> .....	(BA) 220, (BP) 220, (CR) 226
<b>SB 136</b> .....	(MO) 225	<b>SB 1016</b> .....	(BA) 220, (BP) 220, (CR) 226
<b>CS/SB 138</b> .....	(CR) 226	<b>SB 1018</b> .....	(BA) 221, (BP) 221, (CR) 226
<b>CS/SB 142</b> .....	(BA) 223	<b>SB 1020</b> .....	(BA) 221, (BP) 221, (CR) 226
<b>CS/SB 146</b> .....	(CR) 226, (CO) 229	<b>SB 1022</b> .....	(BA) 221, (BP) 221, (CR) 226
<b>CS/SM 214</b> .....	(BA) 223, (BP) 224, (CR) 226	<b>SB 1024</b> .....	(BA) 221, (BP) 221, (CR) 226
<b>SM 216</b> .....	(BA) 224, (BP) 224, (CR) 226	<b>SB 1026</b> .....	(BA) 221, (BP) 221, (CR) 226
<b>SM 218</b> .....	(BA) 224, (BP) 225, (CR) 226	<b>SB 1028</b> .....	(BA) 222, (BP) 222, (CR) 226
<b>SM 220</b> .....	(BA) 225, (BP) 225, (CR) 226	<b>SB 1030</b> .....	(BA) 219, (BP) 220, (CR) 226
<b>CS/SB 234</b> .....	(CS) 227	<b>SB 1032</b> .....	(BA) 222, (BP) 222, (CR) 226
<b>SB 234</b> .....	(CR) 227	<b>SB 1034</b> .....	(BA) 222, (BP) 222, (CR) 226
<b>SB 240</b> .....	(CR) 226	<b>SB 1036</b> .....	(BA) 222, (BP) 222, (CR) 226
<b>CS/SB 246</b> .....	(CR) 226	<b>SB 1038</b> .....	(BA) 219, (BP) 219, (CR) 226
<b>CS/CS/CS/SB 248</b> .....	(BA) 225, (CR) 226	<b>SB 1040</b> .....	(BA) 219, (BP) 219, (CR) 226
<b>SB 262</b> .....	(CR) 227	<b>SB 1042</b> .....	(BA) 222, (BP) 222, (CR) 226
<b>SCR 286</b> .....	(CO) 229	<b>SB 1044</b> .....	(BA) 220, (BP) 220, (CR) 226
<b>SB 298</b> .....	(BA) 223, (CR) 226	<b>CS/SB 1086</b> .....	(CS) 228
<b>SB 344</b> .....	(CR) 226	<b>SB 1086</b> .....	(CR) 227
<b>SM 358</b> .....	(CR) 226	<b>SB 1092</b> .....	(CR) 226
<b>CS/SB 400</b> .....	(CR) 226, (CO) 229	<b>SB 1110</b> .....	(CO) 229
<b>CS/SB 438</b> .....	(CS) 227	<b>CS/SB 1140</b> .....	(CS) 228
<b>SB 438</b> .....	(CR) 227	<b>SB 1140</b> .....	(CR) 227
<b>SB 446</b> .....	(CR) 226	<b>SB 1144</b> .....	(CR) 226
<b>SB 508</b> .....	(CO) 229	<b>SB 1164</b> .....	(CR) 226
<b>SB 510</b> .....	(CR) 226	<b>SB 1184</b> .....	(CO) 229
<b>CS/SB 516</b> .....	(CS) 227	<b>SB 1192</b> .....	(CR) 226
<b>SB 516</b> .....	(CR) 226	<b>CS/SB 1194</b> .....	(CS) 228
<b>CS/SB 582</b> .....	(CS) 227	<b>SB 1194</b> .....	(CR) 226
<b>SB 582</b> .....	(CR) 227	<b>SB 1226</b> .....	(CR) 226
<b>SB 586</b> .....	(CR) 226	<b>CS/SB 1228</b> .....	(CS) 228
<b>SB 626</b> .....	(CR) 226, (CO) 229	<b>SB 1228</b> .....	(CR) 227
<b>SB 634</b> .....	(CR) 226	<b>SB 1322</b> .....	(MO) 226
<b>SB 636</b> .....	(CR) 226	<b>SB 1360</b> .....	(MO) 226
<b>SB 638</b> .....	(CR) 226	<b>CS/SB 1366</b> .....	(CS) 228
<b>SB 640</b> .....	(MO) 225	<b>SB 1366</b> .....	(CR) 227
<b>CS/SB 650</b> .....	(CO) 229	<b>CS/SB 1412</b> .....	(CS) 228
<b>CS/SJR 658</b> .....	(CS) 227	<b>SB 1412</b> .....	(CR) 226
<b>SJR 658</b> .....	(CR) 227	<b>SB 1414</b> .....	(CR) 226
<b>SB 770</b> .....	(CR) 226	<b>SB 1524</b> .....	(CO) 229
<b>SB 772</b> .....	(CR) 226	<b>SJR 1538</b> .....	(CR) 226
<b>SB 802</b> .....	(MO) 226	<b>SB 1590</b> .....	(CO) 229
<b>CS/SB 830</b> .....	(CS) 227	<b>SJR 1672</b> .....	(MO) 226
<b>SB 830</b> .....	(CR) 226	<b>SB 1750</b> .....	(MO) 226
<b>SB 832</b> .....	(CO) 229	<b>SB 1758</b> .....	(MO) 226
<b>SB 888</b> .....	(CR) 226	<b>SB 1830</b> .....	(CO) 229
<b>SB 912</b> .....	(CR) 226	<b>SB 1846</b> .....	(MO) 226
<b>SM 954</b> .....	(CR) 226	<b>SB 1872</b> .....	(CO) 229
<b>CS/SJR 958</b> .....	(BA) 217, (BP) 219	<b>SB 2026</b> .....	(CO) 229
<b>SB 994</b> .....	(CR) 226		



# The Journal OF THE House of Representatives

Number 6

Tuesday, March 15, 2011

The House was called to order by the Speaker at 2:45 p.m.

## Prayer

The following prayer was offered by Chaplain Robert Jakoby of Baptist Health South Florida, upon invitation of Rep. Bileca:

Good afternoon, Heavenly Father. I thank You for the beautiful day that You've given to us. Even though the day is so beautiful, our society and maybe even our own lives may be a wreck.

Dear God, You know the worldwide financial, moral, and ethical crisis we are in today. I confess to You that we have made a mess of the things through our own wisdom and greed. Often we have left You out of the equation of our life and our families and our businesses and our schools. We have frequently relied upon science and technology and psychology to fill the eternal longings within that which only You can fill.

Precious Father, I am asking You to open each of our hearts and minds to know Your way of doing things—that they really are better than our way, that Your way gives us an inner peace and strength that cannot be found anywhere else. Give us, I pray, a new awareness of Your knowledge and wisdom and the desire to honor You in every area of our life. Please help us. Help us to understand more fully that You are Sovereign and You long to give us insight and solutions to get us out of the financial and the moral and the ethical mess in which we find ourselves.

Dear God, I pray specifically for each member of the House of Representatives. And Lord, You know the monumental, overwhelming tasks, and responsibility that are theirs, especially the budget crisis they are facing. God, this is so difficult and complex for them, but not for You. Help them. Help them to know that You already have the best solutions needed and I ask that You share that knowledge and insights with them.

Loving God, bless and keep Governor Scott and each of the elected officials and their families safe from all harm.

It is in Your precious and Holy Name I pray. Amen.

The following members were recorded present:

Session Vote Sequence: 34

Speaker Cannon in the Chair.

Abruzzo	Artiles	Berman	Boyd
Adkins	Aubuchon	Bernard	Brandes
Ahern	Baxley	Bileca	Brodeur
Albritton	Bembry	Bovo	Broxson

Bullard	Gonzalez	Moraitis	Saunders
Burgin	Goodson	Nehr	Schenck
Caldwell	Grant	Nelson	Schwartz
Campbell	Grimsley	Núñez	Slosberg
Cannon	Hager	O'Toole	Smith
Chestnut	Harrell	Pafford	Snyder
Clarke-Reed	Harrison	Passidomo	Soto
Clemens	Holder	Patronis	Stafford
Coley	Hooper	Perman	Stargel
Corcoran	Horner	Perry	Steinberg
Costello	Hudson	Pilon	Steube
Crisafulli	Hukill	Plakon	Taylor
Cruz	Ingram	Porter	Thompson, G.
Davis	Jenne	Porth	Thurston
Diaz	Jones	Precourt	Tobia
Dorworth	Julien	Proctor	Trujillo
Drake	Kiar	Randolph	Van Zant
Eisnaugle	Kreegel	Ray	Waldman
Ford	Kriseman	Reed	Watson
Fresen	Legg	Rehwinkel	Vasilinda
Frishe	Logan	Renuart	Weinstein
Fullwood	Lopez-Cantera	Roberson, K.	Williams, A.
Gaetz	Mayfield	Rogers	Williams, T.
Garcia	McBurney	Rooney	Wood
Gibbons	McKeel	Rouson	Workman
Glorioso	Metz	Sands	Young

A quorum was present.

## Pledge

The members, led by the following, pledged allegiance to the Flag: Michael Anderson of Lakeland at the invitation of Rep. McKeel; Taryn Armstrong-Jackson of Pembroke Pines at the invitation of Rep. Bullard; Ian Campbell of Lakeland at the invitation of the Speaker; Natalia Cooper of Delray Beach at the invitation of Rep. Bernard; James Donlon of New Port Richey at the invitation of Rep. Legg; Blake Foreman of Jacksonville at the invitation of Rep. Goodson; Samantha Gomez of Weston at the invitation of Rep. Sands; Alexandra Holian of Coral Gables at the invitation of Rep. Lopez-Cantera; and Daniel Mayer of Boynton Beach at the invitation of Rep. Berman.

## House Physician

The Speaker introduced Dr. Steven Kailes of Jacksonville, who served in the Clinic today upon invitation of Rep. Renuart.

## Correction of the Journal

The *Journal* of March 11 was corrected and approved as follows: On page 214, column 2, line 21 from the bottom, delete "First reading by publication (Art. III, s. 7, Florida Constitution)."

And on page 215, column 2, between lines 2 and 3 from the top, insert "First reading by publication (Art. III, s. 7, Florida Constitution)."

## Reports of Standing Committees and Subcommittees

### Reports of the Rules & Calendar Committee

*The Honorable Dean Cannon*

March 11, 2011

*Speaker, House of Representatives*

*Dear Mr. Speaker:*

Your Rules & Calendar Committee herewith submits the Special Order for Tuesday, March 15, 2011. Consideration of the House bills on Special Orders shall include the Senate Companion measures on the House Calendar.

#### I. Consideration of the following bills:

HB 7001 - Community & Military Affairs Subcommittee, Workman Growth Management

HB 7003 - Community & Military Affairs Subcommittee, Workman Affordable Housing

HB 93 - Steube, Boyd, & others Security Cameras

CS/HB 7019 - Education Committee, K-20 Competitiveness Subcommittee, & others Education Personnel

CS for CS for SB 736 - Budget, Education Pre-K - 12, & others Education Personnel

A quorum was present in person, and a majority of those present agreed to the above Report.

Respectfully submitted,  
*Gary Aubuchon*, Chair  
Rules & Calendar Committee

On motion by Rep. Aubuchon, the above report was adopted.

### Motion

On motion by Rep. Waldman, Rule 10.12 was waived for the purpose of establishing the procedures for debate on third reading of CS/CS/SB 736.

Final debate on third reading of CS/CS/SB 736 on the floor on Wednesday, March 16, 2011 shall be limited to no more than the time specified below, with the time equally divided between the Majority and Minority parties in 15 minute blocks. From this allotted time, the Speaker's floor manager will open and close each bill. The floor manager shall designate time to open and close, not to exceed 7.5 minutes each, and communicate that time to the Clerk. After opening the bill, the floor managers from the Majority and Minority parties shall be alternately recognized until their time runs out. Time not utilized is lost.

The Minority Leader and the Speaker may each designate one floor manager. The floor managers may speak in debate and yield time to other Members to debate. Recognitions of floor managers must go through the Speaker. A Member may not be recognized more than once in debate on the bill.

No Member may be recognized for debate unless a floor manager yields time to that Member.

*There will be no other debate on CS/CS/SB 736 on March 16, 2011.*

The time limitations for the bill is as follows:

CS/CS/SB 736	3 hours per side/ 6 hours total
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On motion by Rep. Waldman, the rules were waived and the above special floor procedure was adopted by the required two-thirds vote.

## Special Orders

**HB 7001**—A bill to be entitled An act relating to growth management; reenacting s. 1, chapter 2009-96, Laws of Florida, relating to a short title; reenacting s. 163.3164(29) and (34), F.S., relating to the definition of "urban service area" and "dense urban land area" for purposes of the Local Government Comprehensive Planning and Land Development Regulation Act; reenacting s. 163.3177(3)(b) and (f), (6)(h), and (12)(a) and (j), F.S., relating to certain required and optional elements of a comprehensive plan; reenacting s. 163.3180(5), (10), and (13)(b) and (e), F.S., relating to concurrency requirements for transportation facilities; reenacting s. 163.31801(3)(d), F.S., relating to a required notice for a new or increased impact fee; reenacting s. 163.3184(1)(b) and (3)(e), F.S., relating to the process for adopting a comprehensive plan or plan amendment; reenacting s. 163.3187(1)(b), (f), and (q), F.S., relating to amendments to a comprehensive plan; reenacting s. 163.32465(2), F.S., relating to a pilot program to provide an alternative to the state review process for local comprehensive plans; reenacting s. 171.091, F.S., relating to the recording of any change in municipal boundaries; reenacting s. 186.509, F.S., relating to a dispute resolution process for reconciling differences concerning planning and growth management issues; reenacting s. 380.06(7)(a), (24), (28), and (29), F.S., relating to preapplication procedures and certain exemptions from review provided for proposed developments of regional impact; reenacting ss. 13, 14, and 34 of chapter 2009-96, Laws of Florida, relating to a study and report concerning a mobility fee, the extension and renewal of certain permits issued by the Department of Environmental Protection or a water management district, and a statement of important state interest; providing a legislative finding of important state interest; providing for retroactive operation of the act with respect to provisions of law amended or created by chapter 2009-96, Laws of Florida; providing for an exception under specified circumstances; providing an effective date.

—was read the second time by title.

Representative Saunders offered the following:

(Amendment Bar Code: 890879)

**Amendment 1 (with title amendment)** Remove everything after the enacting clause and insert:

Section 1. Subsection (31) of section 163.3164, Florida Statutes, is amended to read:

163.3164 Local Government Comprehensive Planning and Land Development Regulation Act; definitions.—As used in this act:

(31) "~~Optional~~ Sector plan" means ~~the an~~ optional process authorized by s. 163.3245 in which one or more local governments by agreement with the state land planning agency are allowed to address development-of-regional-impact issues within certain designated geographic areas identified in the local comprehensive plan as a means of fostering innovative planning and development strategies in s. 163.3177(11)(a) and (b), furthering the purposes of this part and part I of chapter 380, reducing overlapping data and analysis requirements, protecting regionally significant resources and facilities, and addressing extrajurisdictional impacts. The term includes an optional sector plan that was adopted pursuant to the optional sector plan program.

Section 2. Paragraph (d) of subsection (15) of section 163.3177, Florida Statutes, is amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(15)

(d) This subsection does not apply to a ~~an optional~~ sector plan adopted pursuant to s. 163.3245, a rural land stewardship area designated pursuant to subsection (11), or any comprehensive plan amendment that includes an inland port terminal or affiliated port development.

Section 3. Paragraph (a) of subsection (12) of section 163.3180, Florida Statutes, is amended to read:

163.3180 Concurrence.—

(12)(a) A development of regional impact may satisfy the transportation concurrency requirements of the local comprehensive plan, the local government's concurrency management system, and s. 380.06 by payment of a proportionate-share contribution for local and regionally significant traffic impacts, if:

1. The development of regional impact which, based on its location or mix of land uses, is designed to encourage pedestrian or other nonautomotive modes of transportation;

2. The proportionate-share contribution for local and regionally significant traffic impacts is sufficient to pay for one or more required mobility improvements that will benefit a regionally significant transportation facility;

3. The owner and developer of the development of regional impact pays or assures payment of the proportionate-share contribution; and

4. If the regionally significant transportation facility to be constructed or improved is under the maintenance authority of a governmental entity, as defined by s. 334.03(12), other than the local government with jurisdiction over the development of regional impact, the developer is required to enter into a binding and legally enforceable commitment to transfer funds to the governmental entity having maintenance authority or to otherwise assure construction or improvement of the facility.

The proportionate-share contribution may be applied to any transportation facility to satisfy the provisions of this subsection and the local comprehensive plan, but, for the purposes of this subsection, the amount of the proportionate-share contribution shall be calculated based upon the cumulative number of trips from the proposed development expected to reach roadways during the peak hour from the complete buildout of a stage or phase being approved, divided by the change in the peak hour maximum service volume of roadways resulting from construction of an improvement necessary to maintain the adopted level of service, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted level of service. For purposes of this subsection, "construction cost" includes all associated costs of the improvement. Proportionate-share mitigation shall be limited to ensure that a development of regional impact meeting the requirements of this subsection mitigates its impact on the transportation system but is not responsible for the additional cost of reducing or eliminating backlogs. This subsection also applies to Florida Quality Developments pursuant to s. 380.061 and to detailed specific area plans implementing ~~optional~~ sector plans pursuant to s. 163.3245.

Section 4. Paragraph (c) of subsection (11) of section 163.3184, Florida Statutes, is amended to read:

163.3184 Process for adoption of comprehensive plan or plan amendment.—

(11) ADMINISTRATION COMMISSION.—

(c) The sanctions provided by paragraphs (a) and (b) shall not apply to a local government regarding any plan amendment, except for plan amendments that amend plans that have not been finally determined to be in compliance with this part, and except as provided in s. 163.3189(2) or s. 163.3191(9)(14).

Section 5. Section 163.3191, Florida Statutes, is amended to read:

163.3191 Evaluation and appraisal of comprehensive plan.—

(1) The planning program shall be a continuous and ongoing process. Each local government shall ~~prepare~~ prepare an evaluation and appraisal report once every 7 years assessing the progress in implementing the local government's comprehensive plan unless:

(a) The local government has issued development orders for residential units comprised of less than 10 percent of the local government's residential development capacity at the time it last submitted amendments based on an evaluation and appraisal report pursuant to subsection (8);

(b) The local government has not adopted amendments to its comprehensive plan that increase the local government's residential development capacity by 10 percent or more since it last submitted amendments based on an evaluation and appraisal report pursuant to subsection (8); and

(c) Based on resident population estimates supplied by the University of Florida, Bureau of Economic and Business Research, or the Executive Office of the Governor, the local government demonstrates that its population has not increased by more than 10 percent since it last submitted amendments based on an evaluation and appraisal report pursuant to subsection (8).

~~(2) Furthermore,~~ It is the intent of this section that:

(a) Adopted comprehensive plans be reviewed through such evaluation process to respond to changes in state, regional, and local policies on planning and growth management and changing conditions and trends, to ensure effective intergovernmental coordination, and to identify major issues regarding the community's achievement of its goals.

(b) After completion of the initial evaluation and appraisal report and any supporting plan amendments, each subsequent evaluation and appraisal report must evaluate the comprehensive plan in effect at the time of the initiation of the evaluation and appraisal report process.

(c) Local governments identify the major issues, if applicable, with input from state agencies, regional agencies, adjacent local governments, and the public in the evaluation and appraisal report process. It is also the intent of this section to establish minimum requirements for information to ensure predictability, certainty, and integrity in the growth management process. The report is intended to serve as a summary audit of the actions that a local government has undertaken and identify changes that it may need to make. The report should be based on the local government's analysis of major issues to further the community's goals consistent with statewide minimum standards. The report is not intended to require a comprehensive rewrite of the elements within the local plan, unless a local government chooses to do so.

~~(3)(2)~~ The report shall present an evaluation and assessment of the comprehensive plan and the local government is encouraged to include ~~shall contain~~ appropriate statements to update the comprehensive plan, including, but not limited to, words, maps, illustrations, or other media, related to:

(a) Population growth and changes in land area, including annexation, since the adoption of the original plan or the most recent update amendments.

(b) The extent of vacant and developable land.

(c) The financial feasibility of implementing the comprehensive plan and of providing needed infrastructure to achieve and maintain adopted level-of-service standards and sustain concurrency management systems through the capital improvements element, as well as the ability to address infrastructure backlogs and meet the demands of growth on public services and facilities.

(d) The location of existing development in relation to the location of development as anticipated in the original plan, or in the plan as amended by the most recent evaluation and appraisal report update amendments, such as within areas designated for urban growth.

(e) An identification of the major issues for the jurisdiction and, where pertinent, the potential social, economic, and environmental impacts.

(f) Relevant changes to the state comprehensive plan, the requirements of this part, the minimum criteria contained in chapter 9J-5, Florida Administrative Code, and the appropriate strategic regional policy plan since the adoption of the original plan or the most recent evaluation and appraisal report update amendments.

(g) An assessment of whether the plan objectives within each element, as they relate to major issues, have been achieved. The report shall include, as appropriate, an identification as to whether unforeseen or unanticipated changes in circumstances have resulted in problems or opportunities with respect to major issues identified in each element and the social, economic, and environmental impacts of the issue.

(h) A brief assessment of successes and shortcomings related to each element of the plan.



(i) The identification of any actions or corrective measures, including whether plan amendments are anticipated to address the major issues identified and analyzed in the report. Such identification shall include, as appropriate, new population projections, new revised planning timeframes, a revised future conditions map or map series, an updated capital improvements element, and any new and revised goals, objectives, and policies for major issues identified within each element. This paragraph ~~does shall~~ not require the submittal of the plan amendments with the evaluation and appraisal report.

(j) A summary of the public participation program and activities undertaken by the local government in preparing the report.

(k) The coordination of the comprehensive plan with existing public schools and those identified in the applicable educational facilities plan adopted pursuant to s. 1013.35. The assessment shall address, where relevant, the success or failure of the coordination of the future land use map and associated planned residential development with public schools and their capacities, as well as the joint decisionmaking processes engaged in by the local government and the school board in regard to establishing appropriate population projections and the planning and siting of public school facilities. For those counties or municipalities that do not have a public schools interlocal agreement or public school facilities element, the assessment shall determine whether the local government continues to meet the criteria of s. 163.3177(12). If the county or municipality determines that it no longer meets the criteria, it must adopt appropriate school concurrency goals, objectives, and policies in its plan amendments pursuant to the requirements of the public school facilities element, and enter into the existing interlocal agreement required by ss. 163.3177(6)(h)2. and 163.3177 in order to fully participate in the school concurrency system.

(l) The extent to which the local government has been successful in identifying alternative water supply projects and traditional water supply projects, including conservation and reuse, necessary to meet the water needs identified in s. 373.709(2)(a) within the local government's jurisdiction. The report must evaluate the degree to which the local government has implemented the work plan for building public, private, and regional water supply facilities, including development of alternative water supplies, identified in the element as necessary to serve existing and new development.

(m) If any of the jurisdiction of the local government is located within the coastal high-hazard area, an evaluation of whether any past reduction in land use density impairs the property rights of current residents when redevelopment occurs, including, but not limited to, redevelopment following a natural disaster. The property rights of current residents shall be balanced with public safety considerations. The local government must identify strategies to address redevelopment feasibility and the property rights of affected residents. These strategies may include the authorization of redevelopment up to the actual built density in existence on the property prior to the natural disaster or redevelopment.

(n) An assessment of whether the criteria adopted pursuant to s. 163.3177(6)(a) were successful in achieving compatibility with military installations.

(o) The extent to which a concurrency exception area designated pursuant to s. 163.3180(5), a concurrency management area designated pursuant to s. 163.3180(7), or a multimodal transportation district designated pursuant to s. 163.3180(15) has achieved the purpose for which it was created and otherwise complies with the provisions of s. 163.3180.

(p) An assessment of the extent to which changes are needed to develop a common methodology for measuring impacts on transportation facilities for the purpose of implementing its concurrency management system in coordination with the municipalities and counties, as appropriate pursuant to s. 163.3180(10).

~~(4)(3)~~ Voluntary scoping meetings may be conducted by each local government or several local governments within the same county that agree to meet together. Joint meetings among all local governments in a county are encouraged. ~~All scoping meetings shall be completed at least 1 year prior to the established adoption date of the report.~~ The purpose of the meetings shall be to distribute data and resources available to assist in the preparation of the report, to provide input on major issues in each community that should be addressed in the report, and to advise on the extent of the effort for the components of subsection ~~(3)~~ ~~(2)~~. If scoping meetings are held, the local

government ~~is encouraged to shall~~ invite each state and regional reviewing agency, as well as adjacent and other affected local governments. A preliminary list of new data and major issues that have emerged since the adoption of the original plan, or the most recent evaluation and appraisal report-based update amendments, should be developed by state and regional entities and involved local governments for distribution at the scoping meeting. For purposes of this subsection, a "scoping meeting" is a meeting conducted to determine the scope of review of the evaluation and appraisal report by parties to which the report relates.

~~(5)(4)~~ The local planning agency shall prepare the evaluation and appraisal report ~~and shall make recommendations to the governing body regarding adoption of the proposed report.~~ The local planning agency shall prepare the report in conformity with its public participation procedures adopted as required by s. 163.3181. To further public participation in the evaluation and appraisal process ~~During the preparation of the proposed report and prior to making any recommendation to the governing body,~~ the local planning agency shall hold at least one public hearing, with public notice, on the proposed report. At a minimum, the format and content of the proposed report shall include a table of contents; numbered pages; element headings; section headings within elements; a list of included tables, maps, and figures; a title and sources for all included tables; a preparation date; and the name of the preparer. Where applicable, maps shall include major natural and artificial geographic features; city, county, and state lines; and a legend indicating a north arrow, map scale, and the date.

~~(5)~~ ~~Ninety days prior to the scheduled adoption date, the local government may provide a proposed evaluation and appraisal report to the state land planning agency and distribute copies to state and regional commenting agencies as prescribed by rule, adjacent jurisdictions, and interested citizens for review. All review comments, including comments by the state land planning agency, shall be transmitted to the local government and state land planning agency within 30 days after receipt of the proposed report.~~

~~(6)~~ ~~The governing body, after considering the review comments and recommended changes, if any, shall adopt the evaluation and appraisal report by resolution or ordinance at a public hearing with public notice. The governing body shall adopt the report in conformity with its public participation procedures adopted as required by s. 163.181. The local government shall submit to the state land planning agency three copies of the report, a transmittal letter indicating the dates of public hearings, and a copy of the adoption resolution or ordinance. The local government shall provide a copy of the report to the reviewing agencies which provided comments for the proposed report, or to all the reviewing agencies if a proposed report was not provided pursuant to subsection (5), including the adjacent local governments. Within 60 days after receipt, the state land planning agency shall review the adopted report and make a preliminary sufficiency determination that shall be forwarded by the agency to the local government for its consideration. The state land planning agency shall issue a final sufficiency determination within 90 days after receipt of the adopted evaluation and appraisal report.~~

~~(6)(7)~~ The intent of the evaluation and appraisal process is the preparation of a plan update that clearly and concisely achieves the purpose of this section. The evaluation and appraisal report shall be submitted as data and analysis in support of amendments based on the report. ~~Toward this end, the sufficiency review of the state land planning agency shall concentrate on whether the evaluation and appraisal report sufficiently fulfills the components of subsection (2). If the state land planning agency determines that the report is insufficient, the governing body shall adopt a revision of the report and submit the revised report for review pursuant to subsection (6).~~

~~(8)~~ ~~The state land planning agency may delegate the review of evaluation and appraisal reports, including all state land planning agency duties under subsections (4)-(7), to the appropriate regional planning council. When the review has been delegated to a regional planning council, any local government in the region may elect to have its report reviewed by the regional planning council rather than the state land planning agency. The state land planning agency shall by agreement provide for uniform and adequate review of reports and shall retain oversight for any delegation of review to a regional planning council.~~

~~(7)(9)~~ The state land planning agency may establish a phased schedule for adoption of amendments based on evaluation and appraisal reports. The schedule shall provide each local government at least 7 years from plan adoption or last established adoption date for amendments based on an evaluation and appraisal a report and shall allot approximately one-seventh of the reports to any 1 year. In order to allow the municipalities to use data and analyses gathered by the counties, the state land planning agency shall schedule ~~municipal report~~ adoption dates for amendments to a municipal plan which are based on an evaluation and appraisal report between 1 year and 18 months later than the ~~report~~ adoption date for amendments to a county plan which are based on an evaluation and appraisal report of the county in which those municipalities are located. ~~A local government may adopt its report no earlier than 90 days prior to the established adoption date. Small municipalities which were scheduled by chapter 9J-33, Florida Administrative Code, to adopt their evaluation and appraisal report after February 2, 1999, shall be rescheduled to adopt their report together with the other municipalities in their county as provided in this subsection.~~

~~(8)(4)~~ The governing body shall amend its comprehensive plan based on the recommendations in the report and shall update the comprehensive plan based on the components of subsection ~~(3)~~ ~~(2)~~, pursuant to the provisions of ss. 163.3184, 163.3187, and 163.3189. Amendments to update a comprehensive plan based on the evaluation and appraisal report shall be adopted during a single amendment cycle within the time period established by the state land planning agency's schedule authorized in subsection (7) +8 months after the report is determined to be sufficient by the state land planning agency, except that the state land planning agency may grant an extension for adoption of a portion of such amendments. The state land planning agency may grant a 6-month extension for the adoption of such amendments if the request is justified by good and sufficient cause as determined by the agency. An additional extension may also be granted if the request will result in greater coordination between transportation and land use, for the purposes of improving Florida's transportation system, as determined by the agency in coordination with the Metropolitan Planning Organization program. Except for local governments exempted from preparing evaluation and appraisal reports pursuant to subsection (1), beginning July 1, 2006, failure to timely adopt and transmit update amendments to the comprehensive plan based on the evaluation and appraisal report shall result in a local government being prohibited from adopting amendments to the comprehensive plan until the amendments based on the evaluation and appraisal report update amendments have been adopted and transmitted to the state land planning agency. The prohibition on plan amendments shall commence when such the update amendments to the comprehensive plan are past due. The comprehensive plan as amended shall be in compliance as defined in s. 163.3184(1)(b). Within 6 months after the effective date of such the update amendments to the comprehensive plan, the local government shall provide to the state land planning agency and to all agencies designated by rule a complete copy of the updated comprehensive plan.

~~(9)(4)~~ The Administration Commission may impose the sanctions provided by s. 163.3184(11) against any local government that fails to ~~adopt and submit a report, or that fails to implement its report through timely and sufficient amendments to its local plan, except for reasons of excusable delay or valid planning reasons agreed to by the state land planning agency or found present by the Administration Commission.~~ Sanctions for untimely or insufficient plan amendments shall be prospective only and shall begin after a final order has been issued by the Administration Commission and a reasonable period of time has been allowed for the local government to comply with an adverse determination by the Administration Commission through adoption of plan amendments that are in compliance. The state land planning agency may initiate, and an affected person may intervene in, such a proceeding by filing a petition with the Division of Administrative Hearings, which shall appoint an administrative law judge and conduct a hearing pursuant to ss. 120.569 and 120.57(1) and shall submit a recommended order to the Administration Commission. The affected local government shall be a party to any such proceeding. The commission may implement this subsection by rule.

~~(10)(4)~~ The state land planning agency may shall not adopt rules to implement this section, other than procedural rules.

~~(13)~~ The state land planning agency shall regularly review the evaluation and appraisal report process and submit a report to the Governor, the Administration Commission, the Speaker of the House of Representatives, the President of the Senate, and the respective community affairs committees of the Senate and the House of Representatives. The first report shall be submitted by December 31, 2004, and subsequent reports shall be submitted every 5 years thereafter. At least 9 months before the due date of each report, the Secretary of Community Affairs shall appoint a technical committee of at least 15 members to assist in the preparation of the report. The membership of the technical committee shall consist of representatives of local governments, regional planning councils, the private sector, and environmental organizations. The report shall assess the effectiveness of the evaluation and appraisal report process.

~~(11)(4)~~ The requirement of subsection ~~(8)~~ ~~(4)~~ prohibiting a local government from adopting amendments to the local comprehensive plan until the amendments based on the evaluation and appraisal report update amendments have been adopted and transmitted to the state land planning agency does not apply to a plan amendment proposed for adoption by the appropriate local government as defined in s. 163.3178(2)(k) in order to integrate a port comprehensive master plan with the coastal management element of the local comprehensive plan as required by s. 163.3178(2)(k) if the port comprehensive master plan or the proposed plan amendment does not cause or contribute to the failure of the local government to comply with the requirements of this section the evaluation and appraisal report.

Section 6. Section 163.3245, Florida Statutes, is amended to read:

163.3245 ~~Optional~~ Sector plans.—

(1) In recognition of the benefits of ~~conceptual~~ long-range planning, ~~for the buildout of an area, and detailed planning~~ for specific areas, ~~as a demonstration project, the requirements of s. 380.06 may be addressed as identified by this section for up to five local governments or combinations of local governments~~ may which adopt into their the comprehensive plans a plan an optional sector plan in accordance with this section. This section is intended to promote and encourage long-term planning for conservation, development, and agriculture on a landscape scale; to further the intent of s. 163.3177(11), which supports innovative and flexible planning and development strategies, and the purposes of this part, and part I of chapter 380; to facilitate protection of regionally significant water courses and wildlife corridors; and to avoid duplication of effort in terms of the level of data and analysis required for a development of regional impact, while ensuring the adequate mitigation of impacts to applicable regional resources and facilities, including those within the jurisdiction of other local governments, as would otherwise be provided. ~~Optional~~ Sector plans are intended for substantial geographic areas that include including at least 15,000 ~~5,000~~ acres of one or more local governmental jurisdictions and are to emphasize urban form and protection of regionally significant resources and public facilities. ~~The state land planning agency may approve optional sector plans of less than 5,000 acres based on local circumstances if it is determined that the plan would further the purposes of this part and part I of chapter 380. Preparation of an optional sector plan is authorized by agreement between the state land planning agency and the applicable local governments under s. 163.3171(4). An optional sector plan may be adopted through one or more comprehensive plan amendments under s. 163.3184. A~~ However, an optional sector plan may not be adopted authorized in an area of critical state concern.

(2) ~~The state land planning agency may enter into an agreement to authorize preparation of an optional sector plan upon the request of one or more local governments based on consideration of problems and opportunities presented by existing development trends; the effectiveness of current comprehensive plan provisions; the potential to further the state comprehensive plan, applicable strategic regional policy plans, this part, and part I of chapter 380; and those factors identified by s. 163.3177(10)(i). Upon the request of a local government with jurisdiction, the applicable regional planning council shall conduct a scoping meeting with affected local governments and those agencies identified in s. 163.3184(4) before preparation of the sector plan execution of the agreement authorized by this section.~~ The purpose of this meeting is to assist the state land planning agency and the local government in the identification of the relevant planning issues to be addressed and the data and resources available to assist in the preparation of

~~the sector subsequent plan amendments. If a scoping meeting is held, the regional planning council shall make written recommendations to the state land planning agency and affected local governments on the issues requested by the local government, including whether a sustainable sector plan would be appropriate. The scoping meeting must be noticed and open to the public. If the entire planning area proposed for the sector plan is within the jurisdiction of two or more local governments, some or all of them may enter into a joint planning agreement pursuant to s. 163.3171 with respect to agreement must define the geographic area to be subject to the sector plan, the planning issues that will be emphasized, procedures requirements for intergovernmental coordination to address extrajurisdictional impacts, supporting application materials including data and analysis, and procedures for public participation, or any other issues agreed to by the local governments entering into the agreement. An agreement may address previously adopted sector plans that are consistent with the standards in this section. Before executing an agreement under this subsection, the local government shall hold a duly noticed public workshop to review and explain to the public the optional sector planning process and the terms and conditions of the proposed agreement. The local government shall hold a duly noticed public hearing to execute the agreement. All meetings between the department and the local government must be open to the public.~~

(3) ~~Optional Sector planning encompasses two levels: adoption pursuant to under s. 163.3184 of a conceptual long-term master plan for the entire planning area as part of the comprehensive plan and adoption by local development order of two or more buildout overlay to the comprehensive plan, having no immediate effect on the issuance of development orders or the applicability of s. 380.06, and adoption under s. 163.3184 of detailed specific area plans that implement the conceptual long-term master plan buildout overlay and authorize issuance of development orders, and within which s. 380.06 is waived. Until such time as a detailed specific area plan is adopted, the underlying future land use designations apply.~~

(a) In addition to the other requirements of this chapter, a long-term master plan pursuant to this section ~~conceptual long-term buildout overlay~~ must include maps, illustrations, and text supported by data and analysis to address the following:

1. ~~A long-range conceptual framework map that, at a minimum, generally depicts identifies anticipated areas of urban, agricultural, rural, and conservation land use; identifies allowed uses in various parts of the planning area; specifies maximum and minimum densities and intensities of use; and provides the conceptual framework for the development pattern in developed areas with graphic illustrations based on a hierarchy of places and functional place-making components.~~

2. ~~A general identification of the water supplies needed and available sources of water, including water resource development and water supply development projects, and water conservation measures needed to meet the projected demand of the future land uses in the long-term master plan.~~

3. ~~A general identification of the transportation facilities to serve the future land uses in the long-term master plan, including guidelines to be used to establish each modal component intended to optimize mobility.~~

4. ~~A general identification of other regionally significant public facilities consistent with chapter 9J-2, Florida Administrative Code, irrespective of local governmental jurisdiction necessary to support buildout of the anticipated future land uses, which may include central utilities provided on site within the planning area, and policies setting forth the procedures to be used to mitigate the impacts of future land uses on public facilities.~~

~~5.3. A general identification of regionally significant natural resources within the planning area and policies setting forth the procedures for protection or conservation of specific resources consistent with the overall conservation and development strategy for the planning area consistent with chapter 9J-2, Florida Administrative Code.~~

~~6.4. General principles and guidelines addressing that address the urban form and the interrelationships of anticipated future land uses; providing for the protection and, as appropriate, restoration and management of lands identified for permanent preservation; and a discussion, at the applicant's option, of the extent, if any, to which the plan will address restoring key ecosystems; achieving a cleaner more clean, more healthy environment; limiting urban sprawl; providing a range of housing types; protecting~~

~~wildlife and natural areas; advancing the efficient use of land and other resources; and creating quality communities of a design that promotes travel by multiple transportation modes; and enhancing the prospects for the creation of jobs.~~

~~7.5. Identification of general procedures and policies to facilitate ensure intergovernmental coordination to address extrajurisdictional impacts from the future land uses long-range conceptual framework map.~~

~~A long-term master plan adopted pursuant to this section shall be based on a planning period longer than the generally applicable planning period of the local comprehensive plan, shall specify the projected population within the planning area during the chosen planning period, and may include a phasing or staging schedule that allocates a portion of the local government's future growth to the planning area through the planning period. A long-term master plan adopted pursuant to this section does not have to be based on projected population growth or any other need.~~

(b) In addition to the other requirements of this chapter, ~~including those in paragraph (a);~~ the detailed specific area plans must be consistent with the long-term master plan and must include conditions and commitments that provide for:

1. ~~Development or conservation of an area of adequate size to accommodate a level of development which achieves a functional relationship between a full range of land uses within the area and to encompass at least 1,000 acres consistent with the long-term master plan. The local government state land planning agency may approve detailed specific area plans of less than 1,000 acres based on local circumstances if it is determined that the detailed specific area plan furthers the purposes of this part and part I of chapter 380.~~

2. ~~Detailed identification and analysis of the maximum and minimum densities and intensities of use and the distribution, extent, and location of future land uses.~~

3. ~~Detailed identification of water resource development and water supply development projects and related infrastructure and water conservation measures to address water needs of development in the detailed specific area plan.~~

4. ~~Detailed identification of the transportation facilities to serve the future land uses in the detailed specific area plan.~~

~~5.3. Detailed identification of other regionally significant public facilities, including public facilities outside the jurisdiction of the host local government, anticipated impacts of future land uses on those facilities, and required improvements consistent with the long-term master plan chapter 9J-2, Florida Administrative Code.~~

~~6.4. Public facilities necessary to serve development in the detailed specific area plan for the short term, including developer contributions in a financially feasible 5-year capital improvement schedule of the affected local government.~~

~~7.5. Detailed analysis and identification of specific measures to ensure assure the protection or conservation of lands identified in the long-term master plan to be permanently preserved and, as appropriate, restored or managed of regionally significant natural resources and other important resources both within and outside the host jurisdiction, including those regionally significant resources identified in chapter 9J-2, Florida Administrative Code.~~

~~8.6. Detailed principles and guidelines addressing that address the urban form and the interrelationships of anticipated future land uses; and a discussion, at the applicant's option, of the extent, if any, to which the plan will address restoring key ecosystems; achieving a cleaner more clean, more healthy environment; limiting urban sprawl; providing a range of housing types; protecting wildlife and natural areas; advancing the efficient use of land and other resources; and creating quality communities of a design that promotes travel by multiple transportation modes; and enhancing the prospects for the creation of jobs.~~

~~9.7. Identification of specific procedures to facilitate ensure intergovernmental coordination to address extrajurisdictional impacts from of the detailed specific area plan.~~

A detailed specific area plan adopted by local development order pursuant to this section may be based on a planning period longer than the generally applicable planning period of the local comprehensive plan and shall specify the projected population within the specific planning area during the chosen planning period. A detailed specific area plan adopted pursuant to this section does not have to be based on projected population growth or any other need.

(c) In its review of a long-term master plan, the state land planning agency shall consult with the Department of Agriculture and Consumer Services, the Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission, and the applicable water management district regarding the design of areas for protection and conservation of regionally significant natural resources and for the protection and, as appropriate, restoration and management of lands identified for permanent preservation.

(d) The state land planning agency may initiate a civil action pursuant to s. 163.3215 with respect to a detailed specific area plan which is not consistent with a long-term master plan adopted pursuant to this section. For purposes of such a proceeding, the state land planning agency shall be deemed an aggrieved and adversely affected party. Regardless of whether the local government has adopted an ordinance that establishes a local process which meets the requirements of s. 163.3215(4), judicial review of a detailed specific area plan initiated by the state land planning agency shall be de novo pursuant to s. 163.3215(3) and not by petition for writ of certiorari pursuant to s. 163.3215(4). Any other aggrieved or adversely affected party shall be subject to s. 163.3215 in all respects when initiating a consistency challenge to a detailed specific area plan.

(e) This subsection does not be construed to prevent preparation and approval of the optional sector plan and detailed specific area plan concurrently or in the same submission.

(4) Upon the long-term master plan becoming legally effective:

(a) Any long-range transportation plan developed by a metropolitan planning organization pursuant to s. 339.175(7) must be consistent, to the maximum extent feasible, with the long-term master plan, including, but not limited to, the projected population, the approved uses and densities and intensities of use and their distribution within the planning area, and the transportation facilities identified in adopted plans pursuant to subparagraphs (3)(a)3. and (3)(b)4.

(b) The water supply needs, water sources, and water resource development and water supply development projects identified in adopted plans pursuant to subparagraphs (3)(a)2. and (3)(b)3. shall be incorporated into the applicable district and regional water supply plans adopted in accordance with ss. 373.036 and 373.709. Accordingly, and notwithstanding the permit durations stated in s. 373.236, an applicant may request and the applicable district may issue consumptive use permits for durations commensurate with the long-term master plan. The permitting criteria in s. 373.223 shall be applied based on the projected population and the approved densities and intensities of use and their distribution in the long-term master plan.

(c) A development subject to s. 380.06 may be granted development approval pursuant to s. 380.06 without submission and approval of a detailed specific area plan pursuant to this section and thereafter shall be subject to all requirements of s. 380.06 in lieu of the requirements of this section. The local government shall submit a monitoring report to the state land planning agency and applicable regional planning council on an annual basis after adoption of a detailed specific area plan. The annual monitoring report must provide summarized information on development orders issued, development that has occurred, public facility improvements made, and public facility improvements anticipated over the upcoming 5 years.

(5) When a plan amendment adopting a detailed specific area plan has become effective for a portion of the planning area governed by a long-term master plan adopted pursuant to this section under ss. 163.3184 and 163.3189(2), the provisions of s. 360.06 do not apply to development within the geographic area of the detailed specific area plan. However, any development-of-regional-impact development order that is vested from the detailed specific area plan may be enforced pursuant to s. 380.11.

(a) The local government adopting the detailed specific area plan is primarily responsible for monitoring and enforcing the detailed specific area plan. Local governments may not issue any permits or approvals or

provide any extensions of services to development that are not consistent with the detailed specific sector area plan.

(b) If the state land planning agency has reason to believe that a violation of any detailed specific area plan, or of any agreement entered into under this section, has occurred or is about to occur, it may institute an administrative or judicial proceeding to prevent, abate, or control the conditions or activity creating the violation, using the procedures in s. 380.11.

(c) In instituting an administrative or judicial proceeding involving a ~~an~~ optional sector plan or detailed specific area plan, including a proceeding pursuant to paragraph (b), the complaining party must ~~shall~~ comply with the requirements of s. 163.3215(4), (5), (6), and (7), except as provided by paragraph (3)(d).

(d) The detailed specific area plan shall establish a buildout date prior to which the approved development is not subject to downzoning, unit density reduction, or intensity reduction unless the local government demonstrates that implementation of the plan is not continuing in good faith based on standards established by plan policy, that substantial changes in the conditions underlying the approval of the detailed specific area plan have occurred, that the detailed specific area plan was based on substantially inaccurate information provided by the applicant, or that the change is clearly essential to the public health, safety, or welfare.

(6) Concurrent with or subsequent to review and adoption of a long-term master plan pursuant to paragraph (3)(a), an applicant may apply for master development approval pursuant to s. 380.06(21) for the entire planning area in order to establish a buildout date prior to which the approved uses and densities and intensities of use of the master plan are not subject to downzoning, unit density reduction, or intensity reduction unless the local government demonstrates that implementation of the master plan is not continuing in good faith based on standards established by plan policy, that substantial changes in the conditions underlying the approval of the master plan have occurred, that the master plan was based on substantially inaccurate information provided by the applicant, or that change is clearly essential to the public health, safety, or welfare. Review of the application for master development approval shall be at a level of detail appropriate for the long-term and conceptual nature of the long-term master plan and, to the maximum extent possible, may only consider information provided in the application for a long-term master plan. Notwithstanding any provision of s. 380.06 to the contrary, an increment of development in such an approved master development plan must be approved by a detailed specific area plan pursuant to paragraph (3)(b) and is exempt from review pursuant to s. 380.06. Beginning December 1, 1999, and each year thereafter, the department shall provide a status report to the Legislative Committee on Intergovernmental Relations regarding each optional sector plan authorized under this section.

(7) A developer within an area subject to a long-term master plan that meets the requirements of paragraph (3)(a) and subsection (6) or a detailed specific area plan that meets the requirements of paragraph (3)(b) may enter into a development agreement with a local government pursuant to ss. 163.3220-163.3243. The duration of such a development agreement may be through the planning period of the long-term master plan or the detailed specific area plan, as the case may be, notwithstanding the limit on the duration of a development agreement pursuant to s. 163.3229.

(8) Any owner of property within the planning area of a proposed long-term master plan may withdraw the owner's consent to the master plan at any time prior its adoption by the local government, and the local government shall exclude such parcels from the adopted master plan. Thereafter, the long-term master plan, any detailed specific area plan, and the exemption from development-of-regional-impact review under this section does not apply to the subject parcels. After adoption of a long-term master plan, an owner may withdraw the owner's property from the plan only with the approval of the local government by means of a plan amendment.

(9) The adoption of a long-term master plan or a detailed specific area plan pursuant to this section does not limit the right to continue existing agricultural or silvicultural uses or other natural resource-based operations or to establish similar new uses that are consistent with the plans approved pursuant to this section.

(10) Notwithstanding s. 360.06 chapter 163, or any planning agreement or plan policy, a landowner or developer who has received approval of a master development of regional impact development order pursuant to s. 360.06(21) may apply to implement this order by filing one or more applications to approve a detailed specific area plan pursuant to paragraph (3)(b).

(11) Notwithstanding any other provision of law, a detailed specific area plan to implement a conceptual long-term buildout overlay of less than 15,000 acres, which was adopted by a local government and found in compliance before July 1, 2011, is subject to this section.

(12)(7) This section may not be construed to abrogate the rights of any person under this chapter.

Section 7. Paragraph (b) of subsection (9) of section 163.3246, Florida Statutes, is amended to read:

163.3246 Local government comprehensive planning certification program.—

(9)

(b) Plan amendments that change the boundaries of the certification area; propose a rural land stewardship area pursuant to s. 163.3177(11)(d); propose a an optional sector plan pursuant to s. 163.3245; propose a school facilities element; update a comprehensive plan based on an evaluation and appraisal report; impact lands outside the certification boundary; implement new statutory requirements that require specific comprehensive plan amendments; or increase hurricane evacuation times or the need for shelter capacity on lands within the coastal high-hazard area shall be reviewed pursuant to ss. 163.3184 and 163.3187.

Section 8. Section 163.32465, Florida Statutes, is amended to read:

163.32465 State review of local comprehensive plans in urban areas.—

(1) LEGISLATIVE FINDINGS.—

(a) The Legislature finds that comprehensive planning programs have matured throughout the state and therefore local governments in this state have a wide diversity of resources, conditions, abilities, and needs. The Legislature also finds that the needs and resources of urban areas are different from those of rural areas and that different planning and growth management approaches, strategies, and techniques are required in urban areas. The state role in overseeing growth management should reflect this diversity and should vary based on local government conditions, capabilities, needs, and extent of development. Thus, the Legislature recognizes and finds that reduced state oversight of local comprehensive planning is justified for some local governments in urban areas.

(b) The Legislature finds and declares that this state's local governments urban areas require a reduced level of state oversight because of their high degree of urbanization and the planning capabilities and resources of many of their local governments. An alternative state review process that is adequate to protect issues of regional or statewide importance should be created for appropriate local governments in these areas. Further, the Legislature finds that development, including urban infill and redevelopment, should be encouraged in these urban areas. Accordingly, the Legislature finds that an alternative process provided by this section for amending local comprehensive plans is in these areas should be established with the an objective of streamlining the process and recognizing local responsibility and accountability.

(c) The Legislature finds a pilot program will be beneficial in evaluating an alternative, expedited plan amendment adoption and review process. Pilot local governments shall represent highly developed counties and the municipalities within these counties and highly populated municipalities.

(2) APPLICABILITY ALTERNATIVE STATE REVIEW PROCESS PILOT PROGRAM.—The process for amending a comprehensive plan described in this section shall be applicable statewide. On a case-by-case basis, a local government, by majority vote, may elect to follow the procedures set forth in s. 163.3184 for processing a comprehensive plan amendment in lieu of using the procedures set forth in this section. Pinellas and Broward Counties, and the municipalities within these counties, and Jacksonville, Miami, Tampa, and Hialeah shall follow an alternative state review process provided in this section. Municipalities within the pilot counties may elect, by super majority vote of the governing body, not to participate in the pilot program. In addition to the pilot program jurisdictions,

any local government may use the alternative state review process to designate an urban service area as defined in s. 163.3164(29) in its comprehensive plan.

(3) PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS UNDER THE PILOT PROGRAM.—

(a) Plan amendments adopted by local governments are subject to the pilot program jurisdictions shall follow the alternate, expedited process in subsections (4) and (5), except as follows: as set forth in paragraphs (b)-(c) of this subsection.

(a)(b) Amendments that qualify as small-scale development amendments may continue to be adopted by the pilot program jurisdictions pursuant to s. 163.3187(1)(c) and (3).

(b)(e) Plan amendments that propose a rural land stewardship area pursuant to s. 163.3177(11)(d); propose a an optional sector plan; update a comprehensive plan based on an evaluation and appraisal report; or implement new statutory requirements; plan amendment packages for which local governments request a more thorough review pursuant to subsection (2); or new plans for newly incorporated municipalities are subject to state review as set forth in s. 163.3184.

(c)(d) Local governments Pilot program jurisdictions shall be subject to the frequency and timing requirements for plan amendments set forth in ss. 163.3187 and 163.3191, except where otherwise stated in this section.

(d)(e) The mediation and expedited hearing provisions in s. 163.3189(3) apply to all plan amendments adopted pursuant to this section by the pilot program jurisdictions.

(4) INITIAL HEARING ON COMPREHENSIVE PLAN AMENDMENT FOR PILOT PROGRAM.—

(a) The local government shall hold its first public hearing on a comprehensive plan amendment on a weekday at least 7 days after the day the first advertisement is published pursuant to the requirements of chapter 125 or chapter 166. Upon an affirmative vote of not less than a majority of the members of the governing body present at the hearing, the local government shall immediately transmit the amendment or amendments and appropriate supporting data and analyses to the state land planning agency; the appropriate regional planning council and water management district; the Department of Environmental Protection; the Department of State; the Department of Transportation; in the case of municipal plans, to the appropriate county; the Fish and Wildlife Conservation Commission; the Department of Agriculture and Consumer Services; and in the case of amendments that include or impact the public school facilities element, the Department Office of Educational Facilities of the Commissioner of Education. The local governing body shall also transmit a copy of the amendments and supporting data and analyses to any other local government or governmental agency that has filed a written request with the governing body.

(b) The agencies and local governments specified in paragraph (a) may provide comments regarding the amendment or amendments to the local government. The regional planning council review and comment shall be limited to effects on regional resources or facilities identified in the strategic regional policy plan and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of the affected local government. A regional planning council may shall not review and comment on a proposed comprehensive plan amendment prepared by such council unless the plan amendment has been changed by the local government subsequent to the preparation of the plan amendment by the regional planning council. County comments on municipal comprehensive plan amendments shall be primarily in the context of the relationship and effect of the proposed plan amendments on the county plan. Municipal comments on county plan amendments shall be primarily in the context of the relationship and effect of the amendments on the municipal plan. State agency comments may include technical guidance on issues of agency jurisdiction identified in this paragraph as it relates to the requirements of this part. Such comments shall clearly identify issues that, if not resolved, may result in an agency challenge to the plan amendment. State agencies shall For the purposes of this pilot program, agencies are encouraged to focus potential challenges on issues of regional or statewide importance. Agencies and local governments must transmit their comments to the affected local government such that they are received by the local government not later than 30 thirty days after from the date on which the

agency or government received the amendment or amendments. With respect to comments to the state land planning agency regarding plan amendments:

1. The appropriate water management district shall limit its comments to the subjects of wetlands, well fields, and consumptive use of water.

2. The Department of Environmental Protection shall limit its comments to the subjects of air and water pollution, solid waste, sewage, drinking water, state parks, greenways and trails, state-owned lands, and wetlands.

3. The Department of State shall limit its comments to the subjects of historic and archeological resources.

4. The Department of Transportation shall limit its comments to the subjects of roads and transportation facilities.

5. The Fish and Wildlife Conservation Commission shall limit its comments to the subjects of fish and wildlife issues, including issues relating to fish and wildlife habitat and endangered species and their habitat.

6. The Department of Agriculture and Consumer Services shall limit its comments to the subjects of agriculture, forestry, and aquaculture issues.

7. The Department of Education shall limit its comments to the subject of public school facilities.

(5) ~~ADOPTION OF COMPREHENSIVE PLAN AMENDMENT FOR PILOT AREAS.~~—

(a) The local government shall hold its second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, on a weekday at least 5 days after the day the second advertisement is published pursuant to the requirements of chapter 125 or chapter 166. Adoption of comprehensive plan amendments must be by ordinance and requires an affirmative vote of a majority of the members of the governing body present at the second hearing.

(b) All comprehensive plan amendments adopted by the governing body along with the supporting data and analysis shall be transmitted within 10 days after of the second public hearing to the state land planning agency and any other agency or local government that provided timely comments under paragraph (4)(b).

(6) ~~ADMINISTRATIVE CHALLENGES TO PLAN AMENDMENTS FOR PILOT PROGRAM.~~—

(a) Any "affected person" as defined in s. 163.3184(1)(a) may file a petition with the Division of Administrative Hearings pursuant to ss. 120.569 and 120.57, with a copy served on the affected local government, to request a formal hearing to challenge whether the amendments are "in compliance" as defined in s. 163.3184(1)(b). This petition must be filed with the ~~division~~ Division within 30 days after the local government adopts the amendment. The state land planning agency may intervene in a proceeding instituted by an affected person.

(b) The state land planning agency may file a petition with the Division of Administrative Hearings pursuant to ss. 120.569 and 120.57, with a copy served on the affected local government, to request a formal hearing. This petition must be filed with the ~~division~~ Division within 30 days after the state land planning agency notifies the local government that the plan amendment package is complete. For purposes of this section, an adopted amendment package shall be deemed complete if it contains a full, executed copy of the adoption ordinance or ordinances; in the case of a text amendment, a full copy of the amended language in legislative format with new words inserted in the text underlined, and words to be deleted lined through with hyphens; in the case of a future land use map amendment, a copy of the future land use map clearly depicting the parcel, its existing future land use designation, and its adopted designation; and a copy of any data and analyses the local government deems appropriate. The state land planning agency shall notify the local government of any deficiencies within 5 working days after of receipt of an amendment package.

(c) The state land planning agency's challenge shall be limited to those issues raised in the comments provided by the reviewing agencies pursuant to paragraph (4)(b). The state land planning agency may challenge a plan amendment that has substantially changed from the version on which the agencies provided comments. ~~For the purposes of this pilot program, the Legislature strongly encourages~~ The state land planning agency shall to focus any challenge on issues of regional or statewide importance.

(d) An administrative law judge shall hold a hearing in the affected local jurisdiction. The local government's determination that the amendment is "in

compliance" is presumed to be correct and shall be sustained unless it is shown by a preponderance of the evidence that the amendment is not "in compliance."

(e) If the administrative law judge recommends that the amendment be found not in compliance, the judge shall submit the recommended order to the Administration Commission for final agency action. The Administration Commission shall enter a final order within 45 days after its receipt of the recommended order.

(f) If the administrative law judge recommends that the amendment be found in compliance, the judge shall submit the recommended order to the state land planning agency.

1. If the state land planning agency determines that the plan amendment should be found not in compliance, the agency shall refer, within 30 days after of receipt of the recommended order, the recommended order and its determination to the Administration Commission for final agency action. If the commission determines that the amendment is not in compliance, it may sanction the local government as set forth in s. 163.3184(11).

2. If the state land planning agency determines that the plan amendment should be found in compliance, the agency shall enter its final order not later than 30 days after ~~from~~ receipt of the recommended order.

(g) An amendment adopted under the expedited provisions of this section shall not become effective until 31 days after adoption. If timely challenged, an amendment shall not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

(h) Parties to a proceeding under this section may enter into compliance agreements using the process in s. 163.3184(16). Any remedial amendment adopted pursuant to a settlement agreement shall be provided to the agencies and governments listed in paragraph (4)(a).

~~(7) APPLICABILITY OF PILOT PROGRAM IN CERTAIN LOCAL GOVERNMENTS.~~ ~~Local governments and specific areas that have been designated for alternate review process pursuant to ss. 163.3246 and 163.3184(17) and (18) are not subject to this section.~~

~~(8) RULEMAKING AUTHORITY FOR PILOT PROGRAM.~~ ~~Agencies shall not promulgate rules to implement this pilot program.~~

~~(9) REPORT.~~ ~~The Office of Program Policy Analysis and Government Accountability shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2008, a report and recommendations for implementing a statewide program that addresses the legislative findings in subsection (1) in areas that meet urban criteria. The Office of Program Policy Analysis and Government Accountability in consultation with the state land planning agency shall develop the report and recommendations with input from other state and regional agencies, local governments, and interest groups. Additionally, the office shall review local and state actions and correspondence relating to the pilot program to identify issues of process and substance in recommending changes to the pilot program. At a minimum, the report and recommendations shall include the following:~~

~~(a) Identification of local governments beyond those participating in the pilot program that should be subject to the alternative expedited state review process. The report may recommend that pilot program local governments may no longer be appropriate for such alternative review process.~~

~~(b) Changes to the alternative expedited state review process for local comprehensive plan amendments identified in the pilot program.~~

~~(c) Criteria for determining issues of regional or statewide importance that are to be protected in the alternative state review process.~~

~~(d) In preparing the report and recommendations, the Office of Program Policy Analysis and Government Accountability shall consult with the state land planning agency, the Department of Transportation, the Department of Environmental Protection, and the regional planning agencies in identifying highly developed local governments to participate in the alternative expedited state review process. The Office of Program Policy Analysis and Governmental Accountability shall also solicit citizen input in the potentially affected areas and consult with the affected local governments and stakeholder groups.~~

Section 9. Subsection (3) of section 380.115, Florida Statutes, is amended to read:

380.115 Vested rights and duties; effect of size reduction, changes in guidelines and standards.—

(3) A landowner that has filed an application for a development-of-regional-impact review prior to the adoption of ~~a an optional~~ sector plan pursuant to s. 163.3245 may elect to have the application reviewed pursuant to s. 380.06, comprehensive plan provisions in force prior to adoption of the sector plan, and any requested comprehensive plan amendments that accompany the application.

Section 10. This act shall take effect upon becoming a law.

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#### TITLE AMENDMENT

Remove the entire title and insert:

A bill to be entitled

An act relating to growth management; amending s. 163.3191, F.S.; revising provisions relating to the evaluation and appraisal of comprehensive plans; providing requirements for exemption from such reporting requirements; revising requirements relating to reporting and scoping meetings; revising powers and duties of local planning agencies and governing bodies relating to the updating of local comprehensive plans pursuant to the evaluation and appraisal process; amending s. 163.3245, F.S.; revising provisions relating to optional sector plans; renaming optional sector plans as sector plans; increasing the minimum size of geographic areas that qualify for the use of sector plans; revising other terminology and deleting obsolete provisions; renaming long-term conceptual buildout overlays as long-term master plans; revising the content required to be included in long-term master plans and detailed specified area plans; requiring identification of water development projects and transportation facilities to serve future development needs; exempting certain developments from the requirement to develop a detailed specific area plan; providing that detailed specific area plans shall be adopted by local development orders; requiring that detailed specific area plans include a buildout date and precluding certain changes in the development until after that date; authorizing certain development agreements between the developer and the local government; providing for continuation of certain existing land uses; amending s. 163.32465, F.S.; revising provisions relating to state review of local comprehensive plans; revising intent; providing applicability; removing the pilot status of the alternative state review process and authorizing that process statewide; limiting agency comments regarding plan amendments to subjects within their scope of responsibility and oversight; amending ss. 163.3164, 163.3177, 163.3180, 163.3184, 163.3246, 380.115, F.S.; revising provisions to conform to changes made by this act; providing an effective date.

Rep. Saunders moved the adoption of the amendment. Subsequently, **Amendment 1** was withdrawn.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**HB 7003**—A bill to be entitled An act relating to affordable housing; reenacting s. 159.807(4), F.S., relating to the state allocation pool used to confirm private activity bonds; reenacting s. 193.018, F.S., relating to lands that are owned by a community land trust and used to provide affordable housing; reenacting s. 196.196(5), F.S., relating to a tax exemption provided to organizations that provide low-income housing; reenacting s. 196.1978, F.S., relating to a property exemption for affordable housing owned by a nonprofit entity; reenacting s. 212.055(2)(d), F.S., relating to the use of a local government infrastructure surtax; reenacting s. 163.3202(2), F.S., relating to requirements for local land development regulations; reenacting s. 420.503(25), F.S., relating to a definition under the Florida Housing Finance Corporation Act; reenacting s. 420.507(47), F.S., relating to powers of the corporation to select developers and general contractors; reenacting s. 420.5087(6)(c) and (l), F.S., relating to the State Apartment Incentive Loan Program; reenacting s. 420.622(5), F.S., relating to the State Office on Homelessness; reenacting s. 420.628, F.S., relating to affordable housing for children and young adults leaving foster care; reenacting s. 420.9071(4), (8), (16), (25), (29), and (30), F.S., relating to definitions under the State Housing

Initiatives Partnership Act; reenacting s. 420.9072(6) and (7), F.S., relating to the distribution of funds under the State Housing Initiatives Partnership Program; reenacting s. 420.9073(1), (2), (5), (6), and (7), F.S., relating to distributions of local housing funds; reenacting s. 420.9075(1), (3), (5), (8), (10)(a) and (h), (13)(b), and (14), F.S., relating to local housing assistance plans; reenacting s. 420.9076(2)(h), (5), (6), and (7)(a), F.S., relating to the adoption of affordable housing incentive strategies by the governing board of a county or municipality; repealing s. 420.9078, F.S., relating to the state administration of funds remaining in the Local Government Housing Trust Fund; reenacting s. 420.9079, F.S., relating to the Local Government Housing Trust Fund; reenacting s. 1001.43(12), F.S., relating to the use by school districts of certain lands for affordable housing; providing for retroactive operation of the act with respect to provisions of law amended, created, or repealed by chapter 2009-96, Laws of Florida; providing for an exception under specified circumstances; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**HB 93**—A bill to be entitled An act relating to security cameras; reenacting s. 163.31802, F.S., relating to prohibited standards for security cameras; providing for retroactive operation of the act; providing for an exception under specified circumstances; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**CS/HB 7019** was taken up. On motion by Rep. Fresen, the House agreed to substitute **CS for CS for SB 736 for CS/HB 7019** and read **CS for CS for SB 736** a second time by title. Under Rule 5.14, the House bill was laid on the table.

**CS for CS for SB 736**—A bill to be entitled An act relating to education personnel; providing a short title; amending s. 1012.34, F.S.; revising provisions relating to the evaluation of instructional personnel and school administrators; requiring the Department of Education to approve each school district's instructional personnel and school administrator evaluation systems; requiring reporting by the Commissioner of Education relating to the evaluation systems; providing requirements and revising procedures and criteria for the evaluation systems; requiring the commissioner to approve or select and the State Board of Education to adopt formulas for school districts to use in measuring student learning growth; requiring the state board to adopt rules relating to standards and measures for implementation of the evaluation systems; amending s. 1008.22, F.S.; requiring school districts to administer assessments for each course offered in the district; amending s. 1012.22, F.S.; revising provisions relating to instructional personnel and school administrator compensation and salary schedules; providing requirements for a performance salary schedule, a grandfathered salary schedule, adjustments, and supplements; revising criteria for the promotion of instructional personnel; creating s. 1012.335, F.S.; providing employment criteria for instructional personnel hired on or after July 1, 2011; providing definitions; providing grounds for suspension or dismissal; requiring rules to define the term "just cause"; providing that certain individuals who are hired as instructional personnel are ineligible for contracts issued under s. 1012.33, F.S.; amending s. 1002.33, F.S.; requiring charter schools to comply with provisions relating to compensation and salary schedules, workforce reductions, contracts with instructional personnel hired on or after July 1, 2011, and certain requirements for performance evaluations; amending s. 1003.621, F.S.; requiring academically high-performing school districts to comply with additional requirements for personnel; amending s. 1006.09, F.S.; conforming provisions to changes made by the act; amending s. 1012.07, F.S.; revising the methodology for determining critical teacher shortage areas; amending s. 1012.2315, F.S.; providing reporting requirements relating to instructional personnel and school administrator performance; amending s. 1012.27, F.S.; revising the criteria for transferring a teacher; conforming provisions to changes made by the act; amending s. 1012.28, F.S.; authorizing a principal to refuse to accept the placement or transfer of

instructional personnel under certain circumstances; amending s. 1012.33, F.S.; revising provisions relating to contracts with certain education personnel; revising just cause grounds for dismissal; deleting provisions to conform to changes made by the act; revising the criteria for renewing a professional service contract; requiring that a district school board's decision to retain personnel be primarily based on the employee's performance; repealing s. 1012.52, F.S., relating to legislative intent and findings to improve student achievement and teacher quality; amending s. 1012.795, F.S.; conforming provisions to changes made by the act; authorizing an exemption from requirements for performance evaluation systems and compensation and salary schedules for certain school districts; providing that specified provisions of law do not apply to rulemaking required to administer the act; providing for the repeal of certain special acts or general laws of local application relating to contracts for instructional personnel or school administrators; providing for application of specified provisions of the act; providing for severability; providing effective dates.

—was read the second time by title.

THE SPEAKER PRO TEMPORE IN THE CHAIR

The absence of a quorum was suggested. A quorum was present [Session Vote Sequence: 35].

Representative Kiar offered the following:

(Amendment Bar Code: 230899)

**Amendment 1**

Remove lines 216-223 and insert:

a. For classroom teachers, excluding substitute teachers, the student growth portion of the evaluation must include growth, as defined in subsection (8) and in section (D)(2)(i) of the Race to the Top Memorandum of Understanding, for students assigned to a teacher over the course of at least 3 years. If less than 3 years of data are available, the school district must include the years for which data are available.

(I) Beginning with the 2011-2012 school year, the school district may phase in the evaluation system but shall use, at a minimum, student growth, as defined in subsection (8) and in section (D)(2)(i) of the Race to the Top Memorandum of Understanding, for at least 35 percent of the evaluation and student growth or achievement as determined by the school district for 15 percent of the evaluation.

(II) Beginning with the 2014-2015 school year, the teacher evaluation system shall use, at a minimum, student growth, as defined in subsection (8) and in section (D)(2)(i) of the Race to the Top Memorandum of Understanding, for at least 40 percent of the evaluation and student growth or achievement as determined by the school district for 10 percent of the evaluation for students assigned to the teacher over the course of at least 3 years. If less than 3 years of data are available, the school district must include the years for which data are available.

(III) School districts may include at least one additional metric to combine the student performance and principal observation components to develop a multi-metric evaluation system. Additional metrics shall include, but need not be limited to, observations by master teachers or instructional coaches, student input, peer input, and parental input for students assigned to the teacher over the course of at least 3 years.

Rep. Kiar moved the adoption of the amendment, which failed of adoption. The vote was:

Session Vote Sequence: 36

Representative Legg in the Chair.

Yeas—38

Abruzzo	Berman	Bullard	Chestnut
Bembry	Bernard	Campbell	Clarke-Reed

Clemens	Kiar	Rouson	Taylor
Cruz	Kriseman	Sands	Thompson, G.
Fullwood	Pafford	Saunders	Thurston
Garcia	Perman	Schwartz	Waldman
Gibbons	Randolph	Slosberg	Watson
Jenne	Reed	Soto	Williams, A.
Jones	Rehwinkel	Stafford	
Julien	Rogers	Steinberg	

Nays—80

Adkins	Diaz	Hukill	Precourt
Ahern	Dorworth	Ingram	Proctor
Albritton	Drake	Kreegel	Ray
Artiles	Eisnaugle	Legg	Renuart
Aubuchon	Ford	Logan	Roberson, K.
Baxley	Fresen	Lopez-Cantera	Rooney
Bileca	Frishe	Mayfield	Schenck
Bovo	Gaetz	McBurney	Smith
Boyd	Glorioso	McKeel	Snyder
Brandes	Gonzalez	Metz	Stargel
Brodeur	Goodson	Moraitis	Steube
Broxson	Grant	Nehr	Tobia
Burgin	Grimsley	Nelson	Trujillo
Caldwell	Hager	Nuñez	Van Zant
Cannon	Harrell	O'Toole	Weatherford
Coley	Harrison	Passidomo	Weinstein
Corcoran	Holder	Patronis	Williams, T.
Costello	Hooper	Perry	Wood
Crisafulli	Horner	Pilon	Workman
Davis	Hudson	Porter	Young

Votes after roll call:

Yeas—Porth  
Yeas to Nays—Porth

Representative Bullard offered the following:

(Amendment Bar Code: 081015)

**Amendment 2**—Remove lines 719-743 and insert:

(d) "Professional performance contract" means an employment contract for instructional personnel for a period of 3 school years, which shall be renewed for additional 1-year periods as long as the individual has not received two consecutive unsatisfactory evaluations under s. 1012.34, two unsatisfactory evaluations within a 3-year period under s. 1012.34, or three evaluations of needs improvement within any 5-year period under s. 1012.34.

(2) EMPLOYMENT.—

(a) Beginning on July 1, 2011, each individual newly hired as instructional personnel by a Florida school district shall receive a probationary contract.

(b) The district school board may issue an annual contract to instructional personnel who have successfully completed the probationary contract if the individual:

1. Holds a professional certificate or temporary certificate issued pursuant to s. 1012.56 and rules of the State Board of Education.

2. Has been recommended by the district school superintendent for the annual contract based upon the individual's evaluation, as determined under s. 1012.34, and approved by the district school board.

(c) Upon completion of no less than 3 years of employment in the same school district within a 5-year period, except for leave duly authorized and granted, instructional personnel recommended for additional employment shall be awarded a professional performance contract. Instructional personnel may be required to serve a fourth year of employment before becoming eligible to receive a professional performance contract when prescribed by the district school board for good reason.

1. A professional performance contract may be offered by a district school board to instructional personnel only if the individual:

a. Holds a professional certificate or temporary certificate as prescribed by s. 1012.56 and rules of the State Board of Education.

b. Has been recommended by the district school superintendent for further employment and approved by the district school board based on successful



performance of duties and demonstration of professional competence under s. 1012.34.

c. Has not received two consecutive unsatisfactory evaluations under s. 1012.34, two unsatisfactory evaluations within a 3-year period under s. 1012.34, or three evaluations of needs improvement within any 5-year period under s. 1012.34.

2. A district school board may issue a professional performance contract after July 1, 2011, to any instructional personnel staff member who has previously held a professional performance contract, a professional service contract, or a continuing contract in the same or another school district within this state. Any instructional personnel staff member who holds a professional service contract or a continuing contract may, but is not required to, exchange such contract for a professional performance contract in the same district.

3. If a professional performance contract is not renewed by the district school board based on performance of duties and demonstration of professional competence of the individual under s. 1012.34, upon the recommendation of the superintendent and upon the approval of the district school board, the individual may be appointed to up to three additional annual contracts or not be offered an additional contract. At the time of making such recommendation to the district school board, the superintendent shall state the performance-based reason for his or her recommendation and the district school board shall take final action on such recommendation.

Rep. Bullard moved the adoption of the amendment, which failed of adoption. The vote was:

Session Vote Sequence: 37

Representative Legg in the Chair.

Yeas—38

Table with 4 columns of names: Abruzzo, Bembry, Berman, Bernard, Bullard, Campbell, Chestnut, Clarke-Reed, Clemens, Cruz, Fullwood, Garcia, Gibbons, Jenne, Jones, Julien, Kiar, Kriseman, Pafford, Perman, Randolph, Reed, Rehwinkel Vasilinda, Rogers, Rouson, Sands, Saunders, Schwartz, Slosberg, Soto, Stafford, Steinberg, Taylor, Thompson, G., Thurston, Waldman, Watson, Williams, A.

Nays—80

Table with 4 columns of names: Adkins, Ahern, Albritton, Artiles, Aubuchon, Baxley, Bileca, Bovo, Boyd, Brandes, Brodeur, Broxson, Burgin, Caldwell, Cannon, Coley, Corcoran, Costello, Crisafulli, Davis, Diaz, Dorworth, Drake, Eisnagle, Ford, Fresen, Frishe, Gaetz, Glorioso, Gonzalez, Goodson, Grant, Grimsley, Hager, Harrell, Harrison, Holder, Hooper, Horner, Hudson, Hukill, Ingram, Kreegel, Legg, Logan, Lopez-Cantera, Mayfield, McBurney, McKeel, Metz, Moraitis, Nehr, Nelson, Nuñez, O'Toole, Passidomo, Patronis, Perry, Pilon, Porter, Precourt, Proctor, Ray, Renuart, Roberson, K., Rooney, Schenck, Smith, Snyder, Stargel, Steube, Tobia, Trujillo, Van Zant, Weatherford, Weinstein, Williams, T., Wood, Workman, Young.

Votes after roll call:

Yeas—Porth

Representative Clarke-Reed offered the following:

(Amendment Bar Code: 823781)

Amendment 3—Remove line 730 and insert:

(c) An annual contract shall be awarded if the employee:

Rep. Clarke-Reed moved the adoption of the amendment, which failed of adoption. The vote was:

Session Vote Sequence: 38

Representative Legg in the Chair.

Yeas—39

Table with 4 columns of names: Abruzzo, Bembry, Berman, Bernard, Bullard, Campbell, Chestnut, Clarke-Reed, Clemens, Cruz, Fullwood, Garcia, Gibbons, Jenne, Jones, Julien, Kiar, Kriseman, Pafford, Perman, Porth, Randolph, Reed, Rehwinkel Vasilinda, Rogers, Rouson, Sands, Saunders, Schwartz, Slosberg, Soto, Stafford, Steinberg, Taylor, Thompson, G., Thurston, Waldman, Watson, Williams, A.

Nays—80

Table with 4 columns of names: Adkins, Ahern, Albritton, Artiles, Aubuchon, Baxley, Bileca, Bovo, Boyd, Brandes, Brodeur, Broxson, Burgin, Caldwell, Cannon, Coley, Corcoran, Costello, Crisafulli, Davis, Diaz, Dorworth, Drake, Eisnagle, Ford, Fresen, Frishe, Gaetz, Glorioso, Gonzalez, Goodson, Grant, Grimsley, Hager, Harrell, Harrison, Holder, Hooper, Horner, Hudson, Hukill, Ingram, Kreegel, Legg, Logan, Lopez-Cantera, Mayfield, McBurney, McKeel, Metz, Moraitis, Nehr, Nelson, Nuñez, O'Toole, Passidomo, Patronis, Perry, Pilon, Porter, Precourt, Proctor, Ray, Renuart, Roberson, K., Rooney, Schenck, Smith, Snyder, Stargel, Steube, Tobia, Trujillo, Van Zant, Weatherford, Weinstein, Williams, T., Wood, Workman, Young.

Representative Fullwood offered the following:

(Amendment Bar Code: 521789)

Amendment 4—Between lines 743 and 744, insert:

(d) Instructional personnel eligible for a recommendation of annual contract renewal by the district school superintendent based upon the individual's highly effective or effective evaluation shall be granted an annual contract unless a charge of just cause, as defined in subsection (5), is brought based upon a pattern of ineffective teaching or performance by such instructional personnel, as defined in s. 1012.34. If a recommendation for annual contract renewal is denied, notwithstanding fiscal constraints, the district school superintendent shall provide a written explanation detailing the rationale for the nonrenewal.

Rep. Fullwood moved the adoption of the amendment, which failed of adoption. The vote was:

Session Vote Sequence: 39

Speaker Cannon in the Chair.

Yeas—39

Table with 4 columns of names: Abruzzo, Bembry, Berman, Bernard, Bullard, Campbell, Chestnut, Clarke-Reed, Clemens, Cruz, Fullwood, Garcia, Gibbons, Jenne, Jones, Julien, Kiar, Kriseman, Pafford, Perman.

Porth	Rouson	Soto	Thurston
Randolph	Sands	Stafford	Waldman
Reed	Saunders	Steinberg	Watson
Rehwinkel Vasilinda	Schwartz	Taylor	Williams, A.
Rogers	Slosberg	Thompson, G.	

Nays—81

Adkins	Dorworth	Kreegel	Ray
Ahern	Drake	Legg	Renuart
Albritton	Eisnaugle	Logan	Roberson, K.
Artiles	Ford	Lopez-Cantera	Rooney
Aubuchon	Fresen	Mayfield	Schenck
Baxley	Frishe	McBurney	Smith
Bileca	Gaetz	McKeel	Snyder
Bovo	Glorioso	Metz	Stargel
Boyd	Gonzalez	Moraitis	Steube
Brandes	Goodson	Nehr	Tobia
Brodeur	Grant	Nelson	Trujillo
Broxson	Grimsley	Nuñez	Van Zant
Burgin	Hager	O'Toole	Weatherford
Caldwell	Harrell	Passidomo	Weinstein
Cannon	Harrison	Patronis	Williams, T.
Coley	Holder	Perry	Wood
Corcoran	Hooper	Pilon	Workman
Costello	Hornor	Plakon	Young
Crisafulli	Hudson	Porter	
Davis	Hukill	Precourt	
Diaz	Ingram	Proctor	

**HB 695—Gibbons, Steinberg**

**HB 713—Dorworth**

**HB 851—Cruz, Hooper, Steube, Young**

**HB 995—Trujillo**

**HB 1007—Nelson**

**HB 1017—Randolph, Reed**

**HB 1027—Burgin**

**HJR 1103—Bileca**

**HB 1127—Renuart**

**HB 1141—Burgin**

**HB 1193—Albritton**

**HB 1225—Grant**

**HB 1349—Ahern**

**HB 1397—Renuart**

**HB 1451—Waldman**

**HB 4075—Brandes**

**CS/HB 7019—Adkins, Corcoran**

**Withdrawals as Cosponsor**

**HB 13—Ford**

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**Motion to Adjourn**

Rep. Weatherford moved that the House, after receiving reports, adjourn for the purpose of holding committee and subcommittee meetings and conducting other House business, to reconvene at 1:00 p.m., Wednesday, March 16, 2011, or upon call of the Chair. The motion was agreed to.

**First-named Sponsors**

**HB 13—Ford**

**Cosponsors**

**HB 11—Albritton, Artiles, Baxley, Bovo, Hager, Hooper, McBurney, Passidomo, Pilon, K. Roberson, Steube, Young**

**HB 225—Hooper**

**HB 283—Bovo, Cruz, Ford, Gaetz, Hooper, Jenne, Reed, Rooney, Steinberg**

**HB 301—Ingram**

**HB 321—Bovo, Renuart**

**HB 355—Brodeur, Nelson, Randolph, Trujillo**

**HB 373—Campbell**

**HB 395—Chestnut, Perry**

**HB 477—Van Zant**

**HB 575—Trujillo**

**HB 639—Garcia**

**HB 663—Burgin, Pilon**

**HB 683—Smith, Steube**

**Introduction and Reference**

By Representative **Plakon**—

**HJR 1471**—A joint resolution proposing an amendment to Section 3 of Article I of the State Constitution to eradicate remnants of anti-religious bigotry from the State Constitution and to end exclusionary funding practices that discriminate on the basis of religious belief or identity.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the K-20 Innovation Subcommittee; Representative **Stargel**—

**HB 7087**—A bill to be entitled An act relating to education law repeals; repealing s. 445.049, F.S., relating to the creation of the Digital Divide Council in the Department of Education; repealing s. 817.567, F.S., relating to making false claims of academic degree or title; repealing s. 1001.291, F.S., which provides for implementation of a pilot project relating to discounted computers and Internet access for low-income students; repealing s. 1004.50, F.S., relating to the Institute on Urban Policy and Commerce; amending ss. 1004.51 and 1004.52, F.S.; conforming provisions to changes made by the act; repealing s. 1004.95, F.S., relating to adult literacy centers; repealing s. 1004.97, F.S., relating to the Florida Literacy Corps; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives **Thurston, Bullard, and A. Williams**—

**HR 9023**—A resolution recognizing March 23, 2011, as the second annual "Kappas at the Capitol Day" in Florida.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative **Metz**—

**HR 9025**—A resolution expressing Florida's deepest sympathies for and continuing solidarity with Japan in the wake of the country's recent disaster.

First reading by publication (Art. III, s. 7, Florida Constitution).

## First Reading of Committee Substitutes by Publication

By the K-20 Innovation Subcommittee; Representative **Logan**—

**CS/HB 307**—A bill to be entitled An act relating to district school board membership; creating s. 1001.3615, F.S.; requiring that district school boards consist of nine members in counties where the population exceeds a certain number; providing for single-member and at-large districts; requiring nonpartisan elections; providing for the election of a chair and vice chair of the school board; providing for 4-year terms of office and staggered terms of members; permitting changes in the boundaries of school board member residence areas and providing the procedure for publication of those changes; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Civil Justice Subcommittee; Representatives **Metz and Weinstein**—

**CS/HB 391**—A bill to be entitled An act relating to expert testimony; amending s. 90.702, F.S.; providing that a witness qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion as to the facts at issue in a case under certain circumstances; requiring the courts of this state to interpret and apply the principles of expert testimony in conformity with specified United States Supreme Court decisions; amending s. 90.704, F.S.; providing that facts or data that are otherwise inadmissible in evidence may not be disclosed to the jury by the proponent of the opinion or inference unless the court determines that the probative value of the facts or data in assisting the jury to evaluate the expert's opinion substantially outweighs the prejudicial effect of the facts or data; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Civil Justice Subcommittee; Representatives **Baxley and Gaetz**—

**CS/HB 405**—A bill to be entitled An act relating to employment liability for persons with disabilities; providing a short title; creating s. 768.0965, F.S.; limiting the liability of employers of persons with developmental disabilities for acts or omissions of such employees in certain circumstances; providing that a not-for-profit supported employment service provider who has provided supported employment services to an individual with a developmental disability is not liable for the actions or conduct of that individual occurring within the scope of his or her employment; providing applicability; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Civil Justice Subcommittee; Representative **McBurney**—

**CS/HB 647**—A bill to be entitled An act relating to the protection of volunteers; amending s. 768.1355, F.S.; clarifying that in order to fall under the protection of the Florida Volunteer Protection Act, a person performing a service for a nonprofit organization may not receive compensation from the nonprofit organization for that service, regardless of whether the person is receiving compensation from another source; providing immunity for the source of any other such compensation; providing applicability; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Civil Justice Subcommittee; Representative **Harrison**—

**CS/HB 815**—A bill to be entitled An act relating to powers of attorney; providing directives to the Division of Statutory Revision; creating s. 709.2101, F.S.; providing a short title; creating s. 709.2102, F.S.; providing definitions; creating s. 709.2103, F.S.; providing applicability; providing exceptions; creating s. 709.2104, F.S.; providing for a durable power of attorney; creating s. 709.2105, F.S.; specifying the qualifications for an agent; providing requirements for the execution of a power of attorney; creating s. 709.2106, F.S.; providing for the validity of powers of attorney created by a certain date or in another jurisdiction; providing for the validity of a military power of attorney; providing for the validity of a photocopy or electronic copy of a power of attorney; creating s. 709.2107, F.S.; providing for the meaning and effectiveness of a power of attorney; creating s. 709.2108, F.S.; specifying when a power of attorney is effective; providing limitations with respect to a future power of attorney; creating s. 709.2109, F.S.; providing for the termination or suspension of a power of attorney or an agent's authority; creating s. 709.2110, F.S.; providing for the revocation of a power of attorney; creating s. 709.2111, F.S.; providing for the designation of co-agents and successor agents; specifying the responsibility of a successor agent for a predecessor agent; authorizing a co-agent to delegate certain banking transaction to a co-agent; creating s. 709.2112, F.S.; providing for the reimbursement and compensation of agents; creating s. 709.2113, F.S.; providing for the agent's acceptance of appointment; creating s. 709.2114, F.S.; providing for an agent's duties; limiting an agent's liability, absent a breach of duty; requiring that an agent make certain disclosures upon order of a court, upon the death of the principal, or under certain other circumstances; creating s. 709.2115, F.S.; providing for the exoneration of an agent; providing exceptions; creating s. 709.2116, F.S.; providing for judicial relief; authorizing the award of attorney's fees and costs; providing for a judicial challenge to an agent's exercise of power based on a conflict of interest; specifying the burden of proof required to overcome that challenge; creating s. 709.2117, F.S.; providing for an agent's liability; creating s. 709.2118, F.S.; providing for an agent's resignation; creating s. 709.2119, F.S.; providing for the acceptance of and reliance upon a power of attorney; authorizing a third party to require an affidavit; providing for the validity of acts taken on behalf of a principal who is reported as missing by a branch of the United States Armed Forces; providing a restriction on the conveyance of homestead property held by such a principal; creating s. 709.2120, F.S.; providing for liability if a third person refuses to accept a power of attorney under certain circumstances; providing for an award of damages and attorney's fees and costs; creating s. 709.2121, F.S.; requiring that notice of certain events be provided to an agent or other third person; specifying the form of the notice and when it is effective; creating s. 709.2201, F.S.; providing for the authority of an agent; providing limitations; providing that an agent's authority extends to property later acquired by the principal; creating s. 709.2202, F.S.; specifying that certain authority requires separate signed enumeration; restricting the amount of certain gifts made by an agent; specifying certain acts that do not require specific authority if the agent is authorized to conduct banking transactions; limiting the application of such provision; creating s. 709.2208, F.S.; providing for authority to conduct banking and security transactions; creating s. 709.2301, F.S.; specifying the role of common law; creating s. 709.2302, F.S.; providing for the preemption of laws relating to financial institutions;

creating s. 709.2303, F.S.; providing for the recognition of other remedies; creating s. 709.2401, F.S.; specifying the relationship of the act to federal law regulating electronic signatures; creating s. 709.2402, F.S.; providing for powers of attorney executed before the effective date of the act; amending s. 736.0602, F.S.; conforming a cross-reference; repealing s. 709.01, F.S., relating to the authority of an agent when the principal is dead; repealing s. 709.015, F.S., relating to the authority of an agent when the principal is missing; repealing s. 709.08, F.S., relating to durable powers of attorney; repealing s. 709.11, F.S., relating to a deployment-contingent power of attorney; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

## Reference

**CS/HB 259**—Referred to the Economic Affairs Committee.

**CS/HB 311**—Referred to the Finance & Tax Committee and Economic Affairs Committee.

**CS/HB 479**—Referred to the Health & Human Services Access Subcommittee; Health Care Appropriations Subcommittee; and Judiciary Committee.

**HB 7085**—Referred to the State Affairs Committee.

## House Resolutions Adopted by Publication

At the request of Rep. K. Roberson—

**HR 9015**—A resolution recognizing March 2011 as "Brain Injury Awareness Month" in Florida.

WHEREAS, 100,000 Floridians annually sustain a traumatic brain injury, and

WHEREAS, more than 8,300 Floridians sustain permanent, life-long disabilities from a traumatic brain injury that results in a life-altering experience that may include serious physical, cognitive, and emotional impairments, and

WHEREAS, more than 210,000 Floridians currently live with permanent disabilities resulting from a traumatic brain injury, but the lack of public awareness is so vast that traumatic brain injury is known in the disability community as the "silent epidemic," and

WHEREAS, traumatic brain injury attributable to roadside bombs and blasts is the signature wound of the global War on Terror, and military personnel who return to Florida with traumatic brain injuries require additional state and local resources, and

WHEREAS, most cases of traumatic brain injury are preventable, and enhanced public awareness of traumatic brain injury is essential in preventing and developing effective treatment and providing necessary resources, and

WHEREAS, the Brain Injury Association of Florida, Inc., has recognized March as "Brain Injury Awareness Month," NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That March 2011 is recognized as "Brain Injury Awareness Month" in Florida.

—was read and adopted by publication pursuant to Rule 10.16.

At the request of Rep. Campbell—

**HR 9017**—A resolution recognizing March 13-19, 2011, as "Advanced Practice Registered Nurse Week" in Florida.

WHEREAS, Advanced Practice Registered Nurse Week is designed to raise public awareness of advanced registered nurse practitioners in Florida, and

WHEREAS, in this state, advanced practice registered nurses use the title "advanced registered nurse practitioner," and

WHEREAS, advanced practice registered nurses are certified as nurse practitioners, nurse midwives, nurse anesthetists, and clinical nurse specialists, and

WHEREAS, advanced practice registered nurses deliver primary care, hospital care, maternity care, anesthesia care, and psychiatric care, and

WHEREAS, 3 million Floridians have inadequate access to basic health care, 21 percent of Floridians are uninsured, and 8 million Floridians are medically disenfranchised, and

WHEREAS, advanced practice registered nurses are often the only health care provider for people who are uninsured or insured through Medicaid and Medicare, and

WHEREAS, one of the principle goals of advanced practice registered nurses is to be able to advocate for their patients, and

WHEREAS, advanced practice registered nurses practice independently in many of our nation's states, and

WHEREAS, numerous research studies have shown that advanced practice registered nurses deliver safe, high-quality health care, and

WHEREAS, is it fitting to take time to commend advanced practice registered nurses for the service they provide, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That March 13-19, 2011, is recognized as "Advanced Practice Registered Nurse Week" in Florida.

—was read and adopted by publication pursuant to Rule 10.16.

## Reports of Standing Committees and Subcommittees

### Received March 14:

The Civil Justice Subcommittee reported the following favorably:

#### **HB 951**

The above bill was transmitted to the next committee or subcommittee of reference, the Judiciary Committee.

### Received March 15:

The K-20 Innovation Subcommittee reported the following favorably:

#### **HB 61**

The above bill was transmitted to the next committee or subcommittee of reference, the PreK-12 Appropriations Subcommittee.

The Criminal Justice Subcommittee reported the following favorably:

#### **HB 91**

The above bill was transmitted to the next committee or subcommittee of reference, the Health & Human Services Committee.

The Economic Development & Tourism Subcommittee reported the following favorably:

#### **HB 287**

The above bill was transmitted to the next committee or subcommittee of reference, the Finance & Tax Committee.

The K-20 Innovation Subcommittee reported the following favorably:  
**HB 307** with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under **Rule 7.19(c)**. Under the rule, **HB 307** was laid on the table.

The Criminal Justice Subcommittee reported the following favorably:  
**HB 347**

The above bill was transmitted to the next committee or subcommittee of reference, the Transportation & Highway Safety Subcommittee.

The Health & Human Services Quality Subcommittee reported the following favorably:  
**HB 367**

The above bill was transmitted to the next committee or subcommittee of reference, the Insurance & Banking Subcommittee.

The Civil Justice Subcommittee reported the following favorably:  
**HB 391** with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under **Rule 7.19(c)**. Under the rule, **HB 391** was laid on the table.

The Civil Justice Subcommittee reported the following favorably:  
**HB 405** with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under **Rule 7.19(c)**. Under the rule, **HB 405** was laid on the table.

The Health & Human Services Quality Subcommittee reported the following favorably:  
**HB 467**

The above bill was transmitted to the next committee or subcommittee of reference, the Finance & Tax Committee.

The Criminal Justice Subcommittee reported the following favorably:  
**HB 477**

The above bill was transmitted to the next committee or subcommittee of reference, the Business & Consumer Affairs Subcommittee.

The Civil Justice Subcommittee reported the following favorably:  
**HB 647** with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under **Rule 7.19(c)**. Under the rule, **HB 647** was laid on the table.

The Economic Development & Tourism Subcommittee reported the following favorably:  
**HB 703**

The above bill was transmitted to the next committee or subcommittee of reference, the Civil Justice Subcommittee.

The Civil Justice Subcommittee reported the following favorably:

**HB 815** with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under **Rule 7.19(c)**. Under the rule, **HB 815** was laid on the table.

The Economic Development & Tourism Subcommittee reported the following favorably:  
**HB 879**

The above bill was transmitted to the next committee or subcommittee of reference, the Finance & Tax Committee.

The Economic Development & Tourism Subcommittee reported the following favorably:  
**HB 943**

The above bill was transmitted to the next committee or subcommittee of reference, the Finance & Tax Committee.

The Criminal Justice Subcommittee reported the following favorably:  
**HB 1029**

The above bill was transmitted to the next committee or subcommittee of reference, the Rulemaking & Regulation Subcommittee.

## Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 6:08 p.m., to reconvene at 1:00 p.m., Wednesday, March 16, 2011, or upon call of the Chair.

## Pages and Messengers for the week of March 14-18, 2010

Pages—Michael Anderson, Lakeland; Taryn Armstrong-Jackson, Pembroke Pines; Ian Campbell, Lakeland; Natalia Cooper, Delray Beach; James Donlon, New Port Richey; Blake Foreman, Jacksonville; Samantha Gomez, Weston; Alexandra Holian, Coral Gables; Evan Mackay, Vero Beach; Daniel Mayer, Boynton Beach; Alexis Moraitis, Fort Lauderdale; Samuel Newlon, San Antonio; Megan Nuñez, Miami; Ryan Patel, Lakeland; Ally Robare, Lakeland; Patrick Rooney, West Palm Beach; Charles White, Southwest Ranches; Alexandra Young, Tampa.

Messengers—Madison Beeler, Jacksonville; Katherine Bolt, Miami; William Bowman, Lighthouse Point; Steven Brady, Sarasota; Devin Cameron, DeLand; Marie Carr, Coral Springs; Grant Foreman, Jacksonville; David Graniero, New Port Richey; Lauren Holian, Coral Gables; Ashley Long, Trinity; Carl McMillan, Fort Lauderdale; David Meeks, Lecanto; Lauren Montagne, Marathon; Jeffrey Nunes, Pompano Beach; Lauren Rodriguez, Miami; Mary Rooney, West Palm Beach; Logan Smith, Chiefland; Perry Thurston, Plantation; Rachel Wise, Zephyrhills.

**CHAMBER ACTIONS ON BILLS**

**Tuesday, March 15, 2011**

<b>HB</b>	<b>93</b> — Read 2nd time	<b>HB</b>	<b>7003</b> — Read 2nd time
<b>CS for CS for SB</b>	<b>736</b> — Substituted for CS/HB 7019; Read 2nd time; Amendment <b>230899</b> Failed; Amendment <b>081015</b> Failed; Amendment <b>823781</b> Failed; Amendment <b>521789</b> Failed	<b>CS/HB</b>	<b>7019</b> — Substituted CS/CS/SB 736; Laid on Table, refer to CS/CS/SB 736
<b>HB</b>	<b>7001</b> — Read 2nd time		

# JOURNAL OF THE HOUSE OF REPRESENTATIVES

## DAILY INDICES FOR

March 15, 2011

### NUMERIC INDEX

HB 11 .....	13	HB 703 .....	16
HB 13 .....	13	HB 713 .....	13
HB 61 .....	15	CS for CS for SB 736 .....	10
HB 91 .....	15	CS/HB 815 .....	14
HB 93 .....	10	HB 815 .....	16
HB 225 .....	13	HB 851 .....	13
CS/HB 259 .....	15	HB 879 .....	16
HB 283 .....	13	HB 943 .....	16
HB 287 .....	15	HB 951 .....	15
HB 301 .....	13	HB 995 .....	13
CS/HB 307 .....	14	HB 1007 .....	13
HB 307 .....	16	HB 1017 .....	13
CS/HB 311 .....	15	HB 1027 .....	13
HB 321 .....	13	HB 1029 .....	16
HB 347 .....	16	HJR 1103 .....	13
HB 355 .....	13	HB 1127 .....	13
HB 367 .....	16	HB 1141 .....	13
HB 373 .....	13	HB 1193 .....	13
CS/HB 391 .....	14	HB 1225 .....	13
HB 391 .....	16	HB 1349 .....	13
HB 395 .....	13	HB 1397 .....	13
CS/HB 405 .....	14	HB 1451 .....	13
HB 405 .....	16	HJR 1471 .....	13
HB 467 .....	16	HB 4075 .....	13
HB 477 .....	13, 16	HB 7001 .....	2
CS/HB 479 .....	15	HB 7003 .....	10
HB 575 .....	13	CS/HB 7019 .....	10, 13
HB 639 .....	13	HB 7085 .....	15
CS/HB 647 .....	14	HB 7087 .....	13
HB 647 .....	16	HR 9015 .....	15
HB 663 .....	13	HR 9017 .....	15
HB 683 .....	13	HR 9023 .....	14
HB 695 .....	13	HR 9025 .....	14

### SUBJECT INDEX

Cosponsors .....	13	Introduction and Reference .....	13
First Reading of Committee Substitutes by Publication .....	14	Reference .....	15
First-named Sponsors .....	13	Reports of Standing Committees and Subcommittees .....	2, 15
House Resolutions Adopted by Publication .....	15	Withdrawals as Cosponsor .....	13

## Glossary of Selected Legislative Terms

**Bill (SB, HB)** A proposed act filed in either house of the legislature.

**Proposed Committee Bill (PCB).** A proposal that represents a committee interim project. When the idea is expanded, drafted in bill form, receives a favorable vote by the committee, and filed, it becomes a bill.

**Committee Substitute (CS or C1).** A Senate bill going through the committee hearing process sometimes has numerous amendments, or the amendments change the original concept of the bill. In these instances the bill is rewritten and becomes a “committee substitute.” The next committee of reference may again rewrite the bill, and more than one bill may be combined. The committee substitute continues to carry the identifying number(s) of the original bill(s) filed. A CS/CS or C2 is a Committee Substitute for Committee Substitute.

**Engrossed bill (E, E1, 1st Eng., E2, 2nd Eng., etc.).** The version of a measure that incorporates adopted floor amendments. The revision is done in the house of origin and engrossed under the supervision of the Secretary of the Senate or the Clerk of the House.

**Enrolled bill (ER).** A Senate or House measure approved by both houses and signed by the legislative officers which is sent to the Governor for action and transmittal to the Secretary of State or filed directly with the Secretary of State. The bill is enrolled in the house of origin under the supervision of the Secretary of the Senate or the Clerk of the House.

**Amendment** A proposal to change a procedural motion or proposed legislation. Types and versions of amendments include:

**Committee amendment.** Recommended changes to a bill, which a committee has agreed upon. Each adopted committee amendment accompanies the bill reported favorably out of committee for floor consideration. When the bill goes to the floor, the committee amendment must be considered before any other amendment may be taken up.

**Floor amendment.** A proposal offered by one or more legislators for consideration in the respective chamber.

**Technical amendment.** A non-substantive amendment used to correct errors such as spelling, numbering, incorrect coding or directory language.



**Laid on the Table** - A term used to indicate when a measure is to be considered in lieu of the original measure. For example, when a committee reports a bill as a committee substitute, the substitute is then considered in lieu of the original bill.

**Lay on the Table.** In the House of Representatives, this motion, if adopted, is the equivalent of rejection of the pending question. It may be applied to bills or amendments. The motion is unavailable in the Senate.

**Law.** An act becomes a law when the Governor either approves it or fails to sign or veto it within the period specified in the State Constitution. An act can also become a law when a subsequent legislature overrides a veto by the Governor. While the legislature is in session, the constitution allows a 7-day period following presentation of a bill to the Governor within which to sign or veto the bill. If the legislature adjourns *sine die* before an act is presented to the Governor or while an act is in the Governor's possession, the Governor has 15 days following the date of presentation in which to take action.

**Message.** Communication by one house to the other house concerning action taken on a bill. Each bill, and any amendments to it, is transmitted from one house to the other accompanied by a document (Message) that states the action taken on the bill. The term "Messages" is also used to describe the unit of the office of the Secretary of the Senate or the Clerk of the House responsible for transmitting bills to the other house.

**Motion.** A formal request made by a legislator on the floor or in a committee meeting to take some procedural action. The rules of each house determine the importance of a motion, whether it may be debated, and the vote required for adoption of the motion.

**Sine die.** Latin for without day. The motion to "adjourn sine die" is the last action of a session of the legislature. Each house may adjourn on its own motion.

**Temporarily postponed.** "Temporarily postponed," "temporarily passed," "temporarily deferred," or "TP'd" refer to the postponing of consideration of an agendaed bill or other legislative matter.

**Veto.** Objection by the Governor to an act passed by the legislature, which objection kills the act unless it is reenacted later by a two-thirds vote of both houses.

**Veto, Line item.** Power of the Governor to selectively veto items in a general appropriations act or any specific appropriation in a substantive act containing an appropriation. See [section 18\(b\) of Article III of the State Constitution](#) for restrictions on the Governor's use of this power.

More complete Glossary of Legislative Terms can be found at:

[http://www.flsenate.gov/Info\\_Center/index.cfm?Mode=Glossary&Submenu=3&Tab=info\\_center&CFID=3168088&CFTOKEN=27024046](http://www.flsenate.gov/Info_Center/index.cfm?Mode=Glossary&Submenu=3&Tab=info_center&CFID=3168088&CFTOKEN=27024046)

<http://www.myfloridahouse.gov/Sections/Glossary/glossary.aspx?Filter=A>

## Types of Bills

**General Bill (SB, HB)** - A bill of general statewide interest or whose provisions apply to the entire state.

**Memorial (SM, HM).** A measure addressed to an executive agency or another legislative body, usually Congress, which expresses the consensus of the Florida Legislature, or urges that certain action be taken, on a matter within the jurisdiction of the agency or body to which it is addressed.

**Concurrent Resolution** - A resolution that is adopted by both houses and is limited to procedural legislative matters, redistricting, and ratification of federal constitutional amendments.

**Joint Resolution** - A resolution that is the only authorized method by which the legislature may propose amendments to the Florida Constitution. If passed, the proposed amendment would appear on a statewide ballot for voter approval or rejection. It must pass each house by a three-fifths vote of the membership.

**Local Bill** - A bill that applies to an area or group that is less than the total area or population of the state. Its subject matter is such that those to whom it is applicable are entitled to publication or referendum as required by section 10 of Article III of the Florida Constitution.

**Claim bill.** A bill that presents a claim to compensate a particular individual or entity for injuries or losses caused by the negligence or error of a public officer or agency.

**Appropriations and Implementing bills.** Bills authorizing the spending of public money. Such bills are effective for one year only.

**Trust Fund bill.** Section 19(f)(3) of Article III of the State Constitution requires the legislature to periodically review trust funds to determine whether they should be terminated, modified, made exempt from review, or re-created without modification. Creation of a trust fund requires a three-fifths vote of the membership.

**Reviser's bill.** A bill prepared by the Division of Statutory Revision of the Office of Legislative Services which makes grammatical, editorial, or other technical changes in the Florida Statutes.

## Parts of a Bill

### Title

1                   A bill to be entitled  
2 An act relating to child support; amending s.  
3 409.2558, F.S.; requiring the Department of  
4 Revenue to establish by rule a method that uses  
5 reasonable efforts to locate persons to whom  
6 collections or refunds are owed, including  
7 disclosing information on the Internet;  
8 providing an effective date.  
9

### Enacting Clause

10 Be It Enacted by the Legislature of the State of Florida:  
11

### Body

12       Section 1. Paragraph (a) of subsection (2) of section  
13 409.2558, Florida Statutes, is amended to read:  
14       409.2558 Support distribution and disbursement.--  
15       (2) ~~UNDISTRIBUTABLE COLLECTIONS.--~~  
16       (a) The department shall establish by rule the method  
17 for determining a collection or refund to a noncustodial  
18 parent to be undistributable to the final intended recipient.  
19 This method must provide for reasonable efforts to locate and  
20 notify persons to whom collections or refunds are owed,  
21 including disclosure on the Internet of the names of obligees  
22 and obligors and the account number assigned by the  
23 depository, as defined in s. 61.046.

### Effective Date

24       Section 2. This act shall take effect July 1, 2005.

By Senator Lynn

7-00158-11

201184\_\_

1                                   A bill to be entitled  
 2       An act relating to St. Johns River Community College;  
 3       amending s. 1000.21, F.S.; renaming St. Johns River  
 4       Community College as "St. Johns River State College";  
 5       amending ss. 1004.74 and 1004.75, F.S., relating to  
 6       the Florida School of the Arts and the consolidation  
 7       of certain training schools; conforming provisions;  
 8       providing an effective date.

9  
 10 Be It Enacted by the Legislature of the State of Florida:

11  
 12       Section 1. Paragraph (v) of subsection (3) of section  
 13       1000.21, Florida Statutes, is amended to read:

14       1000.21 Systemwide definitions.—As used in the Florida K-20  
 15       Education Code:

16       (3) "Florida college" or "community college," except as  
 17       otherwise specifically provided, includes all of the following  
 18       public postsecondary educational institutions in the Florida  
 19       College System and any branch campuses, centers, or other  
 20       affiliates of the institution:

21       (v) St. Johns River State ~~Community~~ College, which serves  
 22       Clay, Putnam, and St. Johns Counties.

23       Section 2. Subsection (3) of section 1004.74, Florida  
 24       Statutes, is amended to read:

25       1004.74 Florida School of the Arts.—

26       (3) The Florida School of the Arts is assigned to the  
 27       District Board of Trustees of the St. Johns River State  
 28       ~~Community~~ College for purposes of administration and governance;  
 29       but the Florida School of the Arts, within appropriations and

7-00158-11

201184\_\_

30 limitations established annually by the Legislature, shall serve  
31 as a professional school on a statewide basis for all qualified  
32 students.

33 Section 3. Paragraph (b) of subsection (1) of section  
34 1004.75, Florida Statutes, is amended to read:

35 1004.75 Training school consolidation pilot projects.-

36 (1) ESTABLISHMENT.-To consolidate and more efficiently use  
37 state and taxpayer resources by combining training programs,  
38 pilot training centers are established to provide public  
39 criminal justice training in Leon and St. Johns Counties. The  
40 following pilot training centers are established:

41 (b) The Criminal Justice Academy at St. Johns River State  
42 ~~Community~~ College.

43 Section 4. This act shall take effect July 1, 2011.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Higher Education Committee

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BILL: SB 84

INTRODUCER: Senator Lynn

SUBJECT: St. Johns River Community College

DATE: February 4, 2011      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harkey	Matthews	HE	<b>Pre-meeting</b>
2.			BC	
3.				
4.				
5.				
6.				

**I. Summary:**

This bill would change the name of St. Johns River Community College to St. Johns River State College.

This bill amends ss. 1000.21 1004.74, and 1004.75, Florida Statutes.

**II. Present Situation:**

A community college district board of trustees may change its institutional name by using the designation “college” or “state college” if the college has been authorized to grant baccalaureate degrees and has been accredited as a baccalaureate degree granting institution by the Commission on Colleges of the Southern Association of Colleges and Schools<sup>1</sup>. A board of trustees must seek codification of the name change in the next regular session of the Legislature.<sup>2</sup>

The St. Johns River Community College has met all the statutory requirements for changing its name. On June 16, 2009, the St. Johns River Community College’s district board of trustees approved the request to submit a proposal to offer the Bachelor of Applied Science degree in Organizational Management and a Bachelor of Science degree in Early Childhood Education. On March 26, 2010, the State Board of Education approved St. Johns River Community College’s proposal to offer both baccalaureate degrees. On June 24, 2010, the Southern Association of Colleges and Schools approved St. Johns River Community College to offer baccalaureate degrees. On September 15, 2010, the St. Johns River Community College board of trustees

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<sup>1</sup> s. 1001.60, F.S.

<sup>2</sup> s. 1001.60(2)(c), F.S.

approved a change of the college's name to St. Johns River State College, to become effective January 2011.

**III. Effect of Proposed Changes:**

This bill would codify the name of St. Johns River State College.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Education estimates that there will be costs for changes in signage, publications, documentation, and other related items. The cost is indeterminate.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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HB 35

2011

1 A bill to be entitled  
 2 An act relating to Florida College System institutions;  
 3 amending s. 1000.21, F.S.; renaming Pensacola Junior  
 4 College as "Pensacola State College" and St. Johns River  
 5 Community College as "St. Johns River State College";  
 6 amending ss. 1004.74 and 1004.75, F.S.; conforming  
 7 provisions; providing an effective date.

8  
 9 Be It Enacted by the Legislature of the State of Florida:

10  
 11 Section 1. Paragraphs (t) and (v) of subsection (3) of  
 12 section 1000.21, Florida Statutes, are amended to read:

13 1000.21 Systemwide definitions.—As used in the Florida K-  
 14 20 Education Code:

15 (3) "Florida college" or "community college," except as  
 16 otherwise specifically provided, includes all of the following  
 17 public postsecondary educational institutions in the Florida  
 18 College System and any branch campuses, centers, or other  
 19 affiliates of the institution:

20 (t) Pensacola State ~~Junior~~ College, which serves Escambia  
 21 and Santa Rosa Counties.

22 (v) St. Johns River State ~~Community~~ College, which serves  
 23 Clay, Putnam, and St. Johns Counties.

24 Section 2. Subsection (3) of section 1004.74, Florida  
 25 Statutes, is amended to read:

26 1004.74 Florida School of the Arts.—

27 (3) The Florida School of the Arts is assigned to the  
 28 District Board of Trustees of the St. Johns River State

HB 201100350

HB 35

2011

29 ~~Community~~ College for purposes of administration and governance;  
 30 but the Florida School of the Arts, within appropriations and  
 31 limitations established annually by the Legislature, shall serve  
 32 as a professional school on a statewide basis for all qualified  
 33 students.

34 Section 3. Paragraph (b) of subsection (1) of section  
 35 1004.75, Florida Statutes, is amended to read:

36 1004.75 Training school consolidation pilot projects.—

37 (1) ESTABLISHMENT.—To consolidate and more efficiently use  
 38 state and taxpayer resources by combining training programs,  
 39 pilot training centers are established to provide public  
 40 criminal justice training in Leon and St. Johns Counties. The  
 41 following pilot training centers are established:

42 (b) The Criminal Justice Academy at St. Johns River State  
 43 ~~Community~~ College.

44 Section 4. This act shall take effect upon becoming a law.

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 35 Florida College System Institutions

**SPONSOR(S):** Ford and others

**TIED BILLS:** **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-20 Competitiveness Subcommittee		Thomas	Ahearn
2) Education Committee			

### SUMMARY ANALYSIS

The bill amends current law to change the name of "Pensacola Junior College" to "Pensacola State College" and "St. Johns River Community College" to "St. Johns River State College." Each college has complied with the statutory requirements for its name change.

Current law permits an institution in the Florida College System to change its name and use the designation "college" or "state college" if the name change has been approved by the institution's district board of trustees, the institution has been authorized to grant baccalaureate degrees, and the institution has been accredited as a baccalaureate-degree-granting institution by the Commission on Colleges of the Southern Association of Colleges and Schools. A district board of trustees that approves such a name change must seek statutory codification of the name change during the next regular legislative session.

The fiscal impact of the bill is indeterminate. (See FISCAL COMMENTS)

The effective date provided is upon becoming law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Background**

With the approval of its district board of trustees, a Florida college may change the name of the institution as listed in s. 1000.21(3), F.S., and use the designation “college” or “state college” if it has been authorized to grant baccalaureate degrees and has been accredited as a baccalaureate-degree-granting institution by the Commission on Colleges of the Southern Association of Colleges and Schools.<sup>1</sup> A district board of trustees that approves the use of the designation “college” or “state college” must seek statutory codification of the name change during the next regular legislative session.<sup>2</sup>

##### **Pensacola Junior College**

The Pensacola Junior College (PJC) District Board of Trustees (DBOT) approved the request to submit a proposal to offer the Bachelor of Science degree in Nursing and the Bachelor of Applied Science degree in Supervision and Administration on November 10, 2008. The State Board of Education approved PJC’s proposal to offer both baccalaureate degrees on March 26, 2010. The Southern Association of Colleges and Schools (SACS) approved PJC to offer baccalaureate degrees on June 24, 2010. PJC’s DBOT approved the college’s name change to Pensacola State College on July 20, 2010.<sup>3</sup>

##### **St. Johns River Community College**

The St. Johns River Community College (SJRCC) District Board of Trustees approved the request to submit a proposal to offer the Bachelor of Applied Science degree in Organizational Management and the Bachelor of Science degree in Early Childhood Education on June 16, 2009. The State Board of Education approved SJRCC’s proposal to offer both baccalaureate degrees on March 26, 2010. SACS approved the college to offer baccalaureate degrees on June 24, 2010. SJRCC’s DBOT approved the college’s name change to St. Johns River State College on September 15, 2010.<sup>4</sup>

##### **Effect of Proposed Changes**

The bill amends s. 1000.21, F.S., to change the name of “Pensacola Junior College” to “Pensacola State College” and references to “St. Johns River Community College” with “St. Johns River State College.” Each college has complied with the statutory requirements for its name change. The bill makes conforming changes in ss.1004.74 and 1004.75, F.S.

#### B. SECTION DIRECTORY:

- Section 1. Amends s. 1000.21, F.S., renaming specified community colleges.
- Section 2. Amends s. 1004.74, F.S., conforming provisions.
- Section 3. Amends s. 1004.75, F.S., conforming provisions.
- Section 4. Provides an effective date of upon becoming law.

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<sup>1</sup> Section 1001.60(2)(b)1., F.S.

<sup>2</sup> Section 1001.60(2)(c), F.S.

<sup>3</sup> Department of Education Analysis of HB 35 (Feb. 14, 2011).

<sup>4</sup> *Id.*

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

None.

#### 2. Expenditures:

None.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

None.

#### 2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

According to the Department of Education, there will be related costs associated with institutional name changes in a variety of areas such as signage, publications, and documentation. Due to the unique need of each institution, the costs associated with name changes are indeterminate at this time.<sup>5</sup>

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

#### 1. Applicability of Municipality/County Mandates Provision:

This bill does not require a city or county to expend funds or to take any action requiring the expenditure of funds.

The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

This bill does not reduce the percentage of state tax shared with counties or municipalities.

#### 2. Other:

None.

### B. RULE-MAKING AUTHORITY:

None.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

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
<sup>5</sup>Department of Education Analysis of HB 35 (Feb. 14, 2011).

#### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

# **LOBBYING AND ETHICS IN THE LEGISLATURE**

**By**  
**Peter M. Dunbar**  
**Tallahassee**

  
**Lobbying and Ethics  
in the Legislature**  
  
Peter Dunbar

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
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**Basic Laws Governing Lobbying**

- Part III of Chapter 112, Florida Statutes
- Sections 11.044 through 11.062, Florida Statutes
- Chapter 34-12 and 34-13, Florida Administrative Code
- Joint Rule 1 of the Florida Legislature
- Rule 9 of the Florida Senate and Rules 17 and 18 of the Florida House

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**Registration—Lobbyist Registration Office**

- Initial fee of \$50 and \$20 for each additional principle
- Lobbyist Registration Office in the Pepper Building (922-4990)
- Lobbyist Information: [www.flsenate.gov](http://www.flsenate.gov) or [www.myfloridahouse.gov](http://www.myfloridahouse.gov)
- Annual registration period is for the calendar year—1/1-12/31

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**Lobbying....?**

- “Lobbying” mean influencing or attempting to influence legislative action or non-action through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Legislature.
- “Lobbyist” means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs....

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**Registration—Lobbyist Registration Office**

- Name, phone number, and business address;
- Name, address and FEIN of the principal;
- Written authority to represent the principal;
- Area of legislative interest and 6-digit NAICS code; and
- Any business association that you have with a member of the Legislature.

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**Lobbying Executive Branch Agencies**

- Commission on Ethics 488-7864
- Lobbyist Information: [www.ethics.state.fl.us](http://www.ethics.state.fl.us)
- Initial fee of \$25
- \$25 for each additional principal

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**Executive Branch lobbying includes...**

- Advocacy with Executive Branch Agencies and the Governor's Office during the veto period.
  
- Negotiations and advocacy with Executive Branch Agencies during legislative deliberations; and

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**Lobbyist's Compensation Reports**

- Required of all registered lobbyists;
- Filed 4 times each year;
- The reports will cover the periods from
  - January 1 through March 31;
  - April 1 through June 30;
  - July 1 through September 30; and
  - October 1 through December 31;
- Reports are due 45 days after the close of the Reporting Period.
- Supporting accounts, bills, receipts, computer records, books, papers and other documents for the reports must be maintained for 4 years.

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**Basic Rules...**

- (1) Understand the process and where your client issues fit in the process—there is always more going on than what you are directly interested in for your client.
  
- (2) Understand the tools of the process.
  
- (3) Know the Rules governing the process.
  
- (4) Know the protocols, the customs and practices of the process.

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**Basic Rules...**

- (5) Know the people and where they fit in the process—particularly the legislative staff.
- (6) There is no substitute for candor and truthfulness—be a reliable resource.
- (7) Issues should never be personal.
- (8) The Legislative Process is a world of “gray” and issues are rarely “black” and “white.”

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**Practice and Procedures before the Ethics Commission**

- 9-Member Panel.
- Political, bi-partisan appointees by the Governor—5, House Speaker and Senate President—2 each.
- Term-limited, disclosing public officials.
- Ex parte communications not permitted.

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**Commission Hearing Procedures**

- Primary focus is on the written materials in the case files.
- Pre-prepared files of investigative reports, pleadings of the parties, and recommendation of the Advocate.
- Probable cause hearing may be in either executive or public session at the option of your client.

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**Commission Appearances**

- View it as an appellate forum;
- Prepare a complete file;
- Focus your oral presentation of the points you want to highlight;
- New facts will not be accepted in oral argument;
- Have authority and precedent for points; and
- Be prepared for questions from the Panel.

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**Commission Limitations**

- Don't waste the opportunity at oral argument;
- Evaluate mitigating circumstances;
- Innocent mistakes and political motives of the complainant don't change the facts; and
- Work with the Advocate prior to the formal hearing.

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**Commission Advisory Opinions**

- Issued after a formal request.
- Guidance for the petitioner under the facts presented.
- Request should:
  - Use existing opinions on the subject;
  - Complete and specific facts of the case;
  - Narrow request as much as possible.

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**“Tools of the Trade...”**

- House and Senate Directories
- Bill Action Summaries
- Rules (variation by House)
- House and Senate Journals
- Lobbyist Directory
- Senate-House Lobbying Guidelines
- 7-Volume set of Ethics Commission Advisory Opinions
- Web addresses:
  - Legislature: [www.flsenate.gov](http://www.flsenate.gov) or [www.myfloridahouse.gov](http://www.myfloridahouse.gov) or [www.leg.state.fl.us](http://www.leg.state.fl.us)
  - Ethics Commission: [www.ethics.state.fl.us](http://www.ethics.state.fl.us)

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**AN INTRODUCTION TO  
LEGISLATIVE PROCEDURE**

**By  
John B. Phelps  
Tallahassee**

**An Introduction to Legislative Procedure**

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**JOHN B. PHELPS**  
STAFF DIRECTOR  
SENATE RULES COMMITTEE

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**To Be Covered Today**

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- The role of advocate
- Sources of procedural authority
- What the Rules do
- The uses of motions
- Reconsideration
- Amendments
- Your questions

CLE Training Program 10/21/2011

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**The Perpetual Tension**

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<b>Deliberation</b>	<b>Time Constraints</b>
<ul style="list-style-type: none"><li>• Debate</li><li>• Prior Notice</li><li>• Public Testimony</li></ul>	<ul style="list-style-type: none"><li>• 60 Day Session</li><li>• Session Workload</li><li>• Legal Urgencies</li></ul>

CLE Training Program 10/21/2011

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**The Role of Advocate**

④

- You are an essential part of the legislative process
- Have a good grasp of the rules that relate to your direct responsibilities
- Be alert to crossing the threshold of interpretation
- Respect the rules for their plain meaning

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**Tips for Studying the Rules**

⑤

- Master the terminology
- Most questions do not involve interpretation
- Very few questions are original

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**What Rules & Procedures Do**

⑥

1. Organize the house
2. Open the process to public participation
3. Confer rights and duties on officers, members and committee chairs
4. Establish a priority of business
5. Provide notice of pending actions
6. Provide forms and procedures for consideration of legislative questions

Legislative Procedure for the Lobbyist 10/21/2011

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**Procedural Authorities**

7

1. Constitutional Rules
2. Adopted Rules
3. Rulings of Past Presiding Officers
4. Statutory Rules
5. Judicial Rulings
6. Custom and Practice
7. Mason's Manual of Legislative Procedure (House)
8. General Parliamentary Law

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**Definition of a Motion**

8

- The basic building block of legislative procedure
- A proposal calling for a substantive or procedural action by a duly constituted body

CLE Training Program 10/21/2011

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**What is debatable?**

9

- Motions that propose policy are usually debatable
- Procedural motions are not usually not debatable

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**Main motion**

10

- A **main motion** (bill) has the **lowest** precedence because all other motions exist
  - to perfect a main motion or
  - to agree upon **procedures** for considering a main motion

CLE Training Program 10/21/2011

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**Substantive Motions**

11

- Substantive motions propose new policies or changes in existing policy
- A **bill** is a main motion
- An **amendment** is a motion to change the wording of a main motion
- An amendment to an amendment (Second degree amendment) is a motion to change the wording of an amendment

CLE Training Program 10/21/2011

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**Procedural Motions**

12

- Procedural motions relate to the manner in which the body conducts its business
- May relate to consideration of a specific substantive motion or more generally to the conduct of all business

CLE Training Program 10/21/2011

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**Precedence of Motions**

13

- Only one motion may be pending at a time
- Pending means under consideration, not awaiting consideration
- Motions of equal precedence are out of order (e.g. only one main amendment can be pending)
- Usually only motions of a higher precedence than the pending motion are in order

CLE Training Program 10/21/2011

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1) Should this meeting stop at a specific time? 2) Should this meeting stop now? 3) Should this meeting take a break?	}	<b>Continuing a meeting to hear a proposal</b>
4) Should the proposal be defeated immediately? 5) Should an action taken earlier be undone? 6) Should a vote be taken now? 7) Should debate time be limited? 8) Should the proposal be deferred immediately? 9) Should the proposal be deferred to a specific time? 10) Should the bill be returned to committee or council for further consideration?	}	<b>Procedures for considering a proposal</b>
11) Should the proposal be changed?	}	<b>Perfecting a proposal</b>
12) Should the entire bill be defeated immediately?	}	<b>Killing the whole idea</b>

CLE Training Program 14 10/21/2011

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**Motions Table**

↑ More quickly dispose of the question	(1) To adjourn at a time certain (2) To adjourn (3) To recess to a time certain (4) To lay on the table. (5) To reconsider. (Debatable) (6) For the previous question. (House only) (7) To limit debate. (8) To temporarily postpone. (9) To postpone to a time or day certain. (10) To refer to or to recommit to committee or council. (11) To amend. (Debatable) (12) To amend by removing the enacting or resolving clause (Debatable) <b>[Bill or main motion] (Debatable)</b>
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CLE Training Program 15 10/21/2011

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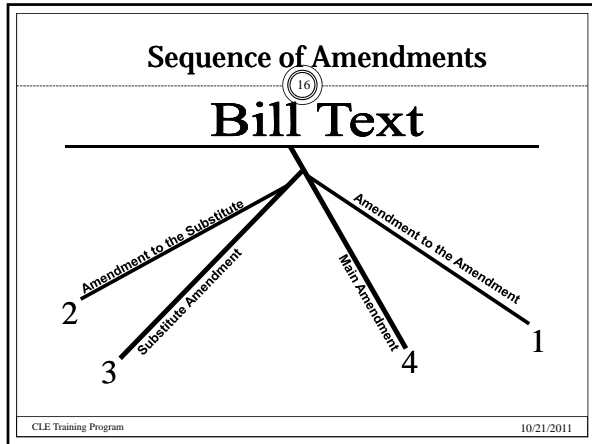
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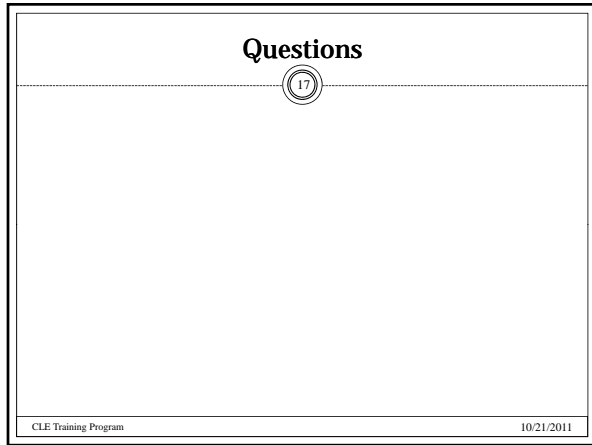
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# **SIMULATED COMMITTEE MEETING**

*Committee Members:*

**Patrick L. Imhof**

**Tiffany A. Harrington**

**Jennifer L. Hrdlicka**

**Eric W. Maclure**

**Stephen M. Uchino**

**J. Lynn Koon**

**Joshua D. Aubuchon**

**Miguel Oxamendi**

**Agenda**  
Committee on General Jurisdiction  
November 10, 2011  
Room 401, Senate Office Building  
10:50 a.m. – 12:00 p.m.

**Participants:**

**Committee Members**

*Patrick L. “Booter” Imhof, Chair*

*Eric W. Maclure, Vice-Chair*

*Tiffany A. Harrington*

*Jennifer L. Hrdlicka*

*Stephen M. “Pepper” Uchino*

*J. Lynn Koon, Committee Administrative Assistant*

*Joshua D. “Josh” Aubuchon – Bill Sponsor*

*Miguel Oxamendi – Lobbyist*

- I. Opening Remarks by the Chair
  
- II. SB 920 by Senator Hrdlicka relating to Possession of Stolen Credit or Debit Cards  
  
Discussion/Comments by the committee members
  
- III. SJR 598 by Senator Uchino relating to Term Limits  
  
Discussion/Comments by the committee members
  
- IV. SB 2062 by Senator Aubuchon relating to Malt Beverages  
  
Discussion/Comments by the committee members
  
- V. Closing Remarks

By Senator Aubuchon

27-01546-10

20102062\_\_

1                   A bill to be entitled  
2           An act relating to malt beverages; amending s.  
3           561.221, F.S.; removing a provision limiting a vendor  
4           that brews malt beverages to the sale of the beverage  
5           to consumers only for consumption on the premises of  
6           the vendor or on a contiguous premises owned by the  
7           vendor; amending s. 563.06, F.S.; removing a provision  
8           limiting the size of individual containers of malt  
9           beverages which may be sold or offered for sale by  
10          vendors at retail; providing an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14           Section 1. Subsection (3) of section 561.221, Florida  
15 Statutes, is amended to read:

16           561.221 Licensing of manufacturers and distributors as  
17 vendors and of vendors as manufacturers; conditions and  
18 limitations.—

19           (3)(a) Notwithstanding other provisions of the Beverage  
20 Law, any vendor licensed in this state may be licensed as a  
21 manufacturer of malt beverages upon a finding by the division  
22 that:

23           1. The vendor will be engaged in brewing malt beverages at  
24 a single location and in an amount that ~~which~~ will not exceed  
25 10,000 kegs per year. For purposes of this subsection, the term  
26 "keg" means 15.5 gallons.

27           2. The malt beverages so brewed will be sold to consumers  
28 ~~for consumption~~ on the vendor's licensed premises or on  
29 contiguous licensed premises owned by the vendor.

27-01546-10

20102062\_\_

30 (b) Any vendor that ~~which~~ is also licensed as a  
31 manufacturer of malt beverages pursuant to this subsection is  
32 ~~shall be~~ responsible for applicable reports pursuant to ss.  
33 561.50 and 561.55 with respect to the amount of beverage  
34 manufactured each month and shall pay applicable excise taxes  
35 thereon to the division by the 10th day of each month for the  
36 previous month.

37 (c) It shall be unlawful for any licensed distributor of  
38 malt beverages or any officer, agent, or other representative  
39 thereof to discourage or prohibit any vendor licensed as a  
40 manufacturer under this subsection from offering malt beverages  
41 brewed ~~for consumption~~ on the licensed premises of the vendor.

42 (d) It shall be unlawful for any manufacturer of malt  
43 beverages or any officer, agent, or other representative thereof  
44 to take any action to discourage or prohibit any distributor of  
45 the manufacturer's product from distributing such product to a  
46 licensed vendor that ~~which~~ is also licensed as a manufacturer of  
47 malt beverages pursuant to this subsection.

48 Section 2. Subsection (6) of section 563.06, Florida  
49 Statutes, is amended to read:

50 563.06 Malt beverages; imprint on individual container;  
51 size of containers; exemptions.—

52 (6) All malt beverages packaged in individual containers  
53 sold or offered for sale by vendors at retail in this state  
54 shall be in individual containers of any size. ~~containing no~~  
55 ~~more than 32 ounces of such malt beverages; provided, however,~~  
56 ~~that nothing contained in~~ This section does not ~~shall~~ affect  
57 malt beverages packaged in bulk or in kegs or in barrels or in  
58 any individual container containing 1 gallon or more of such



27-01546-10

20102062\_\_

59 malt beverage regardless of individual container type.

60 Section 3. This act shall take effect July 1, 2010.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the General Jurisdiction Committee

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BILL: SB 2062

INTRODUCER: Aubuchon

SUBJECT: Malt Beverages

DATE: October 16, 2011

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jefferson	Washington	RI	<b>Pre-meeting</b>
2.			BC	
3.				
4.				
5.				
6.				

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**I. Summary:**

The bill allows a vendor licensed to sell malt beverages in Florida to also brew malt beverages up to 10,000 kegs per year at a single location and sell the malt beverages to consumers for consumption off the premises.

The bill also allows malt beverages to be sold in any size container. Currently, malt beverages are limited 32 ounce containers.

This bill substantially amends the following sections of the Florida Statutes: 561.221 and 563.06.

**II. Present Situation:**

The Division of Alcoholic Beverages and Tobacco (division) within the Department of Business and Professional Regulation (department) is the agency authorized to enforce the provisions of the Beverage Law in chs. 561, 562, 563, 564, 565, 567, and 568, F.S.<sup>1</sup>

**Definitions**

Section 561.01, F.S., defines “alcoholic beverages” as “distilled spirits and all beverages containing one-half of 1 percent or more alcohol by volume.”

Section 561.14, F.S., provides the license and registration classifications under the beverage law.

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<sup>1</sup> See s. 561.04(6), F.S.

Section 561.14(2), F.S., defines “distributors” as those “licensed to sell and distribute alcoholic beverages at wholesale to persons who are licensed to sell alcoholic beverages.”

Manufacturers are defined in s. 561.01(7), F.S., as “all persons who make alcoholic beverages except those who make beer or wine for personal or family consumption pursuant to s. 562.165.”

Section 561.01(6), F.S., defines the “Beverage Law” to mean ch. 561 and chs. 562, 563, 564, 565, 567, and 568, F.S.

Malt beverages and beer are defined as “brewed beverages containing malt.”<sup>2</sup>

### **Florida’s Three-Tier System**

In the United States, the regulation of alcohol has traditionally used what is known as the “three-tier system.” The system requires that the manufacture, distribution, and sale of alcoholic beverages be separated. Retailers must buy their products from distributors who in turn buy their products from the manufacturers. The system is deeply rooted in the perceived evils of the “tied house” in which a bar is owned or operated by a manufacturer or the manufacturer exercises undue influence over the retail vendor.<sup>3</sup>

There are some exceptions to this regulatory system, usually for special circumstances. Typically the exemptions include allowing beer brewpubs to manufacture malt beverages and to sell them to consumers,<sup>4</sup> allowing individuals to bring small quantities of alcohol back from trips out-of-state,<sup>5</sup> and allowing in-state wineries to manufacture and sell directly to consumers.<sup>6</sup>

In Florida, alcoholic beverages are regulated by the Beverage Law. These provisions regulate the manufacture, distribution, and sale of wine, beer, and liquor via manufacturers, distributors, and vendors.<sup>7</sup>

In a three-tier system, each license classification has clearly delineated functions. In Florida, only licensed vendors are permitted to sell alcoholic beverages directly to consumers at retail.<sup>8</sup> Manufacturers of alcoholic beverages may not be licensed as distributors.

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<sup>2</sup> Section 563.01, F.S.

<sup>3</sup> Erik D. Price, *Time to Untie the House? Revisiting the Historical Justifications of Washington’s Three-Tier System Challenged by Costco v. Washington State Liquor Control Board*, a copy can be found at: <http://www.wsba.org/media/publications/barnews/2004/june-04-price.htm> (last visited April 6, 2008).

<sup>4</sup> Section 561.221(2), F.S., which permits the limited manufacture of beer by vendors (brew pubs).

<sup>5</sup> Section 562.16, F.S., which permits the possession of less than one gallon of untaxed alcoholic beverages when purchased by the possessor out-of-state in accordance with the laws of the state where purchased and brought into the state by the possessor.

<sup>6</sup> Section 561.221, F.S.

<sup>7</sup> Section 561.14, F.S.

<sup>8</sup> Section 561.14(3), F.S.

## Tied House Evil

Section 561.42, F.S., is known as the “tied house evil” statute. It restricts any licensed manufacturer or distributor from having any financial interest in any retail establishment or from giving financial aid or assistance to any vendor.<sup>9</sup>

The tied house evil statute also prohibits any distributor or vendor from receiving any financial incentives from any manufacturer.<sup>10</sup> It further prohibits manufacturers or distributors from assisting retail vendors by gifts or loans of money or property or by the giving of rebates. It does not, however, apply to any bottles, barrels, or other containers necessary for the legitimate transportation of such beverages or to advertising materials.

Licensed manufacturers and distributors may not provide any financial aid or assistance to any retail vendor or directly or indirectly furnish an outside sign of any type; nor may a vendor display such outside sign advertising any alcoholic beverage.<sup>11</sup>

Section 561.42, F.S., also prohibits licensed manufactures and distributors from:

- Making further sales to vendors that the division has certified as not having fully paid for all liquors previously purchased;
- Directly or indirectly giving, lending, renting, selling, or in any other manner furnishing to a vendor any outside sign, printed, painted, electric, or otherwise; and
- Providing expendable retail advertising specialties, unless sold to the vendor at not less than the actual cost to the industry member who initially purchased them.

Section 561.42(12), F.S., also provides that manufacturers and distributors of malt beverages:

- May provide specified advertising specialties to consumers on any vendors licensed premises;
- Shall not conduct any sampling activities that include tasting of their product at a vendor's premises licensed for off-premises sales only; and
- Shall not engage in cooperative advertising with vendors.

These prohibitions also extend to the vendors accepting or displaying the prohibited items.<sup>12</sup>

Section 561.221, F.S., allows vendors that are licensed in Florida to manufacture malt beverages up to 10,000 kegs per year at a single location. These locations are also known as “brew pubs.” A keg is 15.5 gallons. The malt beverages must be consumed on the premises.

All malt beverages cannot be sold in containers that hold more than 32 ounces.<sup>13</sup>

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<sup>9</sup> Section 561.42, F.S.

<sup>10</sup> *Id.*

<sup>11</sup> Section 561.42(10), F.S.

<sup>12</sup> Sections 561.42(1), (10), and (11), F.S.

<sup>13</sup> Section 563.06(6), F.S.

**III. Effect of Proposed Changes:**

The bill allows a vendor licensed to sell malt beverages in Florida to also brew malt beverages up to 10,000 kegs per year at a single location and sell the malt beverages to consumers for consumption off the premises.

The bill also allows malt beverages to be sold in any size container.

**Other Potential Implications:****IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

The brew pubs may experience increased sales of their product when consumers may take their product off the premises. Malt beverage manufacturers that produced their product in containers larger than 32 ounces may also experience increased sales in Florida.

**C. Government Sector Impact:**

The state may collect additional tax revenue from the sale of malt beverages for consumption off the premises of the brew pubs. The state may collect additional taxes on containers that hold more than 32 ounces of malt beverages.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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LEGISLATIVE ACTION

Senate	.	House
Comm:	.	
11/10/2011	.	
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The Committee on General Jurisdiction (Harrington) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 59 and 60  
insert:

Section 3. The Office of Program Policy Analysis and Governmental Accountability is directed to conduct a study of the direct shipment of wine into the State of Florida. The study shall include, but not be limited to: the amount of tax collected, the number of wineries shipping wine into this state, and what type of age verification is being utilized by the wineries to prevent delivery to underage persons. The study may also recommendations on the licensing of the direct shipment of

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13 wine into this state.



By Senator Hrdlicka

32-01305A-11

2011920\_\_

1                                   A bill to be entitled  
 2           An act relating to possession of stolen credit or  
 3           debit cards; amending s. 817.60, F.S.; prohibiting  
 4           possession of a stolen credit or debit card in  
 5           specified circumstances; providing penalties;  
 6           providing that a retailer who takes, accepts, retains,  
 7           or possesses a stolen credit or debit card without  
 8           knowledge that the card is stolen and who is  
 9           authorized to process transactions by the company  
 10          issuing the credit or debit card does not commit a  
 11          violation under certain circumstances; providing an  
 12          exception for certain retail employees; providing an  
 13          effective date.

14  
 15 Be It Enacted by the Legislature of the State of Florida:

16  
 17           Section 1. Subsection (8) is added to section 817.60,  
 18 Florida Statutes, to read:

19           817.60 Theft; obtaining credit card through fraudulent  
 20 means.—

21           (8) UNLAWFUL POSSESSION OF A STOLEN CREDIT OR DEBIT CARD.—A  
 22 person who knowingly possesses, receives, or retains custody of  
 23 a credit or debit card that has been taken from the possession,  
 24 custody, or control of another without the cardholder's consent  
 25 and with the intent to impede the recovery of the credit or  
 26 debit card by the cardholder commits unlawful possession of a  
 27 stolen credit or debit card and is subject to the penalties set  
 28 forth in s. 817.67(2). A retailer that takes, accepts, retains,  
 29 possesses, or processes a stolen credit card or debit card does

32-01305A-11

2011920\_\_

30 not commit a violation of this subsection if the retailer does  
31 so in the ordinary course of business and the retailer does not  
32 have actual knowledge that the credit card or debit card is  
33 stolen; provided, this exception does not apply to a retail  
34 employee who has actual knowledge that the credit card or debit  
35 card is stolen.

36 Section 2. This act shall take effect October 1, 2011.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the General Jurisdiction Committee

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BILL: SB 920

INTRODUCER: Senator Hrdlicka

SUBJECT: Possession of Stolen Credit or Debit Cards

DATE: October 16, 2011

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Adams	Washington	GJ	<b>Pre-meeting</b>
2.			BC	
3.				
4.				
5.				
6.				

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**I. Summary:**

The bill makes it a third degree felony to knowingly possess, receive, or retain custody of a credit or debit card that has been taken from the possession, custody, or control of another person without the cardholder's consent and with the intent to impede recovery of the card by the cardholder.

The bill also specifies that this offense does not apply to a retailer that takes, accepts, retains, possesses, or processes a stolen credit or debit card if the retailer does so in the ordinary course of business and does not have actual knowledge that the card is stolen. The exception does not apply to a retail employee who has actual knowledge that the card is stolen.

This bill substantially amends section 817.60 of the Florida Statutes.

**II. Present Situation:**

Section 817.60, F.S., is part of Part II of ch. 817, F.S., which is the 1967 "State Credit Card Crime Act."<sup>1</sup> This statute provides criminal penalties<sup>2</sup> for various crimes relating to credit cards.<sup>3</sup> The specific offenses are as follows:

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<sup>1</sup> Section 817.57, F.S.

<sup>2</sup> The statute specifies that offenses are subject to the penalties set forth in s. 817.67(1), F.S. or s. 817.67(2), F.S., as applicable. Section 817.67(1), F.S., provides that a person who is subject to the penalties of this subsection is guilty of a first degree misdemeanor. A first degree misdemeanor is punishable by up to one year in county jail and a fine of up to \$1,000 may also be imposed. Sections 775.082 and 775.083, F.S. Section 817.67(2), F.S., provides that a person who is subject to the penalties of this subsection is guilty of a third degree felony. A third degree felony is punishable by up to five years in state prison and a fine of up to \$5,000 may also be imposed. Sections 775.082 and 775.083, F.S.

- *Taking or retaining possession of a credit card taken*: First degree misdemeanor: Person takes a credit card from the possession, custody, or control of another person without the cardholder's consent or, with knowledge the credit card has been so taken, receives the credit card with the intent to use it, to sell it, or to transfer it to another person other than the issuer or the cardholder.<sup>4</sup>
- *Theft of a credit card lost, mislaid, or delivered by mistake*: First degree misdemeanor: Person receives a credit card that he or she knows to have been lost, mislaid, or delivered by mistake as to the identity or address of the cardholder, and retains the credit card with the intent to use, sell, or transfer the credit card to another person other than the issuer or the cardholder.<sup>5</sup>
- *Purchase or sale of another person's credit card*: First degree misdemeanor: Person other than the credit card issuer sells a credit card or buys a credit card from a person other than the issuer.<sup>6</sup>
- *Obtaining control of a credit card as security for a debt*: First degree misdemeanor: Person, with intent to defraud the credit card issuer, a person or organization providing money, goods, services, or anything else of value, or any other person, obtains control over a credit card as security for a debt.<sup>7</sup>
- *Dealing in another person's credit card*: Third degree felony: Person other than the credit card issuer, during any 12-month period, receives two or more credit cards issued in the name or names of different cardholders, which cards he or she has reason to know were taken or retained under circumstances which constitute credit card theft or a violation of this part.<sup>8</sup>
- *Forgery of another person's credit card*: Third degree felony: Person, with intent to defraud a purported credit card issuer or a person or organization providing money, goods, services, or anything else of value or any other person, falsely makes, falsely embosses, or falsely alters in any manner a credit card or utters such a credit card or, with intent to defraud, has a counterfeit credit card or any invoice, voucher, sales draft, or other representation or manifestation of a counterfeit credit card in his or her possession, custody, or control.<sup>9</sup>
- *Signing another person's card*: First degree misdemeanor: Person other than the holder of a credit card or a person authorized by the cardholder, signs the credit card with the intent to

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<sup>3</sup> "Credit card" is defined to mean "any instrument or device, whether known as a credit card, credit plate, bank service card, banking card, check guarantee card, electronic benefits transfer (EBT) card, or debit card, or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining money, goods, services, or anything else of value on credit or for use in an automated banking device to obtain any of the services offered through the device." Section 817.58(4), F.S.

<sup>4</sup> Section 817.60(1), F.S. Taking a credit card without consent includes obtaining it by conduct defined or known as statutory larceny, common-law larceny by trespassory taking, common-law larceny by trick or embezzlement or obtaining property by false pretense, false promise or extortion. *Id.*

<sup>5</sup> Section 817.60(2), F.S.

<sup>6</sup> Section 817.60(3), F.S.

<sup>7</sup> Section 817.60(4), F.S.

<sup>8</sup> Section 817.60(5), F.S.

<sup>9</sup> Section 817.60(6), F.S. A person other than an authorized credit card manufacturer or issuer who possesses two or more counterfeit credit cards is presumed to have violated this subsection. *Id.* A person falsely makes a credit card when he or she makes or draws in whole or in part a device or instrument which purports to be the credit card of a named issuer but which is not such a credit card because the issuer did not authorize the making or drawing or when he or she alters a credit card which was validly issued. *Id.* A person falsely embosses a credit card when, without the authorization of the named issuer, he or she completes a credit card by adding any of the matter, other than the signature of the cardholder, which an issuer requires to appear on the credit card before it can be used by a cardholder. *Id.*

defraud the credit card issuer or a person or organization providing money, goods, services, or anything else of value or any other person.<sup>10</sup>

### III. Effect of Proposed Changes:

The bill amends s. 817.60, F.S., to create a new subsection (8) which provides that a person who knowingly possesses, receives, or retains custody of a credit or debit card<sup>11</sup> that has been taken from the possession, custody, or control of another person without the cardholder's consent and with the intent to impede recovery of the card by the cardholder commits unlawful possession of a stolen credit or debit card and is subject to the penalties set forth in s. 817.67(2), F.S., which are third degree felony penalties: up to five years in state prison and a fine of up to \$5,000 may also be imposed.<sup>12</sup>

The bill also specifies that this offense does not apply to a retailer that takes, accepts, retains, possesses, or processes a stolen credit or debit card if the retailer does so in the ordinary course of business and does not have actual knowledge that the card is stolen. The exception does not apply to a retail employee who has actual knowledge that the card is stolen.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

### V. Fiscal Impact Statement:

#### A. Tax/Fee Issues:

None.

#### B. Private Sector Impact:

None.

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<sup>10</sup> Section 817.60(7), F.S.

<sup>11</sup> "Debit card" is not a term defined in the bill, in s. 817.60, F.S., or in ch. 817, F.S. However, courts may look "to case law or related statutory provisions which define the term, and where a statute does not specifically define words of common usage, such words are construed in their plain and ordinary sense." *State v. Hagan*, 387 So.2d 943, 945 (Fla.1980). Staff's review of the Florida Statutes found many references to the term "debit card" without a definition of the term.

<sup>12</sup> Sections 775.082 and 775.083, F.S.

**C. Government Sector Impact:**

The Criminal Justice Impact Conference, which provides the final, official estimate of the prison bed impact, if any, of legislation, estimates that the bill has an insignificant prison bed impact because it creates an unranked third degree felony.<sup>13</sup>

**VI. Technical Deficiencies:**

The retailer exception at lines 28-35 of the bill does not track the elements of the act prohibited, and therefore could raise questions as to whether the retailer's actions are truly an exception from the act prohibited.

**VII. Related Issues:**

None.

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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<sup>13</sup> "Unranked" is a descriptive term for a noncapital felony that is not specifically ranked in the offense severity ranking chart in s. 921.0022, F.S. If the felony is not ranked in the chart, it is ranked pursuant to s. 921.0023, F.S., based on its felony degree. An unranked third degree felony is a Level 1 offense. *Id.* A first-time offender convicted of only the unranked third degree felony would score a nonprison sanction as the lowest permissible sentence. Section 921.0024, F.S. Further, in this first-time offender scenario, a non prison sanction would be required unless the sentencing court made written findings that this sanction could present a danger to the public. Section 775.082(10), F.S.

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LEGISLATIVE ACTION

Senate	.	House
Comm:	.	
11/10/2011	.	
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The Committee on General Jurisdiction (Uchino) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 28 - 35  
and insert:  
forth in s. 817.67(2).

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 6 - 13  
and insert:  
providing an effective date.

423390

LEGISLATIVE ACTION

Senate	.	House
Comm:	.	
11/10/2011	.	
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The Committee on General Jurisdiction (Harrington) recommended the following:

**Senate Amendment**

Delete lines 28 - 35  
and insert:  
forth in s. 817.67(2). It is not a violation of this subsection for a retailer or retail employee, in the ordinary course of business, to: possess, receive, or return a credit card or debit card that the retailer or retail employee does not know was stolen; or possess, receive, or retain a credit card or debit card that the retailer or retail employee knows is stolen for the purpose of an investigation into the circumstances regarding the theft of the card or its possible unlawful use.



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LEGISLATIVE ACTION

Senate	.	House
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11/08/2011 03:50 PM	.	
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1 The Committee on General Jurisdiction (Maclure) recommended the  
2 following:

3  
4 **Senate Amendment (with title amendment)**

5  
6 Between lines 35 and 36

7 insert:

8 Section 2. Section 817.801, Florida Statutes, is amended to  
9 read:

10 817.801 Definitions.—As used in this part:

11 (1) "Credit counseling agency" means any organization  
12 providing debt management services, debt settlement services, or  
13 credit counseling services for compensation.

14 (2) "Credit counseling services" means confidential money  
15 management, debt reduction, and financial educational services.

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16 (3) "Creditor contribution" means any sum that a creditor  
17 agrees to contribute to a credit counseling agency, whether  
18 directly or by setoff against amounts otherwise payable to the  
19 creditor on behalf of debtors.

20 (4) "Debt management plan" means a written agreement or  
21 contract between a credit counseling agency and a debtor whereby  
22 the credit counseling agency, in return for a direct or indirect  
23 payment by the debtor of fees not exceeding those set forth in  
24 s. 817.802, will provide credit counseling services or debt  
25 management services that contemplate that creditors will reduce  
26 finance charges or fees for late payment, default, or  
27 delinquency.

28 ~~(5)~~(4) "Debt management services" means services provided  
29 to a debtor by a credit counseling organization for a fee to:

30 (a) Effect the adjustment, compromise, reduction of  
31 interest rate or fees, modification of terms, or negotiation or  
32 discharge of any unsecured account, note, or other indebtedness  
33 of the debtor; or

34 (b) Receive from the debtor and disburse to a creditor any  
35 money or other thing of value with the expectation that the  
36 debtor will repay the entire principal amount owed to the  
37 creditor.

38 ~~(8)~~(5) "Person" means any individual, corporation,  
39 partnership, trust, association, or other legal entity.

40 Section 3. Subsection (1) of section 817.802, Florida  
41 Statutes, is amended to read:

42 817.802 Unlawful fees and costs.—

43 (1) It is unlawful for any person, while engaging in debt  
44 management services or credit counseling services, to charge or

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45 accept from a debtor residing in this state, directly or  
46 indirectly, a fee or contribution greater than \$50 for the  
47 initial setup or initial consultation. Subsequently, the person  
48 may not charge or accept a fee or contribution ~~from a debtor~~  
49 ~~residing in this state~~ greater than \$120 per year for additional  
50 consultations or, alternatively, if debt management services as  
51 defined in s. 817.801(5)(b) ~~817.801(4)(b)~~ are provided, the  
52 person may charge the greater of 7.5 percent of the amount paid  
53 monthly by the debtor ~~to the person~~ or \$35 per month.

54

55 ===== T I T L E A M E N D M E N T =====

56 And the title is amended as follows:

57

58 Delete lines 12 and 13

59 and insert:

60 exception for certain retail employees; providing  
61 unlawful use does not commit a violation of the act;  
62 amending s. 817.801, F.S.; defining the terms "debt  
63 management plan," "debt settlement services," and  
64 "debt settlement plan"; amending s. 817.802, F.S.;  
65 conforming a cross-reference; providing an effective  
66 date.

By Senator Uchino

21-00605-10

2010598\_\_

Senate Joint Resolution

A joint resolution proposing amendments to Section 15 of Article III and Section 4 of Article VI and the creation of a new section in Article XII of the State Constitution to revise the term limits that apply to State Senators and State Representatives and to impose term limits on elected county and municipal officers.

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

That the following amendments to Section 15 of Article III and Section 4 of Article VI and the creation of a new Section in Article XII of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE III

LEGISLATURE

SECTION 15. Terms and qualifications of legislators.—

(a) SENATORS. Senators shall be elected for staggered terms of six ~~four~~ years. The legislature must divide the senate districts as evenly as possible into three classes, those from odd-numbered districts in the years the numbers of which are multiples of four and those from even-numbered districts in even-numbered years the numbers of which are not multiples of four; except, at the election next following a reapportionment, some senators shall be elected for terms of two years when necessary to maintain staggered terms.

(b) REPRESENTATIVES. Members of the house of

21-00605-10

2010598\_\_

30 representatives shall be elected for terms of four ~~two~~ years,  
 31 those from odd-numbered districts in the years the numbers of  
 32 which are multiples of four and those from even-numbered  
 33 districts in even-numbered years the numbers of which are not  
 34 multiples of four in each even-numbered year.

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

39 (d) ASSUMING OFFICE; VACANCIES. Members of the legislature  
 40 shall take office upon election. Vacancies in legislative office  
 41 shall be filled only by election as provided by law.

## ARTICLE VI

## SUFFRAGE AND ELECTIONS

## SECTION 4. Disqualifications.—

45 (a) A ~~No~~ person convicted of a felony, or adjudicated in  
 46 this or any other state to be mentally incompetent, is not ~~shall~~  
 47 ~~be~~ qualified to vote or hold office until restoration of civil  
 48 rights or removal of disability.

49 (b) A ~~No~~ person may not appear on the ballot for re-  
 50 election as a senator, representative, county officer, or  
 51 municipal officer if, by the end of the current term of office,  
 52 the person will have served (or, but for resignation, would have  
 53 served) in that office for twelve consecutive years. ~~to any of~~  
 54 ~~the following offices:~~

55 (1) ~~Florida representative,~~

56 (2) ~~Florida senator,~~

57 (c) ~~(3)~~ A person may not appear on the ballot for re-  
 58 election as the Florida Lieutenant governor, or

21-00605-10

2010598\_\_

59       ~~(4) any office of the Florida cabinet office,~~  
60       ~~(5) U.S. Representative from Florida, or~~  
61       ~~(6) U.S. Senator from Florida~~

62  
63 if, by the end of the current term of office, the person will  
64 have served (or, but for resignation, would have served) in that  
65 office for eight consecutive years.

## ARTICLE XII

## SCHEDULE

68       Implementation of amendments relating to the terms of  
69 certain elected officials.-

70       (a) The amendments to Section 15 of Article III and Section  
71 4 of Article VI and the creation of this section shall take  
72 effect upon approval by the electors.

73       (b) During the organizational session following the 2010  
74 general election, the Legislature shall implement the amendment  
75 to subsection (a) of Section 15 of Article III by law. Under the  
76 implementing legislation, senators elected during the 2010  
77 general election shall be elected to terms of at least four  
78 years. The terms of senators having two years remaining to their  
79 terms on the date of the general election may be extended by two  
80 years.

81       (c) Those representatives elected in odd-numbered districts  
82 in the 2010 general election shall be elected to terms of two  
83 years. Those representatives elected in even-numbered districts  
84 in the 2010 general election shall be elected to terms of four  
85 years.

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

21-00605-10

2010598\_\_

88

## CONSTITUTIONAL AMENDMENTS

89

## ARTICLE III, SECTION 15

90

## ARTICLE VI, SECTION 4

91

## ARTICLE XII

92 TERMS OF STATE SENATORS, STATE REPRESENTATIVES, AND ELECTED

93 COUNTY AND MUNICIPAL OFFICERS.—The State Constitution provides

94 that State Senators are elected to terms of 4 years and State

95 Representatives are elected to terms of 2 years. The State

96 Constitution also generally limits State Senators and State

97 Representatives to serving 8 consecutive years in office.

98 However, the State Constitution does not limit the number of

99 consecutive years in office that may be served by a county or

100 municipal officer.

101 This amendment lengthens the terms of State Senators to 6

102 years and the terms of State Representatives to 4 years. The

103 amendment also generally limits State Senators, State

104 Representatives, and elected county and municipal officers to 12

105 consecutive years in office. However, the amendment does not

106 change the length of the term of any elected county or municipal

107 office.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the General Jurisdiction Committee

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BILL:           SJR 598

INTRODUCER:   Senator Uchino

SUBJECT:       Term Limits

DATE:           October 17, 2011

REVISED:       \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Adams	Washington	RI	<b>Pre-meeting</b>
2.	_____	_____	RC	_____
3.	_____	_____	BC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

---

**I. Summary:**

Joint Resolution 598 proposes to amend the Florida Constitution to increase the length of a single term in office for a State Representative from two years to four years and a State Senator from four years to six years.

The resolution also proposes to extend the number of consecutive years in office for State Representatives and State Senators from eight years to twelve years and to impose a twelve-year consecutive term limit for county and municipal elected officials.

The resolution proposes to delete the eight-year term limitation for United States Representatives and United States Senators from Florida, which was declared unconstitutional by the United States Supreme Court in 1995.

The resolution also proposes to add a new schedule to the Constitution to implement these amendments.

This joint resolution to change terms and term limits for elected officials must be approved by a 3/5 vote of the membership of each house of the Legislature. If enacted by such a vote, the proposal will be presented to the electors of Florida during the state's next general election on November 2, 2010. Final approval requires a favorable vote from 60 percent or more of the electors of the state.

The joint resolution appears to have a fiscal impact on state government in that the Department of State, Division of Elections, estimates a non-recurring cost of approximately \$65,897.28 for FY 2010-11. This cost is a result of placing the joint resolution on the ballot and publishing two



notices in local newspapers, which is required by Article XI, Section 5, of the Florida Constitution.

The resolution would take effect upon approval of the voters on November 2, 2010.

This bill substantially amends s. 15, Art. III and s. 4, Art. VI and creates a provision in Art. XII of the State Constitution.

## **II. Present Situation:**

In 2005, HJR 1177 was passed by the House and Senate by the required 3/5 vote, increasing the consecutive term limits of state senators and state representatives from eight years to twelve years. The proposal was scheduled to appear on the November 2006 ballot. However, during the 2006 Legislative Session, SJR 2788 was passed by the House and Senate rescinding HJR 1177, therefore the issue was never placed before the Florida electorate in 2006.

Article III Section 15 of the Florida Constitution currently provides for terms and qualifications of legislators. The Section provides that senators are elected to four year terms, with senators from odd numbered districts in the years that are multiples of four, and the even numbered districts in the years which are not multiples of four. All House members are elected every two years.

Article VI Section 4 of the Florida Constitution currently provides that a State Representative or Senator, Lieutenant Governor, Florida Cabinet member, United States Representative or United States Senator from Florida may not have his or her name placed on the ballot if the person has served eight consecutive years in that office. In 1992, Florida voters approved term limits under the "eight is enough" proposal (citizen initiative) by a margin of 77 percent to 23 percent.

Article VI, Section 4(b), currently reads:

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

- (1) Florida Representative,
- (2) Florida Senator,
- (3) Florida Lieutenant governor,
- (4) Any office of the Florida Cabinet,
- (5) U.S. Representative from Florida, or
- (6) U.S. Senator from Florida

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

In 1995, the United States Supreme Court held that state limits on the terms of federal officials violated the United States Constitution. The provisions relating to state officials were challenged; however, the Florida Supreme Court upheld those provisions of Article VI, Section 4(b).

Presently, 15 states have term limits for legislators. In all, 21 states have passed legislative term limits at one time or another; however term limits have been repealed or declared

unconstitutional in six of those states. In the late 1990s, Massachusetts and Washington's State Supreme Courts held that states' legislative term limits were unconstitutional. In 2002, Oregon's Supreme Court held that legislative term limits unconstitutional, and in 2002 and 2003, respectively, the Idaho and Utah State Legislatures repealed legislative term limits. In 2004, the Wyoming State Supreme Court held that legislative term limits were unconstitutional.

Currently most county and municipal elected officials in Florida are not subject to consecutive term limits. The Florida League of Cities estimates that between one-third and one-fourth of Florida cities have some form of term limits. According to the Florida Association of Counties, Brevard, Broward, Clay, Duval, Hillsborough, Miami-Dade, Orange, Palm Beach, Polk, Sarasota, and Volusia counties have term limits in their charters. However, in 2002, when challenged, term limits for Duval County elected officials were found unconstitutional. No county in the state has term limits for School Board members as per the Florida School Boards Association.

Article XI, Section 5(e) requires that any amendment to the Florida Constitution must receive a favorable vote by at least sixty-percent of the electors voting on the measure.

### **III. Effect of Proposed Changes:**

Senate Joint Resolution 598 proposes to amend Article III, Section 15 of the Florida Constitution to increase the current terms of State Representatives from two years to four years and State Senators from four years to six years.

Senate Joint Resolution 598 proposes to amend Article VI, Section 4 to increase the consecutive term limits of state legislators from eight years to twelve years, and to impose consecutive term limits of twelve years for county and municipal elected officials.

The resolution removes language from this section which was passed during the citizen's initiative in 1992, requiring term limits for members of Congress, which the United States Supreme Court determined violates the United States Constitution.

The resolution also adds a new schedule to Article XII to provide for the implementation of the amendments to Articles III and VI.

If passed by the required 3/5 membership of the House and Senate,<sup>1</sup> the proposed amendment will be presented to the electors of Florida at the November 2010 general election, and if approved, will apply to those officers elected in November 2010 and after.

If approved by the electorate, senators elected during the 2010 general election would be elected to terms of at least four years. The terms of senators having two years remaining in their terms may be extended by two years. The SJR requires the Legislature to divide the senate districts as evenly as possible into three classes to maintain staggered terms. House members elected in odd-numbered districts in the 2010 general election would be elected to two-year terms. House members elected in even-numbered districts in 2010 would be elected to four-year terms. If the

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<sup>1</sup> The Florida house, *Guidelines for Bill Drafting*, (2009) page 12.

SJR passes in November, at the organizational session of 2010, the resolution calls for the Legislature to implement the resolution.

The proposed constitutional amendment will appear on the November 2010 ballot as follows:

*CONSTITUTIONAL AMENDMENTS  
ARTICLE III, SECTION 15  
ARTICLE VI, SECTION 4  
ARTICLE XII*

*TERMS OF STATE SENATORS, STATE REPRESENTATIVE AND ELECTED COUNTY AND MUNICIPAL OFFICERS.-The State Constitution provides that State Senators are elected to terms of 4 years and State Representatives are elected to terms of 2 years. The State Constitution also generally limits State Senators and State Representative to serving 8 consecutive years in office. However, the State Constitution does not limit the number of consecutive years in office that may be served by a county or municipal officer.*

*This amendment lengthens the terms of State Senators to 6 years and the terms of State Representatives to 4 years. The amendment also generally limits State Senators, State Representatives, and elected county and municipal officers to 12 consecutive years in office. However, the amendment does not change the length of the term of any elected county of municipal office.*

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

Article XI, Section. 5, of the Florida Constitution, require each proposed amendment to the Constitution be published in a newspaper of general circulation in each county two times prior to the general election. The Division of Elections estimates the cost of compliance would be approximately \$65,897.28

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

If the resolution is adopted, changing the staggered terms of Senators from four to six year terms requires the Legislature to divide the senate districts as evenly as possible into three classes. The logistics as to how this is to be done would be decided during the 2010 organizational session. In the past, the senate districts have been divided into two classes--even and odd. It should be noted that reapportionment will take effect in 2012, and it is uncertain as to how this would impact the resolution after it is implemented.

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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LEGISLATIVE ACTION

Senate	.	House
Comm:	.	
11/10/2011	.	
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	.	

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The Committee on General Jurisdiction (Harrington) recommended the following:

**Senate Amendment (with ballot and title amendment)**

Delete line(s) 11-85  
and insert:

That the following amendments to Section 4 of Article VI and the creation of Section 26 of Article XII of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or an earlier special election specifically authorized by law for that purpose:

ARTICLE VI

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SUFFRAGE AND ELECTIONS

SECTION 4. Disqualifications.—

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

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

- ~~(1) Florida representative,~~
- ~~(2) Florida senator, or~~
- ~~(3) Florida Lieutenant governor,~~
- ~~(4) any office of the Florida cabinet,~~
- ~~(5) U.S. Representative from Florida, or~~
- ~~(6) U.S. Senator from Florida~~

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

ARTICLE XII

SCHEDULE

Section 31 Term limits.—The amendment to section 6 of Article VI shall take effect upon approval by the voters and shall apply to those officers whose consecutive years in office begin in November 2012 or thereafter.

===== ~~B A L L O T S T A T E M E N T A M E N D M E N T~~=====

And the ballot statement is amended as follows:

Delete line(s) 88-107  
and insert:

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CONSTITUTIONAL AMENDMENTS

ARTICLE VI, SECTION 4

TERMS OF STATE SENATORS, STATE REPRESENTATIVES, FLORIDA  
LIEUTENANT GOVERNOR, FLORIDA CABINET OFFICE, U.S. REPRESENTATIVE  
FROM FLORIDA, AND U.S. SENATOR FROM FLORIDA.—This; amendment  
delete the term limits of 8 years for the office of State  
Senators, State Representatives, Florida Lieutenant Governor,  
Florida Cabinet Officers, U.S. Representatives from Florida, and  
U.S. Senators from Florida.

=====  
===== T I T L E A M E N D M E N T =====  
And the title is amended as follows:

Delete line(s) 2-8  
and insert:

A joint resolution proposing an amendment to Section 4 of  
Article VI of the State Constitution to delete the term limits  
that apply to State Senators, State Representatives, the Florida  
Lieutenant Governor, the Cabinet Officers, the U.S.  
Representatives from Florida and the U.S. Senators from Florida.

2938422658968

LEGISLATIVE ACTION

Senate	.	House
Comm:	.	
11/10/2011	.	
	.	
	.	
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The Committee on General Jurisdiction (Maclure) recommended the following:

1           **Senate Substitute Amendment to Amendment 658968(with ballot**  
2 **and title amendment)**

3  
4           Delete line(s) 11-85  
5 and insert:

6  
7           That the following amendments to Section 4 of Article VI  
8 and the creation of Section 26 of Article XII of the State  
9 Constitution are agreed to and shall be submitted to the  
10 electors of this state for approval or rejection at the next  
11 general election or an earlier special election specifically  
12 authorized by law for that purpose:



Ì2938422Î658968

ARTICLE VI

SUFFRAGE AND ELECTIONS

SECTION 4. Disqualifications.—

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

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

- ~~(1) Florida representative,~~
- ~~(2) Florida senator, or~~
- ~~(3) Florida Lieutenant governor,~~
- ~~(4) any office of the Florida cabinet,~~
- ~~(5) U.S. Representative from Florida, or~~
- ~~(6) U.S. Senator from Florida~~

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

ARTICLE XII

SCHEDULE

Section 31 Term limits.—The amendment to section 6 of Article VI shall take effect upon approval by the voters and shall apply to those officers whose consecutive years in office begin in November 2012 or thereafter.

===== ~~B A L L O T S T A T E M E N T A M E N D M E N T~~=====

And the ballot statement is amended as follows:

Delete line(s) 88-107

Ì2938422Î658968

42 and insert:

43 CONSTITUTIONAL AMENDMENTS

44 ARTICLE VI, SECTION 4

45 TERMS OF STATE SENATORS, STATE REPRESENTATIVES, FLORIDA  
46 LIEUTENANT GOVERNOR, FLORIDA CABINET OFFICE, U.S. REPRESENTATIVE  
47 FROM FLORIDA, AND U.S. SENATOR FROM FLORIDA.—This; amendment  
48 delete the term limits of 8 years for the office of State  
49 Senators, State Representatives, Florida Lieutenant Governor,  
50 Florida Cabinet Officers, U.S. Representatives from Florida, and  
51 U.S. Senators from Florida.

52  
53 ===== T I T L E A M E N D M E N T =====

54 And the title is amended as follows:

55 Delete line(s) 2-8

56 and insert:

57 A joint resolution proposing an amendment to Section 4 of  
58 Article VI of the State Constitution to delete the term limits  
59 that apply to State Senators, State Representatives, the Florida  
60 Lieutenant Governor, the Cabinet Officers, the U.S.  
61 Representatives from Florida and the U.S. Senators from Florida.  
62



**THE TOOLS TO LOCATING  
FLORIDA LEGISLATIVE HISTORY**

**By  
Dan R. Stengle  
Tallahassee**

## **THE TOOLS TO LOCATING FLORIDA LEGISLATIVE HISTORY**

Dan R. Stengle  
Tallahassee

*This outline explores basic tools for researching Florida legislative history. This outline does not cover statutory interpretation, i.e., the analysis of the import of statutes. There are excellent national and state publications that cover the keys to interpreting statutes. Rather, this outline covers the steps to finding the history of the enactment of statutory law, which may be critical ultimately to discerning legislative intent in interpreting statutes.*

*All of the documents below are available through online resources through Online Sunshine, the official website of the Florida Legislature, except those no longer produced (as indicated in the outline. These resources continue to be listed for researching legislative history for older statutes). Online Sunshine provides access to the current Florida Statutes, legislative bill histories, the text of bills, the Florida Constitution, the Senate and House calendars, information on Senate and House members and standing and select committees, the House Rules, House Clerk's Manual, Senate Rules, Senate Handbook, information on registered lobbyists, and a directory of locations for legislative offices. Online Sunshine is available at <http://www.leg.state.fl.us>. Online resources for the Division of State Library collections are available at <http://dlis.dos.state.fl.us>. These resources include the Florida Electronic Library at <http://www.flelibrary.org>.*

*There are also a number of libraries in the state with extensive holdings that are useful in researching legislative history. Especially useful is the Capitol Branch of the Florida State Library (commonly referred to as "the Legislative Library"), Room 701, The Capitol, Tallahassee, phone 850-488-2812, which is open Monday-Friday from 9:00 a.m. to 4:30 p.m. Another important resource is the Florida State Library and the State Archives of Florida, R.A. Gray Building, 500 South Bronough Street, Tallahassee, phone 850-245-6600, which is open Monday-Friday from 9:00 to 4:30 p.m*

## **I. THE FLORIDA STATUTES**

**A. The Volumes, Generally.** The Florida Statutes is a compilation of the general laws of a permanent nature which are of general application throughout the state. The Florida Statutes operate on a continuous revisions system (*see*, s. 11.242(5)(c), Fla. Stat.), which simplifies statutory research. In essence, all that is required to be consulted to determine the state of the general statutory law is the current Florida Statutes, as well as any session laws for the period following publication of the main volume, but prior to codification and republication of the updated statutes. The Florida Statutes are available for free from Online Sunshine at <http://www.leg.state.fl.us/Statutes>. (The Florida Statutes are also available for purchase in hardbound editions for the entire compilation, individual volumes, or parts thereof, at <http://www.flalegstore.com>.)

**B. The Main Volume.** The general law is revised and published annually as the Florida Statutes following each legislative session.

**C. The Supplement.** Until 1998, the supplement to the main volumes was published following each even-year legislative session. The supplement would contain the full text of each section amended or added during that session, as well as the descriptive catchline of each section that is repealed or transferred, or is otherwise affected by action of the Legislature in even years. The supplement is no longer published; thus, the main volumes are republished each year.

**1. The Main Entry.** Each of the main volumes uses a logical or topical arrangement of the titles of chapters. Each of the several main volumes of the Florida Statutes contains the entire Numerical Title and Chapter Index for the entire set of the Florida Statutes. Each of the chapters of the Florida Statutes is assigned a whole number (**example: Chapter 24: State Lotteries**); each section within a chapter is identified by the chapter number followed by digits to the right of the decimal point, as well as a descriptive catchline (**example: 24.101 Short title.--; 24.102 Purpose and intent.--; 24.103 Definitions.--; 24.104 Department; purpose.--**). The purpose of the catchline is to assist the researcher in locating a particular section quickly. The reviser has the authority to insert section headings, as they are not always specified in the original enactment.

(Section 11.242, Fla. Stat.) Of course, following the number and the catchline of each section is the text of the statute.

**2. The History Notes.** Of special significance in tracing the legislative history of a particular statutory enactment are the history notes accompanying each section of the Florida Statutes. The history notes contain citations to the section and chapter number of the creating act, as well as of each subsequent amendatory act as contained in the Laws of Florida compilations. **(See, II. LAWS OF FLORIDA, below, for description.)**

**3. The Tables.** The tables included within the Florida Statutes can be of enormous help to the statutory researcher, particularly if the researcher wishes to understand the context in which a particular statutory section was adopted, to compare the section to the evolution of other provisions in an original law, or to examine the overall trend in the law over time, as well as its current iteration.

**a. Tracing Tables.** The Table Tracing Session Laws into Florida Statutes is a cumulative table that traces all general laws of a permanent nature to their first placement into the Florida Statutes. Thus, each of the general acts passed by the Legislature since 1919 can be traced from the general act (or session law) to its placement in identified sections of the Florida Statutes.

**b. Table of Repealed and Transferred Sections.** This cumulative table assists the researcher who is interested in the evolution of the law, as well as its current form. The table lists the inactive section number of each repealed or transferred section of the Florida Statutes, as well as the chapter number of the repealing or transferring act (or, if the statutory reviser transferred the section for editorial purposes without a specific legislative directive by law, the year in which the statutory section was transferred).

**c. Table of Section Changes.** This table is not cumulative from year-to-year, like the two above tables. Instead, this table enables a researcher to track a given section of the Florida Statutes each year, to identify the laws that changed the statutory section, and the general nature of those changes (e.g., amended, renumbered, transferred, repealed, etc.). This table is included in the

front of each of the main volumes of the Florida Statutes, and is provided only for the year of issuance of the particular set of the Florida Statutes.

## **II. LAWS OF FLORIDA**

**A. The Compilation.** Unlike the Florida Statutes, which is an edited compilation of the general laws of the state, the Laws of Florida contains the general and special laws printed verbatim. As a general proposition, the Laws of Florida should not be relied on exclusively to determine the general law on a given subject, however. For that reason, the Florida Statutes was developed to incorporate the continuous revision system. When the Legislature enacts session laws, these laws are numbered according to a consecutive numbering system commencing with the year of the enactment as they become law (**example: 2011-1 was enacted in 2011, and was the session law first certified as a law; 2011-2 was the second law so certified, etc.**). The compilation of these laws is the Laws of Florida. (Naturally, enactments vetoed by the Governor are not included, as they are not law unless and until the Legislature votes to override the Governor's veto.)

Each law is divided into sections. These are the section numbers of the original and amendatory laws that the history notes in the Florida Statutes reference. (**Example: chapter 96-159, Laws of Florida, created a new Florida Statutes section--s. 120.536, Fla. Stat.--at section 9 of ch. 96-159. Thus, the first entry in the history note to s. 120.536 in the Florida Statutes section is "s. 9, ch. 96-159."**)

Only some of the laws in the Laws of Florida ultimately are codified in the Florida Statutes (if they are general laws of a permanent nature). Thus, the Laws of Florida contain laws that are special acts, as well as general laws that have a very limited life, e.g., are scheduled to repeal prior to the printing of the ensuing Florida Statutes. Additionally, some sections of general laws are also not codified in the Florida Statutes, such as most effective date sections. The Table Tracing Session Laws to Florida Statutes (**described above in I.C.3.a., above**) indicates that the laws, or sections of laws, were not carried forward to the Florida Statutes by using the word "Omitted" for each law, or section of a law, as the case may be. Simply because the law may not have been codified in the Florida Statutes,



however, does not mean that it is not (or in the case of a repeal was never) the law. It simply means that it has not been included in the edited and compiled Florida Statutes.

Each law specifies the legislative bill number of the measure that was enacted to facilitate legislative history research on the individual bill that was enacted (**see, III. Legislative History, below**). Like the bill that was enacted, each session law is "coded," i.e., amendatory acts show the words that are deleted from the previous enactment by striking through them, and words that are added in amendatory laws are underlined.

### **III. THE LEGISLATIVE HISTORY**

**A. The Citator.** The annual compilation of bill history information, included in the Final Legislative Bill Information publication, is the History of Legislation (commonly referred to as the "citor.") Although the "citor" is available on an almost-daily basis during the legislative session, it is the Final Legislative Bill Information publication (or, until that is issued, the Provisional Legislative Bill Information publication) that is of value in historical research. The annual compilation is not cumulative, and most repositories maintain editions of the citator for each of the past several years.

The citator lists Senate bills and House bills separately. For each consecutive bill listed, there is a short summary of the bill's provisions, and listed are the dates on which action was taken with respect to the bill, along with a description of the actions taken. Thus, of importance to statutory research in locating background materials, the citator documents when committees and each house of the Legislature took action on the bill, and provides references to the respective journals of the House and Senate on significant actions, including adoption of amendments and substitute measures.

Of great importance to the researcher is the citator listing for each bill of other "identical, similar, and compare" bills. Since bills or individual provisions often are amended into other bills in the course of the legislative process, it is often very important to research the history of these "identical, similar, and compare" bills, particularly to locate tapes of committee debates, or staff analyses regarding a

provision about which research is being done. **(See, C. and E., this section, for information about committee tapes and staff analyses.)**

**B. The Journals.** The Senate and the House of Representatives each maintains a separate journal of its significant activities. The journal is issued by each house in pamphlet-type format following each respective session in which the house convenes (i.e., each "floor session"). The pages of the journal installments are numbered consecutively from the first journal installment issued for the session through the last journal installment issued for the session. After the regular session of the Legislature adjourns sine die, each house's journals for the session are issued in large bound volumes, and are available at many law libraries. The journals contain reports of committees, reprinted amendments recommended by committees, reprints of committee and floor amendments taken up by the legislative house, and the journals also document votes taken both on amendments and passage or defeat of legislation. These actions are referred to in the citator for each bill.

The journals also list the votes of the individual members on each measure on which a vote is taken by the entire membership. Unlike the Congressional Record, the journals of the Florida Legislature do not document floor or committee debate, except in extraordinary circumstances when the house votes to "spread remarks upon the record."

**C. Committee Audio Tapes (historically).** As a general rule, transcripts are not made of committee or floor debates. Each house of the Legislature records its respective committee debates. These tapes are made available online currently, but were previously only available through committee audio tapes available from the Secretary of the Senate and the Clerk of the House. Since the citator lists the date upon which committee action was taken, your request for a tape should be specific as to the date for which a tape is desired. As well, since debates often run to several tapes, you may want to specify the particular legislative measure in which you are interested.

**(Archival audiotapes may be obtained from the State Archives of Florida, R. A. Gray Building, Room 101, Tallahassee FL 32399-0250, telephone (850) 245-6700.)**

**D. Videotapes.** Each floor session of each house, and committee proceedings, are videotaped by Florida Public Television. These meetings are broadcast and archived for historical use.

**E. Staff Analyses.** Staff analyses and economic impact statements are written on nearly every measure that comes before a Senate or House committee. These documents summarize and detail the legislation coming before the committees, and may provide valuable information to the legal researcher.

Staff analyses are available from the individual committees to which legislation has been referred. Often, staff analyses are not prepared for legislation that has not been scheduled for action by a particular committee, although circumstances may vary from committee to committee.

It should be noted that the Senate does not generally "update" its committee staff analyses past documenting the committee action. Thus, if a measure is later amended on the floor following committee action, it will not be noted in the previously-drafted staff analysis. If a subsequent committee amends a bill heard in a previous committee, only the staff analysis available from the subsequent committee will document the changes to the bill. For this reason, it is important to consult the journals for amendments adopted on measures following committee action. The House of Representatives generally updates staff analyses to reflect final passage of enacted measures. It should also be noted that the Senate Staff Analysis and Economic Impact Statement form adopted in 1993 contains the following statement: "This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate."

In the absence of a staff analysis for a particular measure, the researcher should consult the online documents of the committee that heard a measure. Sometimes additional documents, such as amendment summaries that describe amendments adopted in a respective chamber are available.

**F. Other Legislative Publications.** There are a variety of other documents and legislative publications available for research on a particular topic or legislative measure. These include:

**1. Digest of General Laws.** Since preparation of the Florida Statutes continues for several months following the end of the regular legislative session, the Division of Statutory Revision (stat.rev@leg.state.fl.us) publishes the Digest of General Laws, which summarizes each general law, and contains several reference tables. Although the digest is no substitute for the Florida Statutes, it does assist in identifying recent action by the Legislature in the area of general law.

**2. Summary of General Legislation.** Until 1995, each year following the legislative session, the Director of the Division of Legislative Library Services requested the preparation of summaries of selected pieces of general legislation, which were grouped together under broad categories in the Summary of General Legislation. The summaries were written by committee staff of Senate or House committees. **(The Summary of General Legislation was compiled and published through 1994 by the Division of Legislative Library Services. This publication is no longer produced, but selected past issues are available for use.)**

**3. Interim Committee Reports.** During the legislative interim between sessions, committee staffs are assigned interim projects by the respective house leadership. As a result of staff work on these interim projects, committee reports on a variety of topics are issued. In the Senate, as a general rule, committee bills are authorized to be filed on assigned committee projects only. Therefore, if the researcher is interested in a Senate committee bill, likely there will be an interim staff report that deals with the subject matter leading to the introduction of the committee legislation. This is not the case in the House of Representatives, however, where committee bills may be filed on a matter whether or not an interim project was assigned, also as a general rule.

**4. Post-Session Reports.** Each house has varying procedures for issuance of post-session wrap-up reports. In the Senate, each committee is required to file with the President of the Senate a Session Wrap-up Report following the conclusion of the session. The wrap-up summarizes important legislation that was enacted. In the House of Representatives, procedures have varied for issuing these reports in the past. Now, both houses of the Legislature provide post-session highlight summaries by committee.

**5. Appropriations bills.** The general appropriations acts are treated somewhat differently than general laws, and thus other indications of legislative history and intent are available. Three primary elements constitute appropriations bills. The first is the allocation itself, i.e., the amount the Legislature appropriates for each identified program or entity. The second is the Summary Statement of Intent, which is included as part of the same document as the General Appropriations Act, which sets the allocations. The Summary Statement of Intent appears as a column comparing the Governor's Amended Budget Recommendations to the funds actually appropriated for the ensuing fiscal year. The third is the Implementing Bill, a separate act which implements and administers the General Appropriations Act. As well, the House Appropriations and Senate Budget committees issue narrative explanations of appropriations bills.

**Historically, after committee records are transferred from the committee, the records, including cassette recordings of older committee meetings, may be copied for a charge, or used for research, through the State Archives of Florida, R. A. Gray Building, Room 101, Tallahassee FL 32399-0250, telephone (850) 245-6700).**



# **LEGISLATIVE SUNSHINE**

**By**  
**George T. Levesque**  
**General Council,**  
**Florida House of Representatives**

## FLORIDA CONSTITUTION, ARTICLE I, SECTION 24

### SECTION. 24. Access to public records and meetings.—

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

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

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

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

**History.**—Added, C.S. for C.S. for H.J.R.'s 1727, 863, 2035, 1992; adopted 1992; Am. S.J.R. 1284, 2002; adopted 2002.



## FLORIDA CONSTITUTION, ARTICLE III, SECTION 4

### SECTION 4. Quorum and procedure.—

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

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

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

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

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

**History.**—Am. S.J.R.'s 1990, 2, 1990; adopted 1990.

## § 11.0431, Fla. Stat.

### **11.0431 Legislative records; intent of legislation; exemption from public disclosure.—**

(1) It is the policy of the Legislature that every person has the right to inspect and copy records of the Senate and the House of Representatives received in connection with the official business of the Legislature as provided for by the constitution of this state. To that end, public records shall be open to personal inspection and copying at reasonable times except when specific public necessity justifies that public records be exempt from such inspection and copying.

(2) The following public records are exempt from inspection and copying:

(a) Records, or information contained therein, held by the legislative branch of government which, if held by an agency as defined in s. 119.011, or any other unit of government, would be confidential or exempt from the provisions of s. 119.07(1), or otherwise exempt from public disclosure, and records or information of the same type held by the Legislature.

(b) A formal complaint about a member or officer of the Legislature or about a lobbyist and the records relating to the complaint, until the complaint is dismissed, a determination as to probable cause has been made, a determination that there are sufficient grounds for review has been made and no probable cause panel is to be appointed, or the respondent has requested in writing that the President of the Senate or the Speaker of the House of Representatives make public the complaint or other records relating to the complaint, whichever occurs first.

(c) A legislatively produced draft, and a legislative request for a draft, of a bill, resolution, memorial, or legislative rule, and an amendment thereto, which is not provided to any person other than the member or members who requested the draft, an employee of the Legislature, a member of the Legislature who is a supervisor of the legislative employee, a contract employee or consultant retained by the Legislature, or an officer of the Legislature.

(d) A draft of a bill analysis or fiscal note until the bill analysis or fiscal note is provided to a person other than an employee of the Legislature, a contract employee or consultant retained by the Legislature, or an officer of the Legislature.

(e) A draft, and a request for a draft, of a reapportionment plan or redistricting plan and an amendment thereto. Any supporting documents associated with such plan or amendment until a bill implementing the plan, or the amendment, is filed.

(f) Records prepared for or used in executive sessions of the Senate until 10 years after the date on which the executive session was held.

(g) Portions of records of former legislative investigating committees whose records are sealed or confidential as of June 30, 1993, which may reveal the identity of any witness, any person who was a subject of the inquiry, or any person referred to in testimony, documents, or evidence

retained in the committee's records; however, this exemption does not apply to a member of the committee, its staff, or any public official who was not a subject of the inquiry.

(h) Requests by members for an advisory opinion concerning the application of the rules of either house pertaining to ethics, unless the member requesting the opinion authorizes in writing the release of such information. All advisory opinions shall be open to inspection except that the identity of the member shall not be disclosed in the opinion unless the member requesting the opinion authorizes in writing the release of such information.

(i) Portions of correspondence held by the legislative branch which, if disclosed, would reveal: information otherwise exempt from disclosure by law; an individual's medical treatment, history, or condition; the identity or location of an individual if there is a substantial likelihood that releasing such information would jeopardize the health or safety of that individual; or information regarding physical abuse, child abuse, spouse abuse, or abuse of the elderly.

(3) Any record created prior to July 1, 1993, which was not available to the public from the house, commission, committee, or office of the legislative branch that created the record, is exempt from inspection and copying until July 1, 1993. Prior to July 1, 1993, the presiding officer of each house shall determine which records held by that house should remain exempt from inspection and copying. The presiding officers of both houses shall jointly determine which records held by joint committees should remain exempt from inspection and copying. No later than July 1, 1993, the presiding officers shall publish a list of records that remain exempt from inspection and copying.

(4) For purposes of this section, "public record" means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by the legislative branch.

(5) Nothing herein shall be construed to limit the authority of each house of the Legislature to adopt rules pursuant to Art. I, s. 24 of the State Constitution.

History.—s. 1, ch. 93-405.

# **SENATE RULE ONE – OFFICERS, SENATORS, EMPLOYEES, AND ETHICS**

## ***PART FIVE—PUBLIC MEETINGS AND RECORDS***

### ***1.43—Open meetings***

(1) All meetings at which legislative business is discussed between more than two (2) members of the Legislature shall be open to the public except:

(a) At the sole discretion of the President, after consultation with appropriate law enforcement, public health, emergency management, or security authorities, those portions of meetings of a select committee, committee, or subcommittee concerning measures to address security, espionage, sabotage, attack, and other acts of terrorism.

(b) Discussions on the floor while the Senate is in session and discussions among Senators in a committee room during committee meetings shall be deemed to be in compliance with this Rule.

(2) All meetings shall be subject to appropriate order and decorum at the discretion of the person conducting the meeting.

(3) For purposes of this Rule, “legislative business” is defined as issues pending before, or upon which foreseeable action is reasonably expected to be taken by, the Senate, a Senate committee, or Senate subcommittee.

### ***1.44—Notice required for certain meetings***

(1) A written notice of the following meetings at which legislative business is to be discussed shall be filed with the Secretary. While the Legislature is not in regular or special session and during the first fifty (50) days of a regular session, the notice shall be filed not later than four (4) hours before the scheduled time of the meeting. After the fiftieth (50th) day of a regular session and during a special session, the notice shall be filed not later than two (2) hours before the scheduled time of the meeting:

(a) Meetings of the President (or a Senator designated to represent the President) with the Governor or with the Speaker (or a representative designated to represent the Speaker);

(b) Meetings of a majority of the Senators who constitute the membership of any Senate committee or subcommittee; and

(c) Meetings called by the President or the President’s designee of a majority of the chairs of the Senate’s standing committees.

(2) Notices of meetings required by Rule 1.44(1) shall be filed by or at the direction of the person at whose call the meeting is convened; shall state the date, time, and place of the meeting;

shall contain a brief description of the general subject matter scheduled to be discussed. In the case of a meeting required to be noticed pursuant to this Rule, if the meeting is to take place at or after 10:00 p.m., then the notice must be delivered to the Secretary by 5:00 p.m. Notices of such meetings shall appear in the daily calendar.

(3) In the event the times required for notice under Rule 1.44(1) are not sufficient to permit publication in a daily or interim calendar, the Secretary shall make available such notice in the public corridor leading to the Senate Chamber. The Secretary shall make a diligent effort to give actual notice to members of the press of all noncalendared meeting notices.

(4) Political caucuses shall be open to the public in accordance with Rule 1.43 and noticed in accordance with this Rule when issues then pending before, or upon which foreseeable action is reasonably expected to be taken by, the Senate, a Senate committee, or a Senate subcommittee are discussed. Political caucuses held for the sole purpose of designating a President, a President Pro Tempore, a Minority Leader, or a Minority Leader Pro Tempore need not be open or noticed.

#### ***1.441—Constitutional requirements concerning open meetings***

(1) All legislative committee and subcommittee meetings and joint conference committee meetings shall be open and noticed to the public.

(2) All prearranged gatherings between more than two (2) members of the Legislature, or between the Governor, the President, or the Speaker, the purpose of which is to agree upon formal legislative action that will be taken at a subsequent time, or at which formal legislative action is taken, regarding pending legislation or amendments shall be reasonably open to the public.

(3) In cases of conflict between this Rule and any other Senate Rule, the Rule providing greater notice or public access shall prevail.

#### ***1.443—Reapportionment information***

All Senators shall have equal access to the Senate electronic redistricting system, census data, and all other information promulgated by, maintained by, or available to any Senate standing committee or subcommittee appointed for the analysis of legislative and congressional redistricting plans.

#### ***1.444—Legislative records; maintenance, control, destruction, disposal, and disposition***

(1) Public records, not exempted from public disclosure, may be inspected by any person desiring to do so at reasonable times, under reasonable conditions, and under supervision of the person who has custody of the records, or that person's designee.

(2) The following standing committee, standing subcommittee, and select committee public records, not exempted from public disclosure, shall be retained by each staff director until

biennially transferred to the Division of Library and Information Services of the Department of State via its Legislative Library Division: copies of bills, amendments, vote sheets, bill analyses, and fiscal notes; meeting files including agendas and appearance cards; files relating to assigned projects; final staff reports submitted to subcommittees or committees; final reports submitted by subcommittees or committees; correspondence sent or received; and audio recordings of committee meetings. At the time of transfer, the actual correspondence to be sent to the Department of State shall consist only of correspondence which relates to other committee public records required by this Rule to be transferred. Records not transferred may be otherwise disposed of or destroyed.

(3) Except for records specifically required by law or Senate Rule to be filed or retained, district office records and constituents' records may be retained by the district office until those records become obsolete, at which point they may be otherwise disposed of or destroyed.

(4) Public records, not exempted from public disclosure, created or received by the President, President Pro Tempore, or Secretary shall be retained by that officer as specifically required by law or Senate Rule until transferred to the Division of Library and Information Services of the Department of State via its Legislative Library Division. Records not transferred may be otherwise disposed of or destroyed.

(5) The Secretary shall, with the approval of the President, establish a reasonable fee for copies of public legislative records not exempted from public disclosure. Such fees shall be based upon the actual cost of duplication of the record and shall include the material and supplies used to duplicate the record but not the labor cost or overhead cost associated with such duplication. If the nature or volume of records requested to be inspected or copied is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by employees of the Senate, a special service charge in addition to the actual cost of duplication may be imposed. Such special service charge shall be reasonable and based on the cost incurred for the extensive use of information technology resources or the labor cost of employees providing the service that is actually incurred by the Senate or attributable to the Senate for the clerical and supervisory assistance required. However, when obtained from the Office of the Secretary, a standing committee, standing subcommittee, or select committee, there shall be no charge for a single copy of a bill other than a general appropriations bill, or for a single copy of any other public record required by law or Senate Rule to be created.

(6) Once the retention period for a public record, not exempted from public disclosure, has expired, the public record may be otherwise disposed of or destroyed. A public record need not be retained if it is published or retained by another legislative office. Only one (1) copy of a public record need be retained; additional copies of that record may be destroyed at any time. In the case of mass mailings, only one (1) sample copy of the mailing, or an abstract, need be retained.

(7) For the purpose of this Rule, a Senator's district office shall include the offices each Senator retains for the transaction of official legislative business in his or her respective district and the assigned offices located in the Senate Office Building or the Capitol in Tallahassee.

(8) The following public records are exempt from inspection and copying:

(a) Records, or information contained therein, held by the legislative branch of government which, if held by an agency as defined in section 119.011, Florida Statutes, or any other unit of government, would be confidential or exempt from the provisions of section 119.07(1), Florida Statutes, or otherwise exempt from public disclosure, and records or information of the same type held by the Legislature.

(b) A formal complaint about a member or officer of the Legislature or about a lobbyist and the records relating to the complaint, until the complaint is dismissed, a determination as to probable cause has been made, a determination that there are sufficient grounds for review has been made and no probable cause panel is to be appointed, or the respondent has requested in writing that the President of the Senate or the Speaker of the House of Representatives make public the complaint or other records relating to the complaint, whichever occurs first.

(c) A legislatively produced draft, and a legislative request for a draft, of a bill, resolution, memorial, or legislative rule, and an amendment thereto, which is not provided to any person other than the member or members who requested the draft, an employee of the Legislature, a contract employee or consultant retained by the Legislature, or an officer of the Legislature.

(d) A draft of a bill analysis or fiscal note until the bill analysis or fiscal note is provided to a person other than an employee of the Legislature, a contract employee or consultant retained by the Legislature, or an officer of the Legislature.

(e) A draft, and a request for a draft, of a reapportionment plan or redistricting plan and an amendment thereto. Any supporting documents associated with such plan or amendment until a bill implementing the plan, or the amendment, is filed.

(f) Records prepared for or used in executive sessions of the Senate until ten (10) years after the date on which the executive session was held.

(g) Portions of records of former legislative investigating committees whose records are sealed or confidential as of June 30, 1993, which may reveal the identity of any witness, any person who was a subject of the inquiry, or any person referred to in testimony, documents, or evidence retained in the committees' records; however, this exemption does not apply to a member of the committee, its staff, or any public official who was not a subject of the inquiry.

(h) Requests by members for an advisory opinion concerning the application of the rules of either house pertaining to ethics, unless the member requesting the opinion authorizes in writing the release of such information. All advisory opinions shall be open to inspection except that the

identity of the member shall not be disclosed in the opinion unless the member requesting the opinion authorizes in writing the release of such information.

(i) Portions of correspondence held by the legislative branch which, if disclosed, would reveal: information otherwise exempt from disclosure by law; an individual's medical treatment, history, or condition; the identity or location of an individual if there is a substantial likelihood that releasing such information would jeopardize the health or safety of that individual; or information regarding physical abuse, child abuse, spouse abuse, or abuse of the elderly.

(9) Any Senate record created prior to July 1, 1993, which was so designated by the President on June 30, 1993, shall remain exempt from inspection and copying after July 1, 1993. Records held by joint committees, commissions or offices of the Legislature, that were jointly determined by the presiding officers of both houses to remain exempt from inspection and copying after July 1, 1993, remain exempt.

(10) For purposes of this Rule, "public record" means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by the legislative branch.

(11) All records, research, information, remarks, and staff work products, made or received during or in preparation for a closed meeting of a select committee, committee, or subcommittee, shall be confidential and exempt from inspection and copying for a period of 30 days after the closed meeting, at which time they will automatically become legislative public records open to inspection and copying, unless the confidentiality and the prohibition against inspection and copying has, within the 30-day period, been extended by the President. Unless the above-listed confidential and exempt items have been earlier released by operation of this Rule, they shall automatically become available for public inspection and copying five (5) years after the date of the closed meeting, unless this confidentiality and exemption is further extended by the President for subsequent five-year (5) periods.

#### ***1.45—Violations of Rules on open meetings and notice***

Violations of Rules 1.43 and 1.44 constitute violations of the Rules regulating legislative conduct and ethics and shall be subject to the procedures and penalties prescribed in Rule 1.42.



## HOUSE RULE THREE—MISCELLANEOUS PROVISIONS

### *3.4—Open Meetings*

- (a) Subject to order and decorum, each member shall provide reasonable access to members of the public to any meeting between such member and more than one other member of the Legislature, if such members of the public have requested admission and such meeting has been prearranged for the purpose of agreeing to take formal legislative action on pending legislation or amendments at such meeting or at a subsequent time.
- (b) Subject to order and decorum, a member of the public requesting admission shall have reasonable access to any meeting between the Speaker, the Senate President, or the Governor, if such meeting has been prearranged for the purpose of agreeing to take formal legislative action on pending legislation or amendments at a subsequent time.
- (c) No meeting required by these rules to be open to members of the public shall be conducted in the Members' Lounge, at any location that is closed to the public, or at any location that a participating member knows prohibits admission on the basis of race, religion, gender, national origin, physical disability, or similar classification.
- (d) Meetings conducted in the Chamber of either the House or the Senate while such body is in session shall be considered to be held at a location providing reasonable access to, and to be reasonably open to, the public.
- (e) When the number of persons attending a meeting subject to this rule must be limited because of space considerations or otherwise for the maintenance of order or decorum, at least one representative each of the print, radio, and television media shall be included among the members of the public admitted, if such persons have requested admission.
- (f) For the purpose of this rule, and as used in Section 4 of Article III of the Florida Constitution, legislation shall be considered pending if filed with the Clerk. An amendment shall be considered pending if it has been delivered to the administrative assistant of a committee or subcommittee in which the legislation is pending or to the Clerk, if the amendment is to a bill that has been reported favorably by each committee or subcommittee of reference, and the term "formal legislative action" shall include any vote of the House or Senate, or of a committee or subcommittee of either house, on final passage or on a motion other than a motion to adjourn or recess.

## **HOUSE RULE FOURTEEN—MISCELLANEOUS PROVISIONS**

### ***PART ONE—Public Records***

#### ***14.1—Legislative Records***

There shall be available for public inspection, whether maintained in Tallahassee or in a district office, the papers and records developed and received in connection with official legislative business, except as provided in s. 11.0431, Florida Statutes, or other provision of law. Any person who is denied access to a legislative record and who believes that he or she is wrongfully being denied such access may appeal to the Speaker the decision to deny access.

#### ***14.2—Legislative Records; Maintenance, Control, Destruction, Disposal, and Disposition***

(a) Records that are required to be created by these rules or that are of vital, permanent, or archival value shall be maintained in a safe location that is easily accessible for convenient use. No such record need be maintained if the substance of the record is published or retained in another form or location. Whenever necessary, but no more often than annually or less often than biennially, records required to be maintained may be archived.

(b) Other records that are no longer needed for any purpose and that do not have sufficient administrative, legal, or fiscal significance to warrant their retention shall be disposed of systematically.

(c)(1) The administrative assistant for each existing committee or subcommittee shall ensure compliance with this rule for all records created or received by the committee or subcommittee or for a former committee or subcommittee whose jurisdiction has been assigned to the committee or subcommittee.

(2) The Speaker, the Speaker pro tempore, the Minority Leader, the Majority Leader, and the Sergeant at Arms shall ensure compliance with this rule for all records created or received by their respective offices and their predecessors in office.

(3) Each member shall ensure compliance with this rule for all records created or received by the member or the member's district office.

(4) The director of an ancillary House office shall ensure compliance with this rule for all records created or received by the director's office.

(5) The Clerk shall ensure compliance with this rule for all other records created or received by the House of Representatives.

(d) If a committee, subcommittee, or office is not continued in existence, the records of such committee, subcommittee, or office shall be forwarded to the committee, subcommittee, or office

assuming the jurisdiction or responsibility of the former committee, subcommittee, or office, if any. Otherwise, such records shall be forwarded to the Clerk.

(e) The Clerk shall establish a schedule of reasonable and appropriate fees for copies of legislative records and documents.

# **OVERVIEW OF HOUSE RULES AND PROCEDURES**

**By  
Stephanie Birtman  
Tallahassee**

*DIFFERENCES BETWEEN  
FLORIDA HOUSE AND SENATE RULES  
2010 - 2012*

	House	Senate
<b>Bill Limits</b>	6 bills for a regular session, with stated exceptions.	No limit.
<b>Substance of PCB's</b>	Speaker approval required; the request must be cosigned by the chair of the committee with jurisdiction over the subcommittee, if applicable.	Committee bills may relate to authorized interim projects, mandated reviews, and repeals scheduled by law. A committee chair, after receiving approval from the Senate President, may develop a committee bill on an additional subject of broad committee significance. A subcommittee chair must have the approval of the committee chair and the President before proceeding with a committee bill.

■ House Rule 5.3  
 ■ House Rule 7.9  
 ■ Senate Policy 5.01

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*DIFFERENCES BETWEEN  
FLORIDA HOUSE AND SENATE RULES  
2010 - 2012*

	House	Senate
<b>Committee meeting notice deadlines</b>	During the 1st 45 days of session, notice = no later than 4:30 p.m. of the 2nd day prior to the meeting (excluding weekends and holidays). After the 45th day, notice = 4:30 p.m. of the day before the meeting (including weekends and holidays).	During the first 50 days of session, no committee shall consider any bill until notice is published in the calendar for the 2 legislative days preceding and the day of such committee meeting. After the first 50 days, meetings may be held following an announcement by the chair, or the vice chair in the chair's absence, while the Senate is in session. Notice shall be made available in the public corridor leading to the Senate chamber at least 4 hours in advance of the meeting.
<b>Extension of committee meetings</b>	May continue after noticed time within authorized time by majority vote of the committee. May continue after noticed time outside of the authorized time by majority vote and special leave granted by the Speaker.	Each committee or subcommittee shall meet in the place and within the time assigned for its use by the President. No provision in the Senate Rules for extending committee meetings.

■ House Rule 7.11(a)  
 ■ Senate Rule 2.0(1). On the first and second days of session, committees may meet provided a meeting notice was published in a Senate Calendar and made available in the public corridor leading to the Senate Chamber for at least 2 days preceding and the day of such meeting.  
 ■ Senate Rule 2.0(2)  
 ■ House Rule 7.11(b)  
 ■ Senate Rule 2.10

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*DIFFERENCES BETWEEN  
FLORIDA HOUSE AND SENATE RULES  
2010 - 2012*

	House	Senate
<b>Committee amendment filing deadline</b>	For members who are not members of the committee or subcommittee considering the bill, all amendments must be filed by 6 p.m. of the day prior to the meeting (excluding weekends and holidays). After the 45th day = 6 p.m. of the day prior to the meeting (including weekends and holidays).	Main amendments = 24 hours prior to meeting; adhering amendments = 2 hours before meeting. Late-filed committee amendments may be considered by a 2/3 vote. After the 50th day = 2 hours before meeting.
<b>Special Order</b>	Submitted by the Rules & Calendar Committee.	Submitted by the Calendar Group (Rules Chair & Vice Chair; Majority Leader; Minority Leader; 2 members of Rules Committee designated by Majority Leader; 1 member of Rules Committee designated by Minority Leader. President determines order of bills on Calendar.
<b>End of session deadlines</b>	After the 55th day, no HB's on ZR may be taken up and considered. After the 59th day, the House may consider only returning messages, conference reports, and concurrent resolutions.	None.

■ House Rule 7.12(a)(1)  
 ■ House Rule 7.12(a)(2)  
 ■ Senate Rule 2.39(1)(a)  
 ■ House Rule 10.11  
 ■ Senate Rule 4.17  
 ■ House Rule 10.18  
 ■ House Rule 10.19

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*DIFFERENCES BETWEEN  
FLORIDA HOUSE AND SENATE RULES  
2010 - 2012*

	House	Senate
<b>Floor amendment filing deadline - 2R</b>	During the first 55 days of session: Main amendments = 2 p.m. of the first day a bill appears on the Special Order Calendar in the House Calendar. Adhering amendments = 5 p.m. of the same day. After the 55th day: Main amendments = 2 hours before session is scheduled to convene on the day a bill appears on the Special Order Calendar in the House Calendar. Adhering amendments = 1 hour after the main floor amendment deadline. Late filed amendments may be taken up for consideration only upon a 2/3 vote.	The amendment deadline for bills on the Special Order Calendar is 5 p.m. or 2 hours after the Special Order Calendar is announced, whichever occurs later. On Second Reading, amendments may be adopted by a majority vote.

■ House Rule 12.2(4)  
 ■ House Rule 12.2(6)  
 ■ House Rule 12.2(1)  
 ■ Senate Rule 13.8(2)  
 ■ Senate Rule 7.2(1)

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*DIFFERENCES BETWEEN  
FLORIDA HOUSE AND SENATE RULES  
2010 - 2012*

	House	Senate
<b>Floor amendment filing deadline - 3R</b>	No later than the earlier of the following: (1) 9 a.m. on the day session is scheduled to convene on the day the bill is reached on 3R; or (2) 1 hour before session is scheduled to convene on the day the bill is reached on 3R. Third reading amendments require a 2/3 vote for adoption.	No amendment to a bill on any Senate calendar shall be considered by the Senate unless the amendment was filed no later than 5:00 p.m. of the day prior to the day that session was called to order. Third reading amendments require a 2/3 vote for adoption, except for title amendments, which may be adopted without debate by a majority vote on 3R.
<b>Motions</b>	Motion for the previous question and motion to lay on the table are authorized.	Motions for the previous question and to lay on the table are not entertained.

■ House Rule 12.4(3)  
 ■ House Rule 12.4(5)  
 ■ Senate Rule 7.1(1)  
 ■ Senate Rules 7.2(2) and 4.15.  
 ■ House Rule 11.6.  
 ■ House Rule 11.6.  
 ■ Senate Rule 11.1.

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*DIFFERENCES BETWEEN  
FLORIDA HOUSE AND SENATE RULES  
2010 - 2012*

	House	Senate
<b>Germanity</b>	Neither the House nor any committee or subcommittee shall consider an amendment that relates to a different subject or is intended to accomplish a different purpose than that of the pending question or that if adopted, would require a title amendment for the bill that is substantially different from the bill's original title or that would unreasonably alter the nature of the bill. Waiver of the germanity rule requires unanimous consent.	No proposition on a subject different from that under consideration shall be admitted in the form of an amendment. Proposals to delete everything after the enacting clause of a bill and insert new language of the same general subject as stated in the original title shall be deemed proper and germane.

■ House Rule 12.8(6). See also House Rules 12.8(b) and 12.8(c).  
 ■ House Rule 12.8(6).  
 ■ Senate Rules 7.1(1) and 2.3922(c).  
 ■ Senate Rule 7.4.

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# DIFFERENCES BETWEEN FLORIDA HOUSE AND SENATE RULES

**2010-2012**

	<b>House</b>	<b>Senate</b>
<b>Bill Limits</b>	6 bills for a regular session, with stated exceptions. <sup>1</sup>	No limit.
<b>Substance of PCB's</b>	Speaker approval required; the request must be cosigned by the chair of the committee with jurisdiction over the subcommittee, if applicable. <sup>2</sup>	Committee bills may relate to authorized interim projects, mandated reviews, and repeals scheduled by law. A committee chair, after receiving approval from the Senate President, may develop a committee bill on an additional subject of broad committee significance. A subcommittee chair must have the approval of the committee chair and the President before proceeding with a committee bill. <sup>3</sup>
<b>Committee meeting notice deadlines</b>	During the 1st 45 days of session, notice = no later than 4:30 p.m. of the 2nd day prior to the meeting (excluding weekends and holidays). After the 45th day, notice = 4:30 p.m. of the day before the meeting (including weekends and holidays). <sup>4</sup>	During the first 50 days of session, no committee shall consider any bill until notice is published in the calendar for the 2 legislative days preceding and the day of such committee meeting. <sup>5</sup> After the first 50 days, meetings may be held following an announcement by the chair, or the vice chair in the chair's absence, while the Senate is in session. Notice shall be made available in the public corridor leading to the Senate chamber at least 4 hours in advance of the meeting. <sup>6</sup>
<b>Extension of committee meetings</b>	May continue after noticed time within authorized time by majority vote of the committee. May continue after noticed time outside of the authorized time by majority vote and special leave granted by the Speaker. <sup>7</sup>	Each committee or subcommittee shall meet in the place and within the time assigned for its use by the President. <sup>8</sup> No provision in the Senate Rules for extending committee meetings.

<sup>1</sup> House Rule 5.3.

<sup>2</sup> House Rule 7.9.

<sup>3</sup> Senate Policy 5.01.

<sup>4</sup> House Rule 7.11(e).

<sup>5</sup> Senate Rule 2.6(1). On the first and second days of session committees may meet provided a meeting notice was published in a Senate Calendar and made available in the public corridor leading to the Senate Chamber for at least 2 days preceding and the day of such meeting.

<sup>6</sup> Senate Rule 2.6(2).

<sup>7</sup> House Rule 7.11(i).

<sup>8</sup> Senate Rule 2.10.

<b>Committee amendment filing deadline</b>	For members who are not members of the committee or subcommittee considering the bill, all amendments must be filed by 6 p.m. of the day prior to the meeting (excluding weekends and holidays). <sup>9</sup> After the 45th day = 6 p.m. of the day prior to the meeting (including weekends and holidays). <sup>10</sup>	Main amendments = 24 hours prior to meeting; adhering amendments = 2 hours before meeting. Late-filed committee amendments may be considered by a 2/3 vote. After the 50th day = 2 hours before meeting. <sup>11</sup>
<b>Special Order</b>	Submitted by the Rules & Calendar Committee. <sup>12</sup>	Submitted by the Calendar Group (Rules Chair & Vice Chair; Majority Leader; Minority Leader; 2 members of Rules Committee designated by Majority Leader; 1 member of Rules Committee designated by Minority Leader. President determines order of bills on Calendar. <sup>13</sup>
<b>End of session deadlines</b>	After the 55th day, no HB's on 2R may be taken up and considered. <sup>14</sup> After the 58th day, the House may consider only returning messages, conference reports, and concurrent resolutions. <sup>15</sup>	None.
<b>Floor amendment filing deadline – 2R</b>	During the first 55 days of session: Main amendments = 2 p.m of the first day a bill appears on the Special Order Calendar in the House Calendar. Adhering amendments = 5 p.m. of the same day. <sup>16</sup> After the 55th day: Main amendments = 2 hours before session is scheduled to convene on the day a bill appears on the Special Order Calendar in the House Calendar. Adhering amendments = 1 hour after the main floor amendment deadline. <sup>17</sup> Late filed amendments may be taken up for consideration only upon a 2/3 vote. <sup>18</sup>	The amendment deadline for bills on the Special Order Calendar is 5 p.m. or 2 hours after the Special Order Calendar is announced, whichever occurs later. <sup>19</sup> On Second Reading, amendments may be adopted by a majority vote. <sup>20</sup>

<sup>9</sup> House Rule 7.12(a)(1).

<sup>10</sup> House Rule 7.12(a)(2).

<sup>11</sup> Senate Rule 2.39(1)(e).

<sup>12</sup> House Rule 10.11.

<sup>13</sup> Senate Rule 4.17.

<sup>14</sup> House Rule 10.18.

<sup>15</sup> House Rule 10.19.

<sup>16</sup> House Rule 12.2(a).

<sup>17</sup> House Rule 12.2(b).

<sup>18</sup> House Rule 12.2(c).

<sup>19</sup> Senate Rule 13.8(2).



<p><b>Floor amendment filing deadline – 3R</b></p>	<p>No later than the earlier of the following: (1) 9 a.m. on the day session is scheduled to convene on the day the bill is reached on 3R; or (2) 1 hour before session is scheduled to convene on the day the bill is reached on 3R.<sup>21</sup> Third reading amendments require a 2/3 vote for adoption.<sup>22</sup></p>	<p>No amendment to a bill on any Senate calendar shall be considered by the Senate unless the amendment was filed no later than 5:00 p.m. of the day prior to the day that session was called to order.<sup>23</sup> Third reading amendments require a 2/3 vote for adoption, except for title amendments, which may be adopted without debate by a majority vote on 3R.<sup>24</sup></p>
<p><b>Motions</b></p>	<p>Motion for the previous question<sup>25</sup> and motion to lay on the table<sup>26</sup> are authorized.</p>	<p>Motions for the previous question and to lay on the table are not entertained.<sup>27</sup></p>
<p><b>Germanity</b></p>	<p>Neither the House nor any committee or subcommittee shall consider an amendment that relates to a different subject or is intended to accomplish a different purpose than that of the pending question or that if adopted, would require a title amendment for the bill that is substantially different from the bill's original title or that would unreasonably alter the nature of the bill.<sup>28</sup> Waiver of the germanity rule requires unanimous consent.<sup>29</sup></p>	<p>No proposition on a subject different from that under consideration shall be admitted in the form of an amendment.<sup>30</sup> Proposals to delete everything after the enacting clause of a bill and insert new language of the same general subject as stated in the original title shall be deemed proper and germane.<sup>31</sup></p>

<sup>20</sup> Senate Rule 7.2(1).

<sup>21</sup> House Rule 12.4(b).

<sup>22</sup> House Rule 12.4(c).

<sup>23</sup> Senate Rule 7.1(1).

<sup>24</sup> Senate Rules 7.2(2) and 4.15.

<sup>25</sup> House Rule 11.8.

<sup>26</sup> House Rule 11.6.

<sup>27</sup> Senate Rule 11.1.

<sup>28</sup> House Rule 12.8(a). See also House Rules 12.8(b) and 12.8(c).

<sup>29</sup> House Rule 12.8(d).

<sup>30</sup> Senate Rules 7.1(3) and 2.39(2)(c).

<sup>31</sup> Senate Rule 7.4.



# **SIMULATED FLOOR SESSION**

## *Participants:*

**Samuel P. Bell, III, Peter M. Dunbar,  
Stephanie Birtman, Richard Herring  
Randy Havlicak, Jennifer Hrdlicka  
J. Marleen Ahearn, Josh Aubuchon  
Robert L. Ward**

**November 10, 2011 Simulated Floor Session**  
**DAILY ORDER OF BUSINESS**

1. Conference Reports
  - a. HB 5047 (2008)
2. Bills on Third Reading
  - a. CS/HB 739 (1<sup>st</sup> Eng. 2008)
    - i. Amendment 330473
3. Bills on Special Order
  - a. CS/CS/SB 1716 (2<sup>nd</sup> Eng. 2008) which will be substituted for CS/HB 7071 (2008)
    - i. Amendment 555297
    - ii. Amendment 966043 to Amendment 555297
    - iii. Amendment 609837 to Amendment 555297
  - b. CS/HB 7045 (2008)
    - i. Amendment 844873
  - c. CS/HB 1549 (2008)
    - i. Amendment 277403
    - ii. Amendment 175167
4. Senate Messages
  - a. CS/CS/SB 1716 (3<sup>rd</sup> Eng. 2008)
5. Returning House Messages
  - a. CS/HB 739 (2<sup>nd</sup> Eng. 2008)
    - i. Senate Amendment 939538
    - ii. House Amendment 358051 to Senate Amendment 939538



THE FLORIDA LEGISLATURE



April 29, 2008

The Honorable Ken Pruitt  
President of the Senate

The Honorable Marco Rubio  
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on HB 5047, same being:

An act relating to the Department of Business and Professional Regulation; amending s. 455.32, F.S.; revising the procedures authorizing the department to contract with a nonprofit corporation to provide administrative, examination, licensing, investigative, and prosecutorial services to a regulatory board; providing for a recommendation for such authorization in the department's budget request; requiring specific authorization by general law before privatization may proceed; amending s. 481.205, F.S., relating to the Board of Architecture and Interior Design; revising the requirements for the board's annual budget request; requiring that the board submit an annual report to the Executive Office of the Governor and the Legislature concerning activities relating to unlicensed activity; prescribing requirements for the contents of the report; amending s. 509.032, F.S., relating to the Division of Hotels and Restaurants; deleting a provision requiring that the division provide certain assistance to the State Fire Marshal; deleting a provision requiring that the division provide technical assistance to the Florida Building Commission when updating the construction standards of the Florida Fire Prevention Code; deleting a provision requiring that the division enforce certain provisions of the Florida Fire Prevention Code; revising certain reporting requirements of the division; amending s. 718.501, F.S., relating to the Division of Florida Land Sales, Condominiums, and Mobile Homes; requiring that the division report annually to the Governor and the Legislature on activities involving training programs for condominium association board members and unit owners, the investigation of complaints, and its core business processes.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the Senate recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

(signatures)  
Managers on the part of the  
Senate

(signatures)  
Managers on the part of the  
House of Representatives



258210

CHAMBER ACTION

Senate

House

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Floor: 1/AD/2R
4/16/2008 11:59 AM

1 Senator Alexander moved the following amendment:

2

3 Senate Amendment (with title amendment)

4 Delete everything after the enacting clause.

5

6 ===== T I T L E A M E N D M E N T =====

7 And the title is amended as follows:

8 Delete everything before the enacting clause.

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 5047

Amendment No.

CHAMBER ACTION

Senate

House

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. .  
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1 The Conference Committee on HB 5047 offered the following:

2  
3 **Conference Committee Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Subsection (4) and paragraphs (d) and (p) of  
6 subsection (6) of section 455.32, Florida Statutes, are amended  
7 to read:

8 455.32 Management Privatization Act.--

9 (4) Based upon the request of any board, the department is  
10 authorized to establish and contract with a nonprofit  
11 corporation to provide administrative, examination, licensing,  
12 investigative, and prosecutorial services to that board, in  
13 accordance with the provisions of this chapter and the  
14 applicable practice act and as specified in a contract between  
15 the department and the corporation. The privatization request  
16 must contain a business case that includes a needs assessment

676113

4/28/2008 5:33 PM



CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 5047

Amendment No.

17 and financial feasibility study performed by the board or an  
18 entity commissioned by a majority vote of the board. The needs  
19 assessment must contain specific performance standards and  
20 measurable outcomes and an evaluation of the department's  
21 current and projected performance in regard to those standards.  
22 The feasibility study must include the financial status of the  
23 board for the current fiscal year and the next 2 fiscal years. A  
24 financial model for the corporation must also be developed which  
25 includes projected costs and expenses for the first 2 years of  
26 operation and specific performance standards and measurable  
27 outcomes. The business case for privatization shall be submitted  
28 by the board to the department for inclusion in its legislative  
29 budget request to the Executive Office of the Governor and the  
30 Legislature pursuant to s. 216.023 ~~must be approved by the~~  
31 ~~Executive Office of the Governor and the Legislative Budget~~  
32 ~~Commission prior to the establishment of the nonprofit~~  
33 ~~corporation.~~ The board shall proceed with the privatization only  
34 if such privatization is specifically authorized by general law.

35 (6) Each corporation created to perform the functions  
36 provided in this section shall:

37 (d) Be approved by the department to operate for the  
38 benefit of the board and in the best interest of the state and  
39 specifically authorized by the Legislature.

40 (p) Meet or exceed the requirements of the business case  
41 developed by the board and approved by the Executive Office of  
42 the Governor ~~and the Legislative Budget Commission.~~

43 Section 2. Subsection (3) of section 481.205, Florida  
44 Statutes, is amended to read:

676113

4/28/2008 5:33 PM

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 5047

Amendment No.

45 481.205 Board of Architecture and Interior Design.--  
46 (3) (a) Notwithstanding the provisions of ss. 455.225,  
47 455.228, and 455.32, the duties and authority of the department  
48 to receive complaints and investigate and discipline persons  
49 licensed under this part, including the ability to determine  
50 legal sufficiency and probable cause; to initiate proceedings  
51 and issue final orders for summary suspension or restriction of  
52 a license pursuant to s. 120.60(6); to issue notices of  
53 noncompliance, notices to cease and desist, subpoenas, and  
54 citations; to retain legal counsel, investigators, or  
55 prosecutorial staff in connection with the licensed practice of  
56 architecture and interior design; and to investigate and deter  
57 the unlicensed practice of architecture and interior design as  
58 provided in s. 455.228 are delegated to the board. All  
59 complaints and any information obtained pursuant to an  
60 investigation authorized by the board are confidential and  
61 exempt from s. 119.07(1) as provided in s. 455.225(2) and (10).  
62 (b) The board shall contract with a corporation or other  
63 business entity pursuant to s. 287.057(3) to provide  
64 investigative, legal, prosecutorial, and other services  
65 necessary to perform its duties.  
66 (c) The corporation or business entity shall comply with  
67 all the recordkeeping and reporting requirements of s. 455.32  
68 applicable to the scope of the contract and shall report  
69 directly to the board in lieu of the department. Records of the  
70 corporation or other business entity contracting with the board  
71 shall be considered public records as specified in s.  
72 455.32(15).

676113

4/28/2008 5:33 PM

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 5047

Amendment No.

73 (d) Notwithstanding the provisions of s. 455.228, the  
74 board may use funds in the unlicensed activity account  
75 established under s. 455.2281 to perform its duties relating to  
76 unlicensed activity under this subsection.

77 (e) The board shall submit an annual budget request to the  
78 department by October 1 of each year Legislature for the purpose  
79 of funding its activities under this subsection. The department,  
80 on behalf of the board, shall submit the budget request  
81 unchanged to the Executive Office of the Governor and, which  
82 must be separate from the legislative budget request submitted  
83 by the department to the Legislature pursuant to s. 216.023.

84 (f) The board shall issue an annual report on the  
85 activities under this subsection by October 1 of each year. The  
86 annual report shall be submitted to the Executive Office of the  
87 Governor, the President of the Senate, the Speaker of the House  
88 of Representatives, and the chairs of the legislative  
89 appropriations committees. The report shall describe all of the  
90 activities performed under this subsection for the previous  
91 fiscal year and shall include, but need not be limited to, the  
92 following:

93 1. The number of complaints received.

94 2. The number of complaints determined to be legally  
95 sufficient.

96 3. The number of complaints determined to be legally  
97 insufficient.

98 4. The number of complaints dismissed.

99 5. The number of complaints filed in circuit court.

676113

4/28/2008 5:33 PM

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 5047

Amendment No.

100       6. The number of complaints determined to have probable  
101 cause.

102       7. The number of administrative complaints issued and the  
103 status of the complaints.

104       8. The number and nature of disciplinary actions taken by  
105 the board.

106       9. The number and the amount of fines and penalties  
107 imposed.

108       10. The number and the amount of fines and penalties  
109 collected.

110       11. Total revenues received and all expenses incurred by  
111 the contractor during the previous fiscal year.

112       12. Total completed investigations.

113       13. Total pending investigations.

114       14. A summary of any audits performed, including financial  
115 reports and performance audits of the contractor.

116       Section 3. Paragraph (d) of subsection (2) and subsection  
117 (5) of section 509.032, Florida Statutes, are amended to read:

118       509.032 Duties.--

119       (2) INSPECTION OF PREMISES.--

120       (d) The division shall adopt and enforce sanitation rules  
121 consistent with law to ensure the protection of the public from  
122 food-borne illness in those establishments licensed under this  
123 chapter. These rules shall provide the standards and  
124 requirements for obtaining, storing, preparing, processing,  
125 serving, or displaying food in public food service  
126 establishments, approving public food service establishment  
127 facility plans, conducting necessary public food service

676113

4/28/2008 5:33 PM

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 5047

Amendment No.

128 establishment inspections for compliance with sanitation  
129 regulations, cooperating and coordinating with the Department of  
130 Health in epidemiological investigations, and initiating  
131 enforcement actions, and for other such responsibilities deemed  
132 necessary by the division. The division may not establish by  
133 rule any regulation governing the design, construction,  
134 erection, alteration, modification, repair, or demolition of any  
135 public lodging or public food service establishment. It is the  
136 intent of the Legislature to preempt that function to the  
137 Florida Building Commission and the State Fire Marshal through  
138 adoption and maintenance of the Florida Building Code and the  
139 Florida Fire Prevention Code. The division shall provide  
140 technical assistance to the commission ~~and the State Fire~~  
141 ~~Marshal~~ in updating the construction standards of the Florida  
142 Building Code ~~and the Florida Fire Prevention Code~~ which govern  
143 public lodging and public food service establishments. Further,  
144 the division shall enforce the provisions of the Florida  
145 Building Code ~~and the Florida Fire Prevention Code~~ which apply  
146 to public lodging and public food service establishments in  
147 conducting any inspections authorized by this part.

148 (5) REPORTS REQUIRED.--The division shall submit annually  
149 to send the Governor, the President of the Senate, the Speaker  
150 of the House of Representatives, and the chairs of the  
151 legislative appropriations committees a ~~written~~ report, which  
152 shall state, but need not be limited to, the total number of  
153 active public lodging and public food service licenses in the  
154 state, the total number of inspections of these establishments  
155 conducted by the division to ensure the enforcement of sanitary

676113

4/28/2008 5:33 PM

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 5047

Amendment No.

156 standards, the total number of inspections conducted in response  
157 to emergency or epidemiological conditions, the number of  
158 violations of each sanitary standard, the total number of  
159 inspections conducted to meet the statutorily required number of  
160 inspections, and any recommendations for improved inspection  
161 procedures. The division shall also keep accurate account of all  
162 expenses arising out of the performance of its duties and all  
163 fees collected under this chapter. The report shall be submitted  
164 by September 30 following the end of the fiscal year.

165 Section 4. Paragraph (n) is added to subsection (1) of  
166 section 718.501, Florida Statutes, to read:

167 718.501 Powers and duties of Division of Florida Land  
168 Sales, Condominiums, and Mobile Homes.--

169 (1) The Division of Florida Land Sales, Condominiums, and  
170 Mobile Homes of the Department of Business and Professional  
171 Regulation, referred to as the "division" in this part, in  
172 addition to other powers and duties prescribed by chapter 498,  
173 has the power to enforce and ensure compliance with the  
174 provisions of this chapter and rules promulgated pursuant hereto  
175 relating to the development, construction, sale, lease,  
176 ownership, operation, and management of residential condominium  
177 units. In performing its duties, the division has the following  
178 powers and duties:

179 (n) The division shall submit to the Governor, the  
180 President of the Senate, the Speaker of the House of  
181 Representatives, and the chairs of the legislative  
182 appropriations committees an annual report that includes, but  
183 need not be limited to, the number of training programs provided

676113

4/28/2008 5:33 PM

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 5047

Amendment No.

184 for condominium association board members and unit owners, the  
185 number of complaints received by type, the number and percent of  
186 complaints acknowledged in writing within 30 days and the number  
187 and percent of investigations acted upon within 90 days in  
188 accordance with paragraph (m), and the number of investigations  
189 exceeding the 90-day requirement. The annual report shall also  
190 include an evaluation of the division's core business processes  
191 and make recommendations for improvements, including statutory  
192 changes. The report shall be submitted by September 30 following  
193 the end of the fiscal year.

194 Section 5. This act shall take effect July 1, 2008.

195  
196  
197 -----  
198 **T I T L E A M E N D M E N T**

199 Remove the entire title and insert:

200 A bill to be entitled

201 An act relating to the Department of Business and  
202 Professional Regulation; amending s. 455.32, F.S.;  
203 revising the procedures authorizing the department to  
204 contract with a nonprofit corporation to provide  
205 administrative, examination, licensing, investigative, and  
206 prosecutorial services to a regulatory board; providing  
207 for a recommendation for such authorization in the  
208 department's budget request; requiring specific  
209 authorization by general law before privatization may  
210 proceed; amending s. 481.205, F.S., relating to the Board  
211 of Architecture and Interior Design; revising the

676113

4/28/2008 5:33 PM

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 5047

Amendment No.

212 requirements for the board's annual budget request;  
213 requiring that the board submit an annual report to the  
214 Executive Office of the Governor and the Legislature  
215 concerning activities relating to unlicensed activity;  
216 prescribing requirements for the contents of the report;  
217 amending s. 509.032, F.S., relating to the Division of  
218 Hotels and Restaurants; deleting a provision requiring  
219 that the division provide certain assistance to the State  
220 Fire Marshal; deleting a provision requiring that the  
221 division provide technical assistance to the Florida  
222 Building Commission when updating the construction  
223 standards of the Florida Fire Prevention Code; deleting a  
224 provision requiring that the division enforce certain  
225 provisions of the Florida Fire Prevention Code; revising  
226 certain reporting requirements of the division; amending  
227 s. 718.501, F.S., relating to the Division of Florida Land  
228 Sales, Condominiums, and Mobile Homes; requiring that the  
229 division report annually to the Governor and the  
230 Legislature on activities involving training programs for  
231 condominium association board members and unit owners, the  
232 investigation of complaints, and its core business  
233 processes; providing an effective date.

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4/28/2008 5:33 PM



**BILLS ON THIRD READING**  
**CS/HB 739 (1<sup>st</sup> Eng.)**

1 A bill to be entitled

2 An act relating to guardian advocates for persons with

3 developmental disabilities; amending s. 393.12, F.S.;

4 requiring the court to conduct determination of incapacity

5 of persons with developmental disabilities and appointment

6 of guardian advocates in separate proceedings; revising

7 conditions relating to venue for appointment of guardian

8 advocates; providing that the guardian advocate need not

9 be represented by an attorney unless required by the court

10 or the guardian advocate is delegated certain rights

11 regarding property; limiting applicability to certain

12 proceedings relating to appointment and supervision of

13 guardian advocates; requiring the petition to include the

14 relationship of the proposed guardian advocate to certain

15 providers; modifying the persons to whom a notice of the

16 filing of the petition must be given to include next of

17 kin, the health care surrogate designated to execute an

18 advance directive, and the agent under durable power of

19 attorney; establishing a timeframe for appointment of

20 counsel and modifying who may be appointed as counsel to a

21 person with a developmental disability; providing

22 conditions for the court to appoint attorneys; requiring

23 court proceedings and orders to consider advance

24 directives for health care and durable powers of attorney;

25 requiring the court's order to provide the name and

26 reasons for the selection of the guardian advocate;

27 providing a process for restoration of rights for the

28 person with a developmental disability; providing for the

29 petitioner to submit evidentiary support to the court;

30 providing for a hearing if no evidentiary support is

31 available; amending s. 393.13, F.S.; conforming a cross-

32 reference; providing an effective date.

33

34 Be It Enacted by the Legislature of the State of Florida:

35

36 Section 1. Section 393.12, Florida Statutes, is amended to

37 read:

38 393.12 Capacity; appointment of guardian advocate.--

39 (1) CAPACITY.--

40 (a) ~~The issue of capacity shall be separate and distinct~~

41 ~~from a determination of the appropriateness of admission to~~

42 ~~nonresidential services or residential care for a condition of~~

43 ~~developmental disabilities. A~~ No person with a developmental

44 disability may not shall be presumed incapacitated solely by

45 reason of his or her acceptance in nonresidential services or

46 admission to residential care and may not, not shall any such

47 person be denied the full exercise of all legal rights

48 guaranteed to citizens of this state and of the United States.

49 (b) The determination of incapacity issue of capacity of a

50 person with a developmental disability and the appointment of a

51 guardian must be conducted disabilities shall be determined in a

52 separate proceeding according to the procedures and requirements

53 of chapter 744 and the Florida Probate Rules.

54 (2) APPOINTMENT OF A GUARDIAN ADVOCATE.--

55 (a) ~~Conditions--~~ A circuit probate court may appoint a

56 guardian advocate, without an adjudication of incapacity, for a

57 person with developmental disabilities, if the person lacks the  
 58 decisionmaking ability ~~exactly~~ to do some, but not all, of the  
 59 decisionmaking tasks necessary to care for his or her person or  
 60 property, ~~ex-estate~~ or if the person has voluntarily petitioned  
 61 for the appointment of a guardian advocate. Except as otherwise  
 62 specified, the proceeding shall be governed by the Florida Rules  
 63 of Probate ~~Civil~~ Procedure.

64 (b) A person who is being considered for appointment or is  
 65 appointed as a guardian advocate need not be represented by an  
 66 attorney unless required by the court or if the guardian  
 67 advocate is delegated any rights regarding property other than  
 68 the right to be the representative payee for government  
 69 benefits. This paragraph applies only to proceedings relating to  
 70 the appointment of a guardian advocate and the court's  
 71 supervision of a guardian advocate and is not an exercise of the  
 72 legislature's authority pursuant to s. (2) (a), Art. V of the  
 73 State Constitution.

74 (3)(~~bb~~) PETITION.--A petition to appoint a guardian  
 75 advocate for a person with a developmental disability may be  
 76 executed by an adult person who is a resident of this state. The  
 77 petition must ~~shall~~ be verified and must ~~shall~~:

78 (a)~~1~~ State the name, age, and present address of the  
 79 petitioner and his or her relationship to the person with a  
 80 developmental disability ~~disabilities~~;

81 (b)~~2~~ State the name, age, county of residence, and  
 82 present address of the person with a developmental disability  
 83 ~~disabilities~~;

84 (c)~~3~~ Allege that the petitioner believes that the person

85 needs a guardian advocate and specify the factual information on  
 86 which such belief is based;

87 (d)~~4~~ Specify the exact areas in which the person lacks  
 88 the decisionmaking ability ~~exactly~~ to make informed decisions  
 89 about his or her care and treatment services or to meet the  
 90 essential requirements for his or her physical health or safety;

91 (e)~~5~~ Specify the legal disabilities to which the person  
 92 is subject; and

93 (f)~~6~~ State the name of the proposed guardian advocate,  
 94 the relationship of that person to the person with a  
 95 developmental disability; the relationship that the proposed  
 96 guardian advocate had or has with a provider of health care  
 97 services, residential services, or other services to the person  
 98 with a developmental disability; ~~disabilities~~; and the reason  
 99 why this person should be appointed. If a willing and qualified  
 100 guardian advocate cannot be located, the petition shall so  
 101 state.

(4)(~~e~~) NOTICE.--

102 (a)~~1~~ Notice of the filing of the petition must ~~shall~~ be  
 103 given to the person with a developmental disability, ~~individual~~  
 104 ~~and his or her parent or parents. The notice shall be given both~~  
 105 verbally and in writing in the language of the person and in  
 106 English. Notice must ~~shall~~ also be given to the next of kin of  
 107 the person with a developmental disability as defined in chapter

108 744, any health care surrogate designated for the person with a  
 109 developmental disability pursuant to an advance directive under  
 110 chapter 765, any agent designated for the person with a  
 111 developmental disability under a durable power of attorney, and  
 112

113 such other persons as the court may direct. A copy of the  
 114 petition to appoint a guardian advocate must ~~shall~~ be served  
 115 with the notice.

116 (b) ~~2~~ The notice must ~~shall~~ state that a hearing will be  
 117 held ~~shall be set to~~ inquire into the capacity of the person  
 118 with a developmental disability ~~disabilities~~ to exercise the  
 119 rights enumerated in the petition. The notice must ~~shall~~ also  
 120 state the date of the hearing on the petition.

121 (c) ~~2~~ The notice shall state that the person with a  
 122 developmental disability ~~individual with developmental~~  
 123 ~~disabilities~~ has the right to be represented by counsel of his  
 124 or her own choice and that if the person ~~individual~~ cannot  
 125 afford an attorney, the court shall appoint one.

126 (5) ~~4~~ COUNSEL. -- Within 3 days after a petition has been  
 127 filed, the court shall appoint an attorney to represent a person  
 128 with a developmental disability who is the subject of a petition  
 129 to appoint a guardian advocate. The person with a developmental  
 130 disability may substitute his or her own attorney for the  
 131 attorney appointed by the court.

132 (a) If the court appoints the attorney:

133 1. The court shall appoint a private attorney who shall be  
 134 selected from the attorney registry compiled pursuant to s.  
 135 27.40.

136 2. The attorney must have completed a minimum of 8 hours  
 137 of education in guardianship. The court may waive this  
 138 requirement for an attorney who has served as a court-appointed  
 139 attorney in guardian advocate proceedings or as an attorney of  
 140 record for guardian advocates for at least 3 years.

141 (b) An attorney representing a person with a developmental  
 142 disability may not also serve as the guardian advocate of the  
 143 person, as counsel for the guardian advocate, or as counsel for  
 144 the person petitioning for the appointment of a guardian  
 145 advocate.

146 1. ~~Every person with developmental disabilities who is the~~  
 147 ~~subject of a petition to appoint a guardian advocate shall be~~  
 148 ~~represented by counsel.~~

149 2. ~~Every person with developmental disabilities has the~~  
 150 ~~right to be represented by counsel of his or her own choice. If~~  
 151 ~~the person cannot afford an attorney, the court shall appoint~~  
 152 ~~one to represent the person. The court shall appoint counsel if~~  
 153 ~~no appearance has been filed within 10 working days of the~~  
 154 ~~hearing.~~

155 (6) ~~(e)~~ HEARING. --

156 (a) ~~3~~. Upon the filing of the petition to appoint a  
 157 guardian advocate, the court shall set a date for holding a  
 158 hearing on ~~upon which~~ the petition ~~shall be heard~~. The ~~a~~ hearing  
 159 ~~must on the petition shall~~ be held as soon as practicable after  
 160 the petition is filed, but reasonable delay for the purpose of  
 161 investigation, discovery, or procuring counsel or witnesses may  
 162 ~~shall~~ be granted.

163 (b) ~~2~~. The hearing must be held ~~shall be conducted~~ at the  
 164 time and place specified in the notice of hearing and must. ~~The~~  
 165 ~~hearing shall~~ be conducted in a manner consistent with due  
 166 process.

167 (c) ~~3~~. The person with a developmental disability

168 ~~individual~~ has the right to be present at the hearing and shall

169 be present unless good cause to exclude the individual can be  
 170 shown. The person ~~and~~ has the right to remain silent, to  
 171 present evidence, to call and cross-examine witnesses, and to  
 172 have the hearing open or closed, as the person may choose.  
 173 ~~(d)4-~~ At the hearing, the court shall receive and consider  
 174 all reports relevant to the person's disability ~~disabilities~~,  
 175 including, but not limited to, the person's current individual  
 176 family or individual support plan, the individual education  
 177 plan, and other professional reports documenting the condition  
 178 and needs of the person ~~and~~.

179 ~~(e)5-~~ The Florida Evidence Code, chapter 90, applies ~~shall~~  
 180 ~~apply~~ at the hearing. The burden of proof ~~must~~ ~~shall~~ be by clear  
 181 and convincing evidence.

182 (7) ADVANCE DIRECTIVES FOR HEALTH CARE AND DURABLE POWER  
 183 OF ATTORNEY.-- In each proceeding in which a guardian advocate is  
 184 appointed under this section, the court shall determine whether  
 185 the person with a developmental disability has executed any  
 186 valid advance directive under chapter 765 or a durable power of  
 187 attorney under chapter 709.

188 (a) If the person with a developmental disability has  
 189 executed an advance directive or durable power of attorney, the  
 190 court must consider and find whether the documents will  
 191 sufficiently address the needs of the person with a  
 192 developmental disability for whom the guardian advocate is  
 193 sought. A guardian advocate may not be appointed if the court  
 194 finds that the advance directive or durable power of attorney  
 195 provides an alternative to the appointment of a guardian  
 196 advocate which will sufficiently address the needs of the person

197 with a developmental disability.

198 (b) If an interested person seeks to contest an advance  
 199 directive or durable power of attorney executed by a person with  
 200 a developmental disability, the interested person shall file a  
 201 verified statement. The verified statement shall include the  
 202 factual basis for the belief that the advance directive or  
 203 durable power of attorney is invalid or does not sufficiently  
 204 address the needs of the person for whom a guardian advocate is  
 205 sought or that the person with authority under the advance  
 206 directive or durable power of attorney is abusing his or her  
 207 power.

208 (c) If an advance directive exists, the court shall  
 209 specify in its order and letters of guardian advocacy what  
 210 authority, if any, the guardian advocate shall exercise over the  
 211 person's health care surrogate. Pursuant to the grounds listed  
 212 in s. 765.105, the court, upon its own motion, may, with notice  
 213 to the health care surrogate and any other appropriate parties,  
 214 modify or revoke the authority of the health care surrogate to  
 215 make health care decisions for the person with a developmental  
 216 disability. For purposes of this section, the term "health care  
 217 decision" has the same meaning as in s. 765.101.

218 (d) If any durable power of attorney exists, the court  
 219 shall specify in its order and letters of guardian advocacy what  
 220 powers of the agent, if any, are suspended and granted to the  
 221 guardian advocate. The court, however, may not suspend any  
 222 powers of the agent unless the court determines the durable  
 223 power of attorney is invalid or there is an abuse by the agent  
 224 of the powers granted.

225 (8) (f) COURT ORDER determining the appointment of a  
 226 guardian-advocate.--If the court finds the person with a  
 227 developmental disability ~~disabilities~~ requires the appointment  
 228 of a guardian advocate, the court shall enter a written order  
 229 appointing the guardian advocate and containing determining the  
 230 need for a guardian-advocate. ~~The written order shall contain~~  
 231 the findings of facts and conclusions of law on which the court  
 232 made its decision, including, ~~the court shall make the following~~  
 233 findings:  
 234 (a) ~~1~~ The nature and scope of the person's lack of  
 235 decisionmaking ability ~~incompetency~~;  
 236 (b) ~~2~~ The exact areas in which the individual lacks  
 237 decisionmaking ability ~~capacity~~ to make informed decisions about  
 238 care and treatment services or to meet the essential  
 239 requirements for his or her physical health and safety;  
 240 (c) ~~3~~ The specific legal disabilities to which the person  
 241 with developmental disability ~~disabilities~~ is subject; and  
 242 (d) The name of the person selected as guardian advocate  
 243 and the reasons for the court's selection; and  
 244 (e) ~~4~~ The powers, and duties, and responsibilities of the  
 245 guardian advocate, including bonding of the guardian advocate,  
 246 as ~~provided in~~ ~~governed by~~ s. 744.351.  
 247 (9) ~~f~~ LEGAL RIGHTS.--A person with a developmental  
 248 disability ~~disabilities~~ for whom a guardian advocate has been  
 249 appointed retains all legal rights except those ~~that~~ ~~which~~ have  
 250 been specifically granted to the guardian advocate.  
 251 (10) ~~4~~ POWERS AND DUTIES OF GUARDIAN ADVOCATE.--A  
 252 guardian advocate for a person with a developmental disability

253 ~~disabilities~~ shall be a person or corporation qualified to act  
 254 as guardian, with the same powers, duties, and responsibilities  
 255 required of a guardian under chapter 744 or those defined by  
 256 court order under this section. However, a guardian advocate may  
 257 not be required to file an annual accounting under s. 744.3678  
 258 if the court determines that the person with a developmental  
 259 disability ~~disabilities~~ receives income only from Social  
 260 Security benefits and the guardian advocate is the person's  
 261 representative payee for the benefits.  
 262 (11) ~~3~~ COURT COSTS.--In all proceedings under this  
 263 section, ~~no~~ court costs may ~~shall~~ be charged against the  
 264 agency.  
 265 (12) SUGGESTION OF RESTORATION OF RIGHTS.--Any interested  
 266 person, including the person with a developmental disability,  
 267 may file a suggestion of restoration of rights with the court in  
 268 which the guardian advocacy is pending. The suggestion must  
 269 state that the person with a developmental disability is  
 270 currently capable of exercising some or all of the rights that  
 271 were delegated to the guardian advocate and provide evidentiary  
 272 support for the filing of the suggestion. Evidentiary support  
 273 includes, but is not limited to, a signed statement from a  
 274 medical, psychological, or psychiatric practitioner by whom the  
 275 person with a developmental disability was evaluated and which  
 276 supports the suggestion for the restoration. If the petitioner  
 277 is unable to provide evidentiary support due to the lack of  
 278 access to such information or reports, the petitioner may state  
 279 a good faith basis for the suggestion for the restoration of  
 280 rights without attaching evidentiary support. The court shall

281 immediately set a hearing if no evidentiary support is attached  
 282 to inquire of the petitioner and guardian advocate as to the  
 283 reason and enter such orders as are appropriate to secure the  
 284 required documents. The person with a disability and the  
 285 person's attorney shall be provided notice of the hearing.

286 (a) Within 3 days after the filing of the suggestion,  
 287 counsel shall be appointed for the person with a developmental  
 288 disability as set forth in subsection (5).

289 (b) The clerk of the court shall immediately send notice  
 290 of the filing of the suggestion to the person with a  
 291 developmental disability, the guardian advocate, the attorney  
 292 for the person with a developmental disability, the attorney for  
 293 the guardian advocate, if any, and any other interested person  
 294 designated by the court. Formal notice shall be served on the  
 295 guardian advocate. Informal notice may be served on other  
 296 persons. Notice need not be served on the person who filed the  
 297 suggestion.

298 (c) Any objections to the suggestion must be filed within  
 299 20 days after service of the notice. If an objection is timely  
 300 filed, or if the evidentiary support suggests that restoration  
 301 of rights is not appropriate, the court shall set the matter for  
 302 hearing. The hearing shall be conducted as set forth in s.  
 303 744.1095. The court, at the hearing, shall consider all reports  
 304 and testimony relevant to the person's decisionmaking abilities  
 305 at the hearing, including, but not limited to, the person's  
 306 current individual family plan or individual support plan, the  
 307 individual education plan, and other professional reports that  
 308 document the condition and needs of the person.

309 (d) Notice of the hearing and copies of the objections  
 310 shall be served upon the person with a developmental disability,  
 311 the attorney for the person with a developmental disability, the  
 312 guardian advocate, the attorney for the guardian advocate, the  
 313 next of kin of the person with a developmental disability, and  
 314 any other interested person as directed by the court.

315 (e) If no objections are filed and the court is satisfied  
 316 with the evidentiary support for restoration, the court shall  
 317 enter an order of restoration of rights which were delegated to  
 318 a guardian advocate and which the person with a developmental  
 319 disability may now exercise.

320 (f) At the conclusion of a hearing, the court shall enter  
 321 an order denying the suggestion or restoring all or some of the  
 322 rights that were delegated to the guardian advocate. If only  
 323 some rights are restored to the person with a developmental  
 324 disability, the court shall enter amended letters of guardian  
 325 advocacy.

326 (g) If only some rights are restored to the person with a  
 327 developmental disability, the order must state which rights are  
 328 restored and amended letters of guardian advocacy shall be  
 329 issued by the court. The guardian advocate shall amend the  
 330 current plan as required under chapter 744 if personal rights  
 331 are restored to the person with a developmental disability. The  
 332 guardian advocate shall file a final accounting as required  
 333 under chapter 744 if all property rights are restored to the  
 334 person with a developmental disability. The guardian advocate  
 335 must file the amended plan or final accounting within 60 days  
 336 after the order restoring rights and amended letters of guardian

337 advocacy are issued. A copy of the reports shall be served upon  
 338 the person with a developmental disability and the attorney for  
 339 the person with a developmental disability.

340 Section 2. Paragraph (h) of subsection (3) of section

341 393.13, Florida Statutes, is amended to read:

342 393.13 Treatment of persons with developmental  
 343 disabilities.--

344 (3) RIGHTS OF ALL PERSONS WITH DEVELOPMENTAL

345 DISABILITIES.--The rights described in this subsection shall

346 apply to all persons with developmental disabilities, whether or  
 347 not such persons are clients of the agency.

348 (h) Persons with developmental disabilities shall have a

349 right to consent to or refuse treatment, subject to the powers

350 of a guardian advocate appointed pursuant to s. 393.12 or a

351 guardian appointed pursuant to provisions of s. 393.12(2)(a) or  
 352 chapter 744.

353 Section 3. This act shall take effect July 1, 2008.

354



Amendment No.

CHAMBER ACTION

Senate

House

---

1 Representative Ambler offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove lines 121-125 and insert:

5 ~~3. The notice shall state that the individual with~~  
6 ~~developmental disabilities has the right to be represented by~~  
7 ~~counsel of his or her own choice and that if the individual~~  
8 ~~cannot afford an attorney, the court shall appoint one.~~

9  
10  
11 -----  
12 **T I T L E A M E N D M E N T**

13 Remove line 19 and insert:

14 attorney; removing a provision requiring the inclusion of  
15 certain information relating to the right to be represented by

HOUSE AMENDMENT

Bill No. CS/HB 739

Amendment No.

16 counsel in the notice of the filing of the petition;

17 establishing a timeframe for appointment of

330473

4/27/2008 4:01 PM

**BILLS ON SPECIAL ORDER  
CS/HB 7071 & CS/CS/SB 1716**

CS/HB 7071

2008

1 A bill to be entitled  
 2 An act relating to postsecondary education; amending s.  
 3 1000.21, F.S.; redesignating the names of certain  
 4 community colleges as colleges; creating s. 1001.60, F.S.;  
 5 establishing the Florida College System to be comprised of  
 6 public postsecondary educational institutions meeting  
 7 certain criteria; providing system purposes; providing  
 8 limitations; authorizing the name change of an institution  
 9 under certain conditions; providing for local boards of  
 10 trustees and membership thereof; amending s. 1004.35,  
 11 F.S.; conforming provisions; creating s. 1004.87, F.S.;  
 12 establishing the Florida College System Task Force for the  
 13 purpose of developing recommendations for the transition  
 14 of community colleges to baccalaureate-degree-granting  
 15 colleges and for establishing and funding state colleges;  
 16 providing for membership and appointments; providing  
 17 duties of the task force; requiring reporting; providing  
 18 for dissolution of the task force; creating s. 1004.875,  
 19 F.S.; creating the State College Pilot Project for the  
 20 purpose of developing recommendations for the transition  
 21 of community colleges to state colleges and for developing  
 22 a funding model for the Florida College System;  
 23 designating certain institutions to participate in the  
 24 pilot project; providing duties of the institutions;  
 25 requiring reporting; providing an effective date.

26  
 27 Be It Enacted by the Legislature of the State of Florida:  
 28

CS/HB 7071

2008

29 Section 1. Paragraphs (b), (e), and (k) of subsection (3)  
 30 of section 1000.21, Florida Statutes, are amended to read:  
 31 1000.21 Systemwide definitions.--As used in the Florida K-  
 32 20 Education Code:  
 33 (3) "Community college," except as otherwise specifically  
 34 provided, includes the following institutions and any branch  
 35 campuses, centers, or other affiliates of the institution:  
 36 (b) Broward Community College.  
 37 (e) Daytona Beach Community College.  
 38 (k) Indian River Community College.  
 39 Section 2. Section 1001.60, Florida Statutes, is created  
 40 to read:  
 41 1001.60 Florida College System.--  
 42 (1) PURPOSES.--In order to maximize open access for  
 43 students, respond to community needs for postsecondary academic  
 44 education and career degree education, and provide associate and  
 45 baccalaureate degrees that will best meet the state's employment  
 46 needs, the Legislature establishes a system of governance for  
 47 the Florida College System.  
 48 (2) FLORIDA COLLEGE SYSTEM.--There shall be a single  
 49 Florida College System comprised of the public postsecondary  
 50 educational institutions identified in s. 1000.21(3) that grant  
 51 2-year and 4-year academic degrees as provided by law. An  
 52 institution within the Florida College System may not offer  
 53 graduate degree programs.  
 54 (a) The programs and services offered by institutions in  
 55 the Florida College System in providing associate and  
 56 baccalaureate degrees shall be delivered in a cost-effective

CS/HB 7071

2008

57 manner that demonstrates substantial savings to the student and  
 58 to the state over the cost of providing the degree at a state  
 59 university.  
 60 (b)1. With the approval of the institution's local board  
 61 of trustees, an institution in the Florida College System may  
 62 change the institution's name and use the designation "college"  
 63 if it has been authorized to grant baccalaureate degrees  
 64 pursuant to s. 1004.73 or s. 1007.33 or if it has received  
 65 approval from the State Board of Education pursuant to this  
 66 paragraph.  
 67 2. With the approval of an institution's local board of  
 68 trustees, any institution in the Florida College System may  
 69 request approval from the State Board of Education to change the  
 70 institution's name and use the designation "college." The State  
 71 Board of Education may approve the request if the institution  
 72 enters into an agreement with the State Board of Education to do  
 73 the following:  
 74 a. Maintain as the institution's primary mission  
 75 responsibility for responding to community needs for  
 76 postsecondary academic education and career degree education as  
 77 prescribed in s. 1004.65(6).  
 78 b. Maintain an open-door admissions policy for associate-  
 79 level degree programs and workforce education programs.  
 80 c. Continue to provide outreach to underserved  
 81 populations.  
 82 d. Continue to provide remedial education.  
 83 e. Comply with all provisions of the statewide  
 84 articulation agreement that relate to 2-year and 4-year public

Page 3 of 11

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hb7071-01-c1

CS/HB 7071

2008

85 degree-granting institutions as adopted by the State Board of  
 86 Education pursuant to s. 1007.23.  
 87 3. An institution in the Florida College System shall not  
 88 use the designation "university."  
 89 (3) LOCAL BOARDS OF TRUSTEES.--Each institution within the  
 90 Florida College System shall be governed by a local board of  
 91 trustees as provided in s. 1001.64. The membership of each local  
 92 board of trustees shall be as provided in s. 1001.61.  
 93 Section 3. Section 1004.35, Florida Statutes, is amended  
 94 to read:  
 95 1004.35 Broward County campuses of Florida Atlantic  
 96 University; coordination with other institutions.--The State  
 97 Board of Education, the Board of Governors, and Florida Atlantic  
 98 University shall consult with Broward Community College and  
 99 Florida International University in coordinating course  
 100 offerings at the postsecondary level in Broward County. Florida  
 101 Atlantic University may contract with the Board of Trustees of  
 102 Broward Community College and with Florida International  
 103 University to provide instruction in courses offered at the  
 104 Southeast Campus. Florida Atlantic University shall increase  
 105 course offerings at the Southeast Campus as facilities become  
 106 available.  
 107 Section 4. Section 1004.87, Florida Statutes, is created  
 108 to read:  
 109 1004.87 Florida College System Task Force.--  
 110 (1) The Florida College System Task Force is established  
 111 within the Division of Community Colleges of the Department of  
 112 Education for the purpose of developing findings and issuing

Page 4 of 11

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hb7071-01-c1

CS/HB 7071

2008

113 recommendations regarding the transition of community colleges  
 114 to baccalaureate-degree-granting colleges and the criteria for  
 115 establishing and funding state colleges.  
 116 (2) (a) All members of the task force must be appointed on  
 117 or before August 31, 2008, and the task force shall hold its  
 118 first meeting on or before September 15, 2008.  
 119 (b) The task force shall be comprised of 12 members  
 120 appointed by the Commissioner of Education. The appointees shall  
 121 include eight community college presidents, one state university  
 122 president, the president of an institution that is eligible to  
 123 participate in the William L. Boyd, IV, Florida Resident Access  
 124 Grant Program, the president of an institution that is licensed  
 125 by the Commission for Independent Education and grants  
 126 baccalaureate degrees, and one member at large. The community  
 127 college presidents appointed to the task force may not include  
 128 the presidents of the institutions named to participate in the  
 129 State College Pilot Project. The community college presidents  
 130 appointed to the task force must reflect the diversity of  
 131 program offerings and service areas of the 28 community colleges  
 132 and include representatives of community colleges that are  
 133 authorized to grant baccalaureate degrees, community colleges  
 134 that are not authorized to grant baccalaureate degrees,  
 135 community colleges that have urban service areas, community  
 136 colleges that have rural service areas, community colleges the  
 137 service areas of which have populations of 500,000 or more, and  
 138 community colleges the service areas of which have populations  
 139 of fewer than 500,000. The Commissioner of Education shall be a  
 140 voting member of the task force and the chair of the task force.

Page 5 of 11

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hb7071-01-c1

CS/HB 7071

2008

141 (3) The task force shall:  
 142 (a) Recommend a program approval process for new  
 143 baccalaureate degree programs that are designed to meet the  
 144 employment needs of Florida, including approval as a  
 145 baccalaureate-degree-granting community college and as a state  
 146 college.  
 147 (b) Recommend a funding model that considers projected  
 148 enrollment, adjustments for actual enrollment, program mix, and  
 149 comparable support for similar programs across all institutions,  
 150 including state colleges and community colleges authorized by  
 151 the State Board of Education to award baccalaureate degrees  
 152 pursuant to s. 1007.33. The funding model must ensure that the  
 153 programs and services offered by institutions in the Florida  
 154 College System in providing associate and baccalaureate degrees  
 155 are delivered in a cost-effective manner that demonstrates  
 156 substantial savings to the student and to the state over the  
 157 cost of providing the degree at a state university.  
 158 (c) Identify the areas, both geographic and academic, in  
 159 which an increased number of graduates who have baccalaureate  
 160 degrees are necessary in order to meet regional and statewide  
 161 workforce needs.  
 162 (d) Monitor implementation of the State College Pilot  
 163 Project.  
 164 (e) Recommend priorities and criteria for baccalaureate  
 165 programs that may be offered without specific approval by the  
 166 State Board of Education.  
 167 (4) Any recommendation from the task force to the  
 168 Legislature requires approval by at least nine members of the

Page 6 of 11

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hb7071-01-c1

CS/HB 7071 2008

169 task force.  
 170 (5) The task force shall be staffed by existing employees  
 171 of the Division of Community Colleges.  
 172 (6) (a) Community colleges, state universities, the  
 173 Commission for Independent Education, and the Agency for  
 174 Workforce Innovation shall provide information and assistance to  
 175 the task force.  
 176 (b) Independent postsecondary educational institutions,  
 177 representatives of the business community, and other  
 178 stakeholders are encouraged to provide the task force with  
 179 information to assist the task force in its deliberations.  
 180 (7) The task force shall submit a report and  
 181 recommendations to the Governor, the State Board of Education,  
 182 the President of the Senate, and the Speaker of the House of  
 183 Representatives by March 2, 2009. The report must include any  
 184 comments from the task force regarding the final report  
 185 resulting from the State College Pilot Project and any specific  
 186 recommendations of the task force for legislative action during  
 187 the 2009 Regular Session of the Legislature.  
 188 (8) The task force shall be dissolved effective June 30,  
 189 2010, prior to which time it shall issue its final report with  
 190 recommended detailed criteria for implementing the Florida  
 191 College System as a permanent part of the state system of higher  
 192 education.  
 193 Section 5. Section 1004.875, Florida Statutes, is created  
 194 to read:  
 195 1004.875 State College Pilot Project.--  
 196 (1) The Legislature finds that it is in the best interest

Page 7 of 11

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hb7071-01-cl

CS/HB 7071 2008

197 of the state to provide the residents of the state affordable  
 198 access to baccalaureate degree programs that are designed to  
 199 meet regional and statewide employment needs.  
 200 (2) (a) Beginning with the 2008-2009 fiscal year, the State  
 201 College Pilot Project is created, which shall be conducted by  
 202 St. Petersburg College, Okaloosa-Walton College, Miami Dade  
 203 College, and Indian River College in collaboration with the  
 204 Florida College System Task Force. The purpose of the pilot  
 205 project is to recommend to the Legislature an approval process  
 206 for the transition of baccalaureate-degree-granting community  
 207 colleges to state colleges in order to meet the employment needs  
 208 of Florida, criteria for the transition of institutions in the  
 209 Florida College System to state colleges, and a funding model  
 210 for the Florida College System.  
 211 (b) With the approval of the community college's board of  
 212 trustees and continued compliance with the provisions of  
 213 subsection (3), a community college identified in paragraph (a)  
 214 as a participant in the State College Pilot Project may change  
 215 the institution's name and use the designation "state college."  
 216 An institution participating in the State College Pilot Project  
 217 shall not use the designation "university."  
 218 (3) The institutions participating in the pilot project  
 219 shall:  
 220 (a) Maintain, as the institution's primary mission,  
 221 responsibility for responding to community needs for  
 222 postsecondary academic education and career degree education as  
 223 prescribed in s. 1004.65(6).  
 224 (b) Maintain an open-door admissions policy for associate-

Page 8 of 11

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225 level degree programs and workforce education programs.  
 226 (c)1. Require, as a condition of admission to upper-  
 227 division programs, successful completion of the college-level  
 228 communication and mathematics skills examination (CLAST).  
 229 established pursuant to s. 1008.29, unless the student has been  
 230 awarded an associate degree from a community college or a state  
 231 university.  
 232 2. For purposes of a longitudinal analysis of the CLAST,  
 233 and notwithstanding any other provision of law to the contrary,  
 234 administer the CLAST to each student admitted to an upper-  
 235 division program unless the student has previously achieved the  
 236 minimum scores that constitute successful completion of the  
 237 examination as established pursuant to s. 1008.29(4). The  
 238 institution shall report annually the test scores of each  
 239 student tested pursuant to the provisions of this subparagraph  
 240 and any exemption the student has been provided pursuant to s.  
 241 1008.29(9) to the Florida College System Task Force until its  
 242 dissolution, to the State Board of Education once the task force  
 243 is dissolved, and to the Office of Program Policy Analysis and  
 244 Government Accountability.  
 245 (d) Continue to provide outreach to underserved  
 246 populations.  
 247 (e) Continue to provide remedial education.  
 248 (f) Comply with all provisions of the statewide  
 249 articulation agreement that relate to 2-year and 4-year public  
 250 degree-granting institutions as adopted by the State Board of  
 251 Education pursuant to s. 1007.23.  
 252 (g) Be prohibited from awarding graduate credit or

253 graduate degrees.  
 254 (h) Be prohibited from participating in intercollegiate  
 255 athletics beyond the 2-year level.  
 256 (i) Deliver the programs and services in providing  
 257 associate and baccalaureate degrees in a cost-effective manner  
 258 that demonstrates substantial savings to the student and to the  
 259 state over the cost of providing the degree at a state  
 260 university.  
 261 (4) (a) The institutions participating in the pilot project  
 262 shall collaborate with the Florida College System Task Force to  
 263 make recommendations to the State Board of Education, the  
 264 President of the Senate, and the Speaker of the House of  
 265 Representatives on specific issues that should be addressed in  
 266 the transition of a community college to a state college. Any  
 267 recommendations of the institutions participating in the pilot  
 268 project require approval by three-fourths of the participating  
 269 institutions. At a minimum, the following areas should be  
 270 addressed during the course of the pilot project:  
 271 1. The development of a program approval process to be  
 272 followed by the State Board of Education when considering  
 273 proposals for new baccalaureate degree programs that are  
 274 designed to meet the employment needs of Florida. Proposals for  
 275 new baccalaureate degree programs are not limited to proposals  
 276 designed to meet regional workforce needs.  
 277 2. The formulation of criteria for the transition of an  
 278 institution from a community college to a state college.  
 279 3. The development of a funding model for state colleges.



CS/HB 7071

2008

280 (b) A final report, including a status report on the  
281 transition of the institutions participating in the pilot  
282 project and recommendations on the issues outlined in paragraph  
283 (a), shall be submitted to the State Board of Education, the  
284 President of the Senate, the Speaker of the House of  
285 Representatives, and the Florida College System Task Force by  
286 January 1, 2009.

287 Section 6. This act shall take effect July 1, 2008.

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1 A bill to be entitled

2 An act relating to postsecondary education; amending s.

3 1000.21, F.S.; redesignating the names of certain

4 community colleges as colleges; creating s. 1001.60, F.S.,

5 relating to the Florida College System; providing system

6 purposes; defining the system as comprised of the public

7 postsecondary educational institutions that grant 2-year

8 and 4-year academic degrees; providing limitations;

9 authorizing a name change under certain conditions;

10 providing for institutions within the Florida College

11 System to be governed by local boards of trustees;

12 providing membership for the boards; creating s. 1004.87,

13 F.S.; creating the Florida College System Task Force for

14 the purpose of developing recommendations for the

15 transition of community colleges to baccalaureate-degree-

16 granting colleges; providing for membership and

17 appointments; providing duties of the task force and

18 reporting requirements; providing for the task force to be

19 dissolved unless extended by general law; creating s.

20 1004.875, F.S.; creating the State College Pilot Project

21 for the purpose of recommending to the Legislature an

22 approval process for the transition of certain community

23 colleges to state colleges; designating certain

24 institutions to participate in the project; providing

25 duties and reporting requirements for the institutions;

26 providing an effective date.

27

28 Be It Enacted by the Legislature of the State of Florida:

29

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30 Section 1. Paragraphs (b), (e), (k), (u), and (x) of

31 subsection (3) of section 1000.21, Florida Statutes, are amended

32 to read:

33 1000.21 Systemwide definitions.--As used in the Florida K-

34 20 Education Code:

35 (3) "Community college," except as otherwise specifically

36 provided, includes the following institutions and any branch

37 campuses, centers, or other affiliates of the institution:

38 (b) Broward ~~Community~~ College.

39 (e) Daytona Beach ~~Community~~ College.

40 (k) Indian River ~~Community~~ College.

41 (u) Polk ~~Community~~ College.

42 (x) Santa Fe ~~Community~~ College.

43 Section 2. Section 1001.60, Florida Statutes, is created to

44 read:

45 1001.60 Florida College System.--

46 (1) PURPOSES.--In order to maximize open access for

47 students, respond to community needs for postsecondary academic

48 education and career degree education, and provide associate and

49 baccalaureate degrees that will best meet the state's employment

50 needs, the Legislature establishes a system of governance for the

51 Florida College System.

52 (2) FLORIDA COLLEGE SYSTEM.--There shall be a single

53 Florida College System comprised of the public postsecondary

54 educational institutions identified in s. 1000.21(3) which grant

55 2-year and 4-year academic degrees as provided by law. An

56 institution within the Florida College System may not offer

57 graduate degree programs.

58 (a) The programs and services offered by institutions in

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59 the Florida College System in providing associate and  
60 baccalaureate degrees shall be delivered in a cost-effective  
61 manner that demonstrates substantial savings to the student and  
62 to the state over the cost of providing the degree at a state  
63 university.  
64 (b)1. With the approval of the institution's local board of  
65 trustees, an institution in the Florida College System may change  
66 the institution's name and use the designation "college" if it  
67 has been authorized to grant baccalaureate degrees pursuant to s.  
68 1004.73 or s. 1007.33 or if it has received approval from the  
69 State Board of Education pursuant to this paragraph.  
70 2. With the approval of an institution's local board of  
71 trustees, any institution in the Florida College System may  
72 request approval from the State Board of Education to change the  
73 institution's name and use the designation "college." The State  
74 Board of Education may approve the request if the institution  
75 enters into an agreement with the State Board of Education to do  
76 the following:  
77 a. Maintain as the institution's primary mission  
78 responsibility for responding to community needs for  
79 postsecondary academic education and career degree education as  
80 prescribed in s. 1004.65(6).  
81 b. Maintain an open-door admissions policy for associate-  
82 level degree programs and workforce education programs.  
83 c. Continue to provide outreach to underserved populations.  
84 d. Continue to provide remedial education.  
85 e. Comply with all provisions of the statewide articulation  
86 agreement which relate to 2-year and 4-year public degree-  
87 granting institutions as adopted by the State Board of Education

Page 3 of 9

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88 pursuant to s. 1007.23.  
89 (3) LOCAL BOARDS OF TRUSTEES.--Each institution within the  
90 Florida College System shall be governed by a local board of  
91 trustees as provided in s. 1001.64. The membership of each local  
92 board of trustees shall be as provided in s. 1001.61.  
93 Section 3. Section 1004.87, Florida Statutes, is created to  
94 read:  
95 1004.87 Florida College System Task Force.--  
96 (1) The Florida College System Task Force is established  
97 within the Division of Community Colleges of the Department of  
98 Education for the purpose of developing findings and issuing  
99 recommendations regarding the transition of community colleges to  
100 baccalaureate-degree-granting colleges and the criteria for  
101 establishing and funding state colleges.  
102 (2)(a) All members of the task force must be appointed on  
103 or before August 31, 2008, and the task force shall hold its  
104 first meeting on or before September 15, 2008.  
105 (b) The task force shall be comprised of 11 members  
106 appointed by the Commissioner of Education. The appointees shall  
107 include eight community college presidents, one state university  
108 president, the president of an institution that is eligible to  
109 participate in the William L. Boyd, IV, Florida Resident Access  
110 Grant Program, and one member at large. The community college  
111 presidents appointed to the task force may not include the  
112 presidents of the institutions named to participate in the State  
113 College Pilot Project. The community college presidents appointed  
114 to the task force must reflect the diversity of program offerings  
115 and service areas of the 28 community colleges and include  
116 representatives of community colleges that are authorized to

Page 4 of 9

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117 grant baccalaureate degrees, community colleges that are not  
 118 authorized to grant baccalaureate degrees, community colleges  
 119 that have urban service areas, community colleges that have rural  
 120 service areas, community colleges the service areas of which have  
 121 populations of 500,000 or more, and community colleges the  
 122 service areas of which have populations of fewer than 500,000.  
 123 The Commissioner of Education shall be a voting member of the  
 124 task force and the chair of the task force.

125 (3) The task force shall:

126 (a) Recommend a program-approval process for new  
 127 baccalaureate degree programs that are designed to meet the  
 128 employment needs of Florida, including approval as a  
 129 baccalaureate-degree-granting community college and as a state  
 130 college.

131 (b) Recommend a funding model that considers projected  
 132 enrollment, adjustments for actual enrollment, program mix, and  
 133 comparable support for similar programs across all institutions,  
 134 including community colleges authorized by the State Board of  
 135 Education to award baccalaureate degrees pursuant to s. 1007.33  
 136 and state colleges. The funding model must ensure that the  
 137 programs and services offered by institutions in the Florida  
 138 College System in providing associate and baccalaureate degrees  
 139 are delivered in a cost-effective manner that demonstrates  
 140 substantial savings to the student and to the state over the cost  
 141 of providing the degree at a state university.

142 (c) Identify the areas, both geographic and academic, in  
 143 which an increased number of graduates who have baccalaureate  
 144 degrees are necessary in order to meet regional and statewide  
 145 workforce needs.

Page 5 of 9

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146 (d) Monitor implementation of the State College Pilot  
 147 Project.

148 (e) Recommend priorities and criteria for baccalaureate  
 149 programs that may be offered without specific approval by the  
 150 State Board of Education.

151 (4) Any recommendation from the task force to the  
 152 Legislature requires approval by two-thirds of the membership of  
 153 the task force.

154 (5) (a) Community colleges, state universities, the  
 155 Commission for Independent Education, and the Agency for  
 156 Workforce Innovation shall provide information and assistance to  
 157 the task force.

158 (b) Independent postsecondary educational institutions,  
 159 representatives of the business community, and other stakeholders  
 160 are encouraged to provide the task force with information to  
 161 assist the task force in its deliberations.

162 (6) The task force shall submit a report and  
 163 recommendations to the Governor, the State Board of Education,  
 164 the President of the Senate, and the Speaker of the House of  
 165 Representatives by March 2, 2009. The report must include any  
 166 comments from the task force regarding the final report resulting  
 167 from the State College Pilot Project and any specific  
 168 recommendations of the task force for legislative action during  
 169 the 2009 Regular Session of the Legislature.

170 (7) The task force shall be dissolved effective June 30,  
 171 2010, prior to which time it shall issue its final report with  
 172 recommended detailed criteria for establishing the Florida  
 173 College System as a permanent part of the state system of higher  
 174 education.

Page 6 of 9

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175 Section 4. Section 1004.875, Florida Statutes, is created  
176 to read:

177 1004.875 State College Pilot Project.--

178 (1) The Legislature finds it is in the best interest of the  
179 state to provide the residents of the state affordable access to  
180 baccalaureate degree programs that are designed to meet regional  
181 and statewide employment needs.

182 (2)(a) Beginning with the 2008-2009 fiscal year, the State  
183 College Pilot Project is created which shall be conducted as a  
184 pilot project by St. Petersburg College, Okaloosa-Walton College,  
185 Daytona Beach College, Miami Dade College, Indian River College,  
186 Santa Fe College, and Polk College in collaboration with the  
187 Florida College System Task Force. The purpose of the project is  
188 to recommend to the Legislature an approval process for the  
189 transition of baccalaureate-degree-granting community colleges to  
190 state colleges in order to meet the employment needs of Florida,  
191 criteria for the transition of institutions in the Florida  
192 College System to state colleges, and a funding model for the  
193 Florida College System.

194 (b) With the approval of the community college's board of

195 trustees and continued compliance with the provisions of  
196 subsection (3), a community college identified in paragraph (a)  
197 as a participant in the State College Pilot Project may change  
198 the institution's name and use the designation "state college."

199 (3) The institutions participating in the pilot project  
200 shall:

201 (a) Maintain, as the institution's primary mission,  
202 responsibility for responding to community needs for

Page 7 of 9

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203 postsecondary academic education and career degree education as  
204 prescribed in s. 1004.65(6).

205 (b) Maintain an open-door admissions policy for associate-  
206 level degree programs and workforce education programs.

207 (c) Require, as a condition of admission to upper-division  
208 programs, successful completion of the college-level

209 communication and mathematics skills examination established  
210 pursuant to s. 1008.29, unless the student has been awarded an  
211 associate degree from a community college or state university.

212 (d) Continue to provide outreach to underserved  
213 populations.

214 (e) Continue to provide remedial education.

215 (f) Comply with all provisions of the statewide

216 articulation agreement which relate to 2-year and 4-year public  
217 degree-granting institutions as adopted by the State Board of  
218 Education pursuant to s. 1007.23.

219 (g) Be prohibited from awarding graduate credit or graduate  
220 degrees.

221 (h) Be prohibited from participating in intercollegiate  
222 athletics beyond the 2-year level.

223 (i) Deliver the programs and services in providing

224 associate and baccalaureate degrees in a cost-effective manner  
225 that demonstrates substantial savings to the student and the  
226 state over the cost of providing the degree at a state  
227 university.

228 (4)(a) The institutions participating in the pilot project  
229 shall collaborate with the Florida College System Task Force to  
230 make recommendations to the State Board of Education and the  
231 Legislature on specific issues that should be addressed in the

Page 8 of 9

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232 transition of a community college to a state college. Any  
233 recommendations of the institutions participating in the pilot  
234 project require approval by two-thirds of the participating  
235 institutions. At a minimum, the following areas should be  
236 addressed during the course of the pilot project:  
237 1. The development of a program-approval process to be  
238 followed by the State Board of Education when considering  
239 proposals for new baccalaureate degree programs that are designed  
240 to meet the employment needs of Florida. Proposals for new  
241 baccalaureate degree programs are not limited to proposals  
242 designed to meet regional workforce needs.  
243 2. The formulation of criteria for the transition of an  
244 institution from a community college to a state college.  
245 3. The development of a funding model for state colleges.  
246 (b) A final report, including a status report on the  
247 transition of the institutions participating in the pilot project  
248 and recommendations on the issues outlined in paragraph (a),  
249 shall be submitted to the President of the Senate, the Speaker of  
250 the House of Representatives, and the Florida College System Task  
251 Force by January 1, 2009.

Section 5. This act shall take effect July 1, 2008.

Amendment No.

CHAMBER ACTION

Senate

House

Representatives Pickens and Coley offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:  
Section 1. Paragraphs (b), (e), (k), (u), and (x) of subsection (3) of section 1000.21, Florida Statutes, are amended to read:  
1000.21 Systemwide definitions.--As used in the Florida K-20 Education Code:  
(3) "Community college," except as otherwise specifically provided, includes the following institutions and any branch campuses, centers, or other affiliates of the institution:  
(b) Broward Community College.  
(e) Daytona Beach Community College.  
(k) Indian River Community College.  
(u) Polk Community College.

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Amendment No.

(x) Santa Fe Community College.

Section 2. Section 1001.60, Florida Statutes, is created to read:

1001.60 Florida College System.--

(1) PURPOSES.--In order to maximize open access for

students, respond to community needs for postsecondary academic education and career degree education, and provide associate and baccalaureate degrees that will best meet the state's employment needs, the Legislature establishes a system of governance for the Florida College System.

(2) FLORIDA COLLEGE SYSTEM.--There shall be a single

Florida College System comprised of the public postsecondary educational institutions identified in s. 1000.21(3) that grant 2-year and 4-year academic degrees as provided by law. An institution within the Florida College System may not offer graduate degree programs.

(a) The programs and services offered by institutions in the Florida College System in providing associate and baccalaureate degrees shall be delivered in a cost-effective manner that demonstrates substantial savings to the student and to the state over the cost of providing the degree at a state university.

(b)1. With the approval of the institution's local board of trustees, an institution in the Florida College System may change the institution's name and use the designation "college" if it has been authorized to grant baccalaureate degrees pursuant to s. 1004.73 or s. 1007.33 or if it has received

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44 Amendment No. approval from the State Board of Education pursuant to this  
45 paragraph.  
46 2. With the approval of an institution's local board of  
47 trustees, any institution in the Florida College System may  
48 request approval from the State Board of Education to change the  
49 institution's name and use the designation "college." The State  
50 Board of Education may approve the request if the institution  
51 enters into an agreement with the State Board of Education to do  
52 the following:  
53 a. Maintain as the institution's primary mission  
54 responsibility for responding to community needs for  
55 postsecondary academic education and career degree education as  
56 prescribed in s. 1004.65(6).  
57 b. Maintain an open-door admissions policy for associate-  
58 level degree programs and workforce education programs.  
59 c. Continue to provide outreach to underserved  
60 populations.  
61 d. Continue to provide remedial education.  
62 e. Comply with all provisions of the statewide  
63 articulation agreement that relate to 2-year and 4-year public  
64 degree-granting institutions as adopted by the State Board of  
65 Education pursuant to s. 1007.23.  
66 3. An institution in the Florida College System shall not  
67 use the designation "university."  
68 (3) LOCAL BOARDS OF TRUSTEES.--Each institution within the  
69 Florida College System shall be governed by a local board of  
70 trustees as provided in s. 1001.64. The membership of each local  
71 board of trustees shall be as provided in s. 1001.61.

72 Amendment No. Section 3. Section 1004.35, Florida Statutes, is amended  
73 to read:  
74 1004.35 Broward County campuses of Florida Atlantic  
75 University; coordination with other institutions.--The State  
76 Board of Education, the Board of Governors, and Florida Atlantic  
77 University shall consult with Broward Community College and  
78 Florida International University in coordinating course  
79 offerings at the postsecondary level in Broward County. Florida  
80 Atlantic University may contract with the Board of Trustees of  
81 Broward Community College and with Florida International  
82 University to provide instruction in courses offered at the  
83 Southeast Campus. Florida Atlantic University shall increase  
84 course offerings at the Southeast Campus as facilities become  
85 available.  
86 Section 4. Section 1004.87, Florida Statutes, is created  
87 to read:  
88 1004.87 Florida College System Task Force.--  
89 (1) The Florida College System Task Force is established  
90 within the Division of Community Colleges of the Department of  
91 Education for the purpose of developing findings and issuing  
92 recommendations regarding the transition of community colleges  
93 to baccalaureate-degree-granting colleges and the criteria for  
94 establishing and funding state colleges.  
95 (2)(a) All members of the task force must be appointed on  
96 or before August 31, 2008, and the task force shall hold its  
97 first meeting on or before September 15, 2008.



Amendment No. 98  
99 (b)1. The task force shall be comprised of the  
100 Commissioner of Education and 11 members appointed by the  
101 Commissioner.  
102 2. The Commissioner of Education shall be the chair and a  
103 voting member of the task force.  
104 3. The appointees shall include seven community college  
105 presidents, one state university president, the president of an  
106 institution that is eligible to participate in the William L.  
107 Boyd, IV, Florida Resident Access Grant Program, the president  
108 of an institution that is licensed by the Commission for  
109 Independent Education and grants baccalaureate degrees, and one  
110 member at large. The community college presidents appointed to  
111 the task force may not include the presidents of the  
112 institutions named to participate in the State College Pilot  
113 Project. The community college presidents appointed to the task  
114 force must reflect the diversity of program offerings and  
115 service areas of the 28 community colleges and include  
116 representatives of community colleges that are authorized to  
117 grant baccalaureate degrees, community colleges that are not  
118 authorized to grant baccalaureate degrees, community colleges  
119 that have urban service areas, community colleges that have  
120 rural service areas, community colleges the service areas of  
121 which have populations of 500,000 or more, and community  
122 colleges the service areas of which have populations of fewer  
123 than 500,000.  
124 (3) The task force shall:  
125 (a) Recommend a program approval process for new  
baccalaureate degree programs that are designed to meet the

126 Amendment No.  
127 employment needs of Florida, including approval as a  
128 baccalaureate-degree-granting community college and as a state  
129 college.  
130 (b) Recommend a funding model that considers projected  
131 enrollment, adjustments for actual enrollment, program mix, and  
132 comparable support for similar programs across all institutions,  
133 including state colleges and community colleges authorized by  
134 the State Board of Education to award baccalaureate degrees  
135 pursuant to s. 1007.33. The funding model must ensure that the  
136 programs and services offered by institutions in the Florida  
137 College System in providing associate and baccalaureate degrees  
138 are delivered in a cost-effective manner that demonstrates  
139 substantial savings to the student and to the state over the  
140 cost of providing the degree at a state university.  
141 (c) Identify the areas, both geographic and academic, in  
142 which an increased number of graduates who have baccalaureate  
143 degrees are necessary in order to meet regional and statewide  
144 workforce needs.  
145 (d) Monitor implementation of the State College Pilot  
146 Project.  
147 (e) Recommend priorities and criteria for baccalaureate  
148 programs that may be offered without specific approval by the  
149 State Board of Education.  
150 (4) Any recommendation from the task force to the  
151 Legislature requires approval by at least three-fourths of the  
152 membership of the task force.  
153 (5) The task force shall be staffed by existing employees  
of the Division of Community Colleges.

HOUSE AMENDMENT

Bill No. CS/CS/SB 1716

Amendment No.  
(6)(a) Community colleges, state universities, the Commission for Independent Education, and the Agency for Workforce Innovation shall provide information and assistance to the task force.  
(b) Independent postsecondary educational institutions, representatives of the business community, and other stakeholders are encouraged to provide the task force with information to assist the task force in its deliberations.  
(7) The task force shall submit a report and recommendations to the Governor, the State Board of Education, the President of the Senate, and the Speaker of the House of Representatives by March 2, 2009. The report must include any comments from the task force regarding the final report resulting from the State College Pilot Project and any specific recommendations of the task force for legislative action during the 2009 Regular Session of the Legislature.  
(8) The task force shall be dissolved effective June 30, 2010, prior to which time it shall issue its final report with recommended detailed criteria for implementing the Florida College System as a permanent part of the state system of higher education.  
Section 5. Section 1004.875, Florida Statutes, is created to read:  
1004.875 State College Pilot Project.--  
(1) The Legislature finds that it is in the best interest of the state to provide the residents of the state affordable access to baccalaureate degree programs that are designed to meet regional and statewide employment needs.

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HOUSE AMENDMENT

Bill No. CS/CS/SB 1716

Amendment No.  
(2)(a) Beginning with the 2008-2009 fiscal year, the State College Pilot Project is created, which shall be conducted by Chipola College, Daytona Beach College, Indian River College, Miami Dade College, Okaloosa-Walton College, Polk College, Santa Fe College, and St. Petersburg College in collaboration with the Florida College System Task Force. The purpose of the pilot project is to recommend to the Legislature an approval process for the transition of baccalaureate-degree-granting community colleges to state colleges in order to meet the employment needs of Florida, criteria for the transition of institutions in the Florida College System to state colleges, and a funding model for the Florida College System.  
(b) With the approval of the community college's board of trustees and continued compliance with the provisions of subsection (3), a community college identified in paragraph (a) as a participant in the State College Pilot Project may change the institution's name and use the designation "state college."  
An institution participating in the State College Pilot Project shall not use the designation "university."  
(3) The institutions participating in the pilot project shall:  
(a) Maintain, as the institution's primary mission, responsibility for responding to community needs for postsecondary academic education and career degree education as prescribed in s. 1004.65(6).  
(b) Maintain an open-door admissions policy for associate-level degree programs and workforce education programs.

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Amendment No. (c)1. Require, as a condition of admission to upper-  
209 division programs, successful completion of the college-level  
210 communication and mathematics skills examination (CIAST).  
211 established pursuant to s. 1008.29, unless the student has been  
212 awarded an associate degree from a community college or a state  
213 university.  
214 2. For purposes of a longitudinal analysis of the CLAST,  
215 and notwithstanding any other provision of law to the contrary,  
216 administer the CLAST to each student admitted to an upper-  
217 division program unless the student has previously achieved the  
218 minimum scores that constitute successful completion of the  
219 examination as established pursuant to s. 1008.29(4). The  
220 institution shall report annually the test scores of each  
221 student tested pursuant to the provisions of this subparagraph  
222 and any exemption the student has been provided pursuant to s.  
223 1008.29(9) to the Florida College System Task Force until its  
224 dissolution, to the State Board of Education once the task force  
225 is dissolved, and to the Office of Program Policy Analysis and  
226 Government Accountability.  
227 (d) Continue to provide outreach to underserved  
228 populations.  
229 (e) Continue to provide remedial education.  
230 (f) Comply with all provisions of the statewide  
231 articulation agreement that relate to 2-year and 4-year public  
232 degree-granting institutions as adopted by the State Board of  
233 Education pursuant to s. 1007.23.  
234 (g) Be prohibited from awarding graduate credit or  
235 graduate degrees.  
236

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Amendment No. (h) Be prohibited from participating in intercollegiate  
237 athletics beyond the 2-year level.  
238 (i) Deliver the programs and services in providing  
239 associate and baccalaureate degrees in a cost-effective manner  
240 that demonstrates substantial savings to the student and to the  
241 state over the cost of providing the degree at a state  
242 university.  
243 (4) (a) The institutions participating in the pilot project  
244 shall collaborate with the Florida College System Task Force to  
245 make recommendations to the State Board of Education, the  
246 President of the Senate, and the Speaker of the House of  
247 Representatives on specific issues that should be addressed in  
248 the transition of a community college to a state college. Any  
249 recommendations of the institutions participating in the pilot  
250 project require approval by three-fourths of the participating  
251 institutions. At a minimum, the following areas should be  
252 addressed during the course of the pilot project:  
253 1. The development of a program approval process to be  
254 followed by the State Board of Education when considering  
255 proposals for new baccalaureate degree programs that are  
256 designed to meet the employment needs of Florida. Proposals for  
257 new baccalaureate degree programs are not limited to proposals  
258 designed to meet regional workforce needs.  
259 2. The formulation of criteria for the transition of an  
260 institution from a community college to a state college.  
261 3. The development of a funding model for state colleges.  
262 (b) A final report, including a status report on the  
263 transition of the institutions participating in the pilot  
264

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Amendment No. 265 project and recommendations on the issues outlined in paragraph  
266 (a), shall be submitted to the State Board of Education, the  
267 President of the Senate, the Speaker of the House of  
268 Representatives, and the Florida College System Task Force by  
269 January 1, 2009.

Section 6. This act shall take effect July 1, 2008.

-----

T I T L E A M E N D M E N T

Remove the entire title and insert:

A bill to be entitled

276 An act relating to postsecondary education; amending s. 1000.21,  
277 F.S.; redesignating the names of certain community colleges as  
278 colleges; creating s. 1001.60, F.S.; establishing the Florida  
279 College System to be comprised of public postsecondary  
280 educational institutions meeting certain criteria; providing  
281 system purposes; providing limitations; authorizing the name  
282 change of an institution under certain conditions; providing for  
283 local boards of trustees and membership thereof; amending s.  
284 1004.35, F.S.; conforming provisions; creating s. 1004.87, F.S.;  
285 establishing the Florida College System Task Force for the  
286 purpose of developing recommendations for the transition of  
287 community colleges to baccalaureate-degree-granting colleges and  
288 for establishing and funding state colleges; providing for  
289 membership and appointments; providing duties of the task force;  
290 requiring reporting; providing for dissolution of the task  
291 force; creating s. 1004.875, F.S.; creating the State College  
292 Pilot Project for the purpose of developing recommendations for

Amendment No. 293 the transition of community colleges to state colleges and for  
294 developing a funding model for the Florida College System;  
295 designating certain institutions to participate in the pilot  
296 project; providing duties of the institutions; requiring  
297 reporting; providing an effective date.

HOUSE AMENDMENT

Bill No. CS/CS/SB 1716

CHAMBER ACTION

Amendment No.

Senate

House

Amendment No.

HOUSE AMENDMENT  
Bill No. CS/CS/SB 1716

16 With the approval of the community college's board of  
 17 trustees and continued compliance with the provisions of  
 18 subsection (3), a community college identified in paragraph (a)  
 19 as a participant in the State College Pilot Project may change  
 20 the institution's name and use the designation "state college."  
 21 An institution participating in the State College Pilot Project  
 22 shall not use the designation "university."  
 23 (3) Each institution identified in subsection (2) as a  
 24 participant in the pilot project shall:  
 25 (a) Maintain, as the institution's primary mission,  
 26 responsibility for responding to community needs for  
 27 postsecondary academic education and career degree education as  
 28 prescribed in s. 1004.65(6).  
 29 (b) Maintain an open-door admissions policy for associate-  
 30 level degree programs and workforce education programs.  
 31 (c)1. Require, as a condition of admission to upper-  
 32 division programs, successful completion of the college-level  
 33 communication and mathematics skills examination (CLAST),  
 34 established pursuant to s. 1008.29, unless the student has been  
 35 awarded an associate degree from a community college or a state  
 36 university.  
 37 2. For purposes of a longitudinal analysis of the CLAST,  
 38 and notwithstanding any other provision of law to the contrary,  
 39 administer the CLAST to each student admitted to an upper-  
 40 division program unless the student has previously achieved the  
 41 minimum scores that constitute successful completion of the  
 42 examination as established pursuant to s. 1008.29(4). The  
 43 institution shall report annually the test scores of each

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1 Representative N. Thompson, Aubuchon, Williams, Grant, Richter,  
 2 and Hudson offered the following:  
 3  
 4 Amendment to Amendment (555297)  
 5 Remove lines 184-251 and insert:  
 6 Chipola College, Daytona Beach College, Edison College, Indian  
 7 River College, Miami Dade College, Okaloosa-Walton College, Polk  
 8 College, Santa Fe College, and St. Petersburg College in  
 9 collaboration with the Florida College System Task Force. The  
 10 purpose of the pilot project is to recommend to the Legislature  
 11 an approval process for the transition of baccalaureate-degree-  
 12 granting community colleges to state colleges in order to meet  
 13 the employment needs of Florida, criteria for the transition of  
 14 institutions in the Florida College System to state colleges,  
 15 and a funding model for the Florida College System.

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44 Amendment No.  
45 student tested pursuant to the provisions of this subparagraph  
46 and any exemption the student has been provided pursuant to s.  
47 1008.29(9) to the Florida College System Task Force until its  
48 dissolution, to the State Board of Education once the task force  
49 is dissolved, and to the Office of Program Policy Analysis and  
50 Government Accountability.  
51 (d) Continue to provide outreach to underserved  
52 populations.  
53 (e) Continue to provide remedial education.  
54 (f) Comply with all provisions of the statewide  
55 articulation agreement that relate to 2-year and 4-year public  
56 degree-granting institutions as adopted by the State Board of  
57 Education pursuant to s. 1007.23.  
58 (g) Be prohibited from awarding graduate credit or  
59 graduate degrees.  
60 (h) Be prohibited from participating in intercollegiate  
61 athletics beyond the 2-year level.  
62 (i) Deliver the programs and services in providing  
63 associate and baccalaureate degrees in a cost-effective manner  
64 that demonstrates substantial savings to the student and to the  
65 state over the cost of providing the degree at a state  
66 university.

67 (4)(a) The institutions participating in the pilot project  
68 shall collaborate with the Florida College System Task Force to  
69 make recommendations to the State Board of Education, the  
70 President of the Senate, and the Speaker of the House of  
71 Representatives on specific issues that should be addressed in  
the transition of a community college to a state college. Any

72 Amendment No.  
73 recommendations of the institutions participating in the pilot  
project require approval by two-thirds of the participating

HOUSE AMENDMENT

Bill No. CS/CS/SB 1716

Amendment No.

CHAMBER ACTION

Senate

House

1 Representative Attkisson offered the following:

2  
3 **Amendment to Amendment (555297) (with title amendment)**

4 Between lines 269 and 270, insert:

5 Section 6. Section 196.192, Florida Statutes, is amended

6 to read:

7 196.192 Exemptions from ad valorem taxation.--Subject to  
8 the provisions of this chapter:

9 (1) All property owned by an exempt entity, including  
10 educational institutions, and used exclusively for exempt  
11 purposes shall be totally exempt from ad valorem taxation.

12 (2) All property owned by an exempt entity, including  
13 educational institutions, and used predominantly for exempt  
14 purposes shall be exempted from ad valorem taxation to the  
15 extent of the ratio that such predominant use bears to the  
16 nonexempt use.

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HOUSE AMENDMENT

Bill No. CS/CS/SB 1716

Amendment No.

(3) All tangible personal property loaned or leased by a natural person, by a trust holding property for a natural person, or by an exempt entity to an exempt entity for public display or exhibition on a recurrent schedule is exempt from ad valorem taxation if the property is loaned or leased for no consideration or for nominal consideration.

24 For purposes of this section, each use to which the property is being put must be considered in granting an exemption from ad valorem taxation, including any economic use in addition to any physical use. For purposes of this section, property owned by a limited liability company, the sole member of which is an exempt entity, shall be treated as if the property were owned directly by the exempt entity. This section does not apply in determining the exemption for property owned by governmental units pursuant to s. 196.199.

T I T L E A M E N D M E N T

Remove line 297 and insert:

37 reporting; amending s. 196.192, F.S.; specifying educational institutions as exempt entities for purposes of exemptions from ad valorem taxation for property owned by exempt entities; providing an effective date.

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1 A bill to be entitled

2 An act relating to public school curricular standards;

3 amending s. 1003.41, F.S.; requiring the State Board of

4 Education to review the Sunshine State Standards and

5 replace them with enhanced curricular standards;

6 establishing requirements for the standards; providing

7 requirements for the adoption, review, and revision of the

8 standards; requiring evaluation of proposed standards;

9 authorizing the adoption of rules; amending s. 220.187,

10 F.S.; revising requirements for the selection of norm-

11 referenced tests administered by private schools for

12 purposes of the Corporate Income Tax Credit Scholarship

13 Program; amending s. 1000.21, F.S.; revising the

14 systemwide definition of "Sunshine State Standards";

15 amending s. 1001.03, F.S.; requiring the state board to

16 review and revise the Sunshine State Standards; conforming

17 provisions; amending s. 1001.41, F.S.; conforming

18 provisions relating to district school board adoption of

19 standards and policies; amending s. 1001.42, F.S.;

20 prohibiting school district expenditure of legislative

21 appropriations for purposes of Florida Comprehensive

22 Assessment Test (FCAT) preparation; providing penalties

23 for unlawful expenditures; amending ss. 1003.428,

24 1003.429, 1003.43, 1003.433, 1003.63, 1006.28, and

25 1006.31, F.S.; conforming provisions and cross-references;

26 amending s. 1006.34, F.S.; specifying additional criteria

27 for evaluating instructional materials; conforming

28 provisions; amending s. 1006.38, F.S.; conforming

29 provisions; amending s. 1006.40, F.S.; requiring

30 instructional materials to align to the Sunshine State

31 Standards; prohibiting school district expenditure of the

32 instructional materials allocation for purposes of FCAT

33 preparation; requiring notification to manufacturers and

34 publishers; providing a penalty; authorizing purchases of

35 specified content or devices; amending s. 1008.22, F.S.;

36 revising requirements and conforming provisions relating

37 to the statewide assessment program; revising powers and

38 duties of the Commissioner of Education; requiring the

39 FCAT to assess students in social studies by a certain

40 time; providing for end-of-course assessments; requiring

41 the content knowledge and skills assessed by the FCAT and

42 end-of-course assessments to align to the Sunshine State

43 Standards; authorizing the commissioner to select certain

44 nationally developed examinations as end-of-course

45 assessments under specified conditions; deleting

46 provisions relating to documentation of certain testing

47 procedures; providing restrictions on the development or

48 publication of test-preparation materials; deleting

49 requirements for norm-referenced tests; revising

50 requirements for assessments of writing; establishing

51 requirements for FCAT testing and reporting schedules;

52 prohibiting practice testing and FCAT-preparation

53 activities under certain conditions; authorizing certain

54 test-preparation activities; requiring public schools to

55 comply with statewide assessment and reporting schedules;

56 establishing requirements for calculating student scores

57 on revised statewide assessments; authorizing the  
 58 administration of former assessments to be discontinued  
 59 under certain circumstances; requiring the state board to  
 60 adopt rules establishing passing scores on revised  
 61 assessments required for a standard high school diploma;  
 62 clarifying determination of concordant scores for the  
 63 FCAT; revising requirements for an annual report on  
 64 student performance; amending s. 1008.25, F.S.; requiring  
 65 each district school board's student progression program  
 66 to include performance in social studies; requiring  
 67 assessment, remediation, and reporting related thereto;  
 68 amending s. 1008.34, F.S.; exempting certain schools from  
 69 receiving school grades; revising the definition of "home  
 70 school" for purposes of calculating school grades for  
 71 alternative schools; requiring annual collaboration among  
 72 school principals concerning the school assignment of  
 73 students attending an alternative school; conforming  
 74 provisions; amending s. 1008.341, F.S.; exempting certain  
 75 alternative schools from receiving school improvement  
 76 ratings; conforming provisions; amending s. 1008.345,  
 77 F.S.; conforming provisions; amending s. 1008.36, F.S.;  
 78 revising criteria for financial awards under the Florida  
 79 School Recognition Program; providing an effective date.  
 80  
 81 Be It Enacted by the Legislature of the State of Florida:  
 82  
 83 Section 1. Section 1003.41, Florida Statutes, is amended  
 84 to read:

85 1003.41 Sunshine State Standards.--  
 86 (1) Public K-12 educational instruction in Florida shall  
 87 be based on the "Sunshine State Standards." The State Board  
 88 of Education shall review the Sunshine State Standards and  
 89 replace them with enhanced curricular standards that establish  
 90 the core content of the curricula to be taught in this state and  
 91 that specify the core content knowledge and skills that the next  
 92 generation of K-12 public school students are expected to  
 93 acquire. The enhanced curricular standards must, at a minimum:  
 94 (a) Establish the core curricular content for language  
 95 arts, science, mathematics, and social studies, as follows:  
 96 1. Language arts standards must establish specific  
 97 curricular content for, at a minimum, reading, grammar,  
 98 literature, and writing. The standards must include distinct  
 99 grade-level expectations for the core content knowledge and  
 100 skills that a student is expected to have acquired by each  
 101 individual grade level from kindergarten through grade 12. The  
 102 language arts standards must also identify a specific list of  
 103 respected works of literature that a student is expected to have  
 104 read by each individual grade level. The list of literary works  
 105 for grades 9 through 12 must be aligned, to the maximum extent  
 106 practicable, with the historical time periods identified in the  
 107 social studies courses approved by the State Board of Education  
 108 for grades 9 through 12. The state board shall, in accordance  
 109 with the expedited schedule established under subsection (2),  
 110 review and replace the reading and language arts standards  
 111 adopted by the state board in 2007 with enhanced curricular  
 112 standards that comply with this subparagraph.

113 2. Science standards must establish specific curricular  
 114 content for, at a minimum, the nature of science, earth and  
 115 space science, physical science, and life science. The standards  
 116 must include distinct grade-level expectations for the core  
 117 content knowledge and skills that a student is expected to have  
 118 acquired by each individual grade level from kindergarten  
 119 through grade 8. The science standards for grades 9 through 12  
 120 may be organized by grade clusters of more than one grade level.  
 121 3. Mathematics standards must establish specific  
 122 curricular content for, at a minimum, algebra, geometry,  
 123 probability, statistics, calculus, discrete mathematics,  
 124 financial literacy, and trigonometry. The standards must include  
 125 distinct grade-level expectations for the core content knowledge  
 126 and skills that a student is expected to have acquired by each  
 127 individual grade level from kindergarten through grade 8. The  
 128 mathematics standards for grades 9 through 12 may be organized  
 129 by grade clusters of more than one grade level.  
 130 4. Social studies standards must establish specific  
 131 curricular content for, at a minimum, geography, history,  
 132 government, civics, economics, United States patriotism, and  
 133 national sovereignty. The standards must include distinct grade-  
 134 level expectations for the core content knowledge and skills  
 135 that a student is expected to have acquired by each individual  
 136 grade level from kindergarten through grade 8. The social  
 137 studies standards for grades 9 through 12 may be organized by  
 138 grade clusters of more than one grade level.  
 139 (b) Establish the core curricular content for visual and  
 140 performing arts, physical education, health, and foreign

141 languages. Standards for these subjects must establish specific  
 142 curricular content and include distinct grade-level expectations  
 143 for the core content knowledge and skills that a student is  
 144 expected to have acquired by each individual grade level from  
 145 kindergarten through grade 5. The standards for grades 6 through  
 146 12 may be organized by grade clusters of more than one grade  
 147 level.  
 148 (c) Identify the core curricular content that a student is  
 149 expected to learn, for each subject at each individual grade  
 150 level, in order to acquire the broad background knowledge needed  
 151 for reading comprehension.  
 152 (d) Be rigorous and relevant and provide for the logical,  
 153 sequential progression of core curricular content that  
 154 incrementally increases a student's core content knowledge and  
 155 skills over time.  
 156 (e) Integrate critical-thinking and problem-solving  
 157 skills; communication, reading, and writing skills; mathematics  
 158 skills; collaboration skills; contextual and applied-learning  
 159 skills; technology-literacy skills; information and media-  
 160 literacy skills; and civic-engagement skills.  
 161 (f) Be organized according to a uniform structure and  
 162 format that is consistent for each subject. The enhanced  
 163 curricular standards shall, for each subject and grade level,  
 164 use the same alphanumeric coding system.  
 165 (g) Be aligned to expectations for success in  
 166 postsecondary education and high-skill, high-wage employment.  
 167 (2) By December 31, 2008, the State Board of Education  
 168 shall establish an expedited schedule for adoption of the

169 enhanced curricular Sunshine State Standards and shall establish  
 170 by rule a schedule for the periodic review and revision of the  
 171 standards. The state board must adopt the enhanced curricular  
 172 standards for each subject by December 31, 2011.  
 173 (3)(a) The Commissioner of Education shall develop and  
 174 submit to the State Board of Education proposed enhanced  
 175 curricular Sunshine State Standards, and periodically submit  
 176 proposed revisions to the standards, for adoption by the state  
 177 board according to the schedules established under subsection  
 178 (2). The commissioner, in developing the proposed standards,  
 179 shall consult with renowned experts on K-12 curricular standards  
 180 and content in each subject listed in paragraphs (1)(a) and  
 181 (1)(b) and shall consider standards that are implemented by  
 182 other states or nations and regarded as exceptionally rigorous  
 183 by the curricular and content experts. The commissioner may also  
 184 consult with curricular and content experts in other subjects.  
 185 (b) The commissioner shall submit the proposed standards  
 186 for review and comment by Florida educators, school  
 187 administrators, representatives of community colleges and state  
 188 universities who have expertise in the content knowledge and  
 189 skills necessary to prepare a student for postsecondary  
 190 education, and leaders in business and industry. The  
 191 commissioner, after considering any comments and making any  
 192 revisions to the proposed standards, shall submit the standards  
 193 for written evaluation by renowned experts on K-12 curricular  
 194 standards and content.  
 195 (c) The commissioner, upon finalizing the proposed  
 196 standards, shall submit the standards and evaluations by the

197 curricular and content experts to the Governor, the President of  
 198 the Senate, and the Speaker of the House of Representatives at  
 199 least 21 days before the State Board of Education considers  
 200 adoption of the proposed standards.  
 201 (4) The State Board of Education may adopt rules under ss.  
 202 120.536(1) and 120.54 to implement this section. ~~These standards~~  
 203 ~~have been adopted by the State Board of Education and delineate~~  
 204 ~~the academic achievement of students, for which the state will~~  
 205 ~~hold schools accountable, in grades K-2, 3-5, 6-8, and 9-12 in~~  
 206 ~~the subjects of language arts, mathematics, science, social~~  
 207 ~~studies, the arts, health and physical education, and foreign~~  
 208 ~~languages. They include standards in reading, writing, history,~~  
 209 ~~government, geography, economics, and computer literacy.~~  
 210 Section 2. Paragraph (i) of subsection (9) of section  
 211 220.187, Florida Statutes, is amended to read:  
 212 220.187 Credits for contributions to nonprofit  
 213 scholarship-funding organizations.--  
 214 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.--The Department  
 215 of Education shall:  
 216 (i) In accordance with State Board of Education rule,  
 217 identify and select the nationally norm-referenced tests, and  
 218 that are comparable to the norm-referenced provisions of the  
 219 Florida Comprehensive Assessment Test (FCAT) provided that the  
 220 FCAT may be one of the tests selected. However, the Department  
 221 of Education may approve schools to the use of an additional  
 222 assessments, which meet assessment by the school if the  
 223 assessment meets industry standards of quality and  
 224 comparability.

CS/HB 7045

2008

225 Section 3. Subsection (7) of section 1000.21, Florida  
 226 Statutes, is amended to read:  
 227 1000.21 Systemwide definitions.--As used in the Florida K-  
 228 20 Education Code:  
 229 (7) "Sunshine State Standards" means the state's public K-  
 230 12 curricular ~~and~~ standards adopted under s. 1003.41 that  
 231 establish the core content of the curricula to be taught in this  
 232 state and that specify the core content knowledge and skills  
 233 that the next generation of K-12 public school students are  
 234 expected to acquire. The term includes the current Sunshine  
 235 State Standards for a subject until the standards are replaced  
 236 under s. 1003.41 by enhanced curricular standards, that identify  
 237 what public school students should know and be able to do. These  
 238 standards delineate the academic achievement of students for  
 239 which the state will hold its public schools accountable in  
 240 grades K-2, 3-5, 6-8, and 9-12, in the subjects of language  
 241 arts, mathematics, science, social studies, the arts, health and  
 242 physical education, foreign languages, reading, writing,  
 243 history, government, geography, economics, and computer  
 244 literacy.

245 Section 4. Subsection (1) of section 1001.03, Florida  
 246 Statutes, is amended to read:  
 247 1001.03 Specific powers of State Board of Education.--  
 248 (1) PUBLIC K-12 CURRICULAR STUDENT PERFORMANCE  
 249 STANDARDS.--The State Board of Education shall adopt and  
 250 periodically review and revise approve the student performance  
 251 standards ~~known as~~ the Sunshine State Standards in accordance  
 252 with s. 1003.41. Key academic subject areas and grade levels.

Page 9 of 48

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hb7045-01-c1

CS/HB 7045

2008

253 The state board shall establish a schedule to facilitate the  
 254 periodic review of the standards to ensure adequate rigor,  
 255 relevance, logical student progression, and integration of  
 256 reading, writing, and mathematics across all subject areas. The  
 257 standards review by subject area must include participation of  
 258 curriculum leaders in other content areas, including the arts,  
 259 to ensure valid content area integration and to address the  
 260 instructional requirements of different learning styles. The  
 261 process for review and proposed revisions must include  
 262 leadership and input from the state's classroom teachers, school  
 263 administrators, and community colleges and universities, and  
 264 from representatives from business and industry who are  
 265 identified by local education foundations. A report including  
 266 proposed revisions must be submitted to the Governor, the  
 267 President of the Senate, and the Speaker of the House of  
 268 Representatives annually to coincide with the established review  
 269 schedule. The review schedule and an annual status report must  
 270 be submitted to the Governor, the President of the Senate, and  
 271 the Speaker of the House of Representatives annually not later  
 272 than January 1.

273 Section 5. Subsection (3) of section 1001.41, Florida  
 274 Statutes, is amended to read:  
 275 1001.41 General powers of district school board.--The  
 276 district school board, after considering recommendations  
 277 submitted by the district school superintendent, shall exercise  
 278 the following general powers:

279 (3) ~~Prescribe and~~ Adopt standards and policies that to  
 280 provide each student the opportunity to receive a complete

Page 10 of 48

CODING: Words stricken are deletions; words underlined are additions.

hb7045-01-c1

CS/HB 7045

2008

281 education program, including instruction in the core curricular  
 282 content established in language arts, mathematics, science,  
 283 social studies, health, physical education, foreign languages,  
 284 and the arts, as defined by the Sunshine State Standards. The  
 285 standards and policies must emphasize integration and  
 286 reinforcement of reading, writing, and mathematics skills across  
 287 all subjects, including career awareness, career exploration,  
 288 and Career and technical education standards and policies must  
 289 integrate with and reinforce the Sunshine State Standards.  
 290 Section 6. Subsection (7) of section 1001.42, Florida  
 291 Statutes, is amended to read:  
 292 1001.42 Powers and duties of district school board.--The  
 293 district school board, acting as a board, shall exercise all  
 294 powers and perform all duties listed below:  
 295 (7) COURSES OF STUDY AND OTHER INSTRUCTIONAL  
 296 MATERIALS.--Provide adequate instructional materials for all  
 297 students in accordance with the requirements of chapter 1006. A  
 298 school district may not expend any legislative appropriation,  
 299 including, but not limited to, the instructional materials  
 300 allocation, for Florida Comprehensive Assessment Test (FCAT)  
 301 practice tests, sample test items, or practice workbooks or for  
 302 any other materials dedicated to test-taking exercises or  
 303 strategies designed exclusively for FCAT preparation or that  
 304 include any reference to the "Florida Comprehensive Assessment  
 305 Test" or "FCAT." If the Auditor General determines that a school  
 306 district has violated this subsection, the department shall  
 307 withhold from the next distribution of funds from the  
 308 instructional materials allocation under s. 1011.67 an amount

CS/HB 7045

2008

309 equal to the legislative appropriations expended in violation of  
 310 this subsection. The district school board shall appropriately  
 311 discipline the malfeasant staff responsible for the unlawful  
 312 expenditure.  
 313 Section 7. Paragraph (b) of subsection (4) and paragraph  
 314 (a) of subsection (8) of section 1003.428, Florida Statutes, are  
 315 amended to read:  
 316 1003.428 General requirements for high school graduation;  
 317 revised.--  
 318 (4) Each district school board shall establish standards  
 319 for graduation from its schools, which must include:  
 320 (b) Earning passing scores on the FCAT, as defined in s.  
 321 1008.22(3)(c), or scores on a standardized test that are  
 322 concordant with passing scores on the FCAT as defined in s.  
 323 1008.22(10)†.  
 324  
 325 Each district school board shall adopt policies designed to  
 326 assist students in meeting the requirements of this subsection.  
 327 These policies may include, but are not limited to: forgiveness  
 328 policies, summer school or before or after school attendance,  
 329 special counseling, volunteers or peer tutors, school-sponsored  
 330 help sessions, homework hotlines, and study skills classes.  
 331 Forgiveness policies for required courses shall be limited to  
 332 replacing a grade of "D" or "F," or the equivalent of a grade of  
 333 "D" or "F," with a grade of "C" or higher, or the equivalent of  
 334 a grade of "C" or higher, earned subsequently in the same or  
 335 comparable course. Forgiveness policies for elective courses  
 336 shall be limited to replacing a grade of "D" or "F," or the

CS/HB 7045

2008

337 equivalent of a grade of "D" or "F," with a grade of "C" or  
 338 higher, or the equivalent of a grade of "C" or higher, earned  
 339 subsequently in another course. The only exception to these  
 340 forgiveness policies shall be made for a student in the middle  
 341 grades who takes any high school course for high school credit  
 342 and earns a grade of "C," "D," or "F" or the equivalent of a  
 343 grade of "C," "D," or "F." In such case, the district  
 344 forgiveness policy must allow the replacement of the grade with  
 345 a grade of "C" or higher, or the equivalent of a grade of "C" or  
 346 higher, earned subsequently in the same or comparable course. In  
 347 all cases of grade forgiveness, only the new grade shall be used  
 348 in the calculation of the student's grade point average. Any  
 349 course grade not replaced according to a district school board  
 350 forgiveness policy shall be included in the calculation of the  
 351 cumulative grade point average required for graduation.  
 352 (8) (a) Each district school board must provide instruction  
 353 to prepare students with disabilities to demonstrate proficiency  
 354 in the core content knowledge and skills ~~and competencies~~  
 355 necessary for successful grade-to-grade progression and high  
 356 school graduation.  
 357 Section 8. Paragraph (a) of subsection (6) of section  
 358 1003.429, Florida Statutes, is amended to read:  
 359 1003.429 Accelerated high school graduation options.--  
 360 (6) Students pursuing accelerated high school graduation options.--  
 361 graduation options pursuant to paragraph (1)(b) or paragraph  
 362 (1)(c) are required to:  
 363 (a) Earn passing scores on the FCAT as defined in s.  
 364 1008.22(3)(c) or scores on a standardized test that are

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Page 13 of 48

hb7045-01-c1

CS/HB 7045

2008

365 concordant with passing scores on the FCAT as defined in s.  
 366 1008.22(10)~~(9)~~.  
 367  
 368 Weighted grades referred to in paragraphs (b), (c), and (d)  
 369 shall be applied to those courses specifically listed or  
 370 identified by the department as rigorous pursuant to s.  
 371 1009.531(3) or weighted by the district school board for class  
 372 ranking purposes.  
 373 Section 9. Paragraph (a) of subsection (5) and paragraph  
 374 (a) of subsection (11) of section 1003.43, Florida Statutes, are  
 375 amended to read:  
 376 1003.43 General requirements for high school graduation.--  
 377 (5) Each district school board shall establish standards  
 378 for graduation from its schools, and these standards must  
 379 include:  
 380 (a) Earning passing scores on the FCAT, as defined in s.  
 381 1008.22(3)(c), or scores on a standardized test that are  
 382 concordant with passing scores on the FCAT as defined in s.  
 383 1008.22(10)~~(9)~~.  
 384  
 385 The standards required in this subsection, and any subsequent  
 386 modifications, shall be reprinted in the Florida Administrative  
 387 Code even though not defined as "rules."  
 388 (11) (a) Each district school board must provide  
 389 instruction to prepare students with disabilities to demonstrate  
 390 proficiency in the core content knowledge and skills ~~and~~  
 391 ~~competencies~~ necessary for successful grade-to-grade progression  
 392 and high school graduation.

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Page 14 of 48

hb7045-01-c1

CS/HB 7045

2008

393 Section 10. Subsection (1) of section 1003.433, Florida  
 394 Statutes, is amended to read:  
 395 1003.433 Learning opportunities for out-of-state and out-  
 396 of-country transfer students and students needing additional  
 397 instruction to meet high school graduation requirements.--  
 398 (1) Students who enter a Florida public school at the  
 399 eleventh or twelfth grade from out of state or from a foreign  
 400 country shall not be required to spend additional time in a  
 401 Florida public school in order to meet the high school course  
 402 requirements if the student has met all requirements of the  
 403 school district, state, or country from which he or she is  
 404 transferring. Such students who are not proficient in English  
 405 should receive immediate and intensive instruction in English  
 406 language acquisition. However, to receive a standard high school  
 407 diploma, a transfer student must earn a 2.0 grade point average  
 408 and pass the grade 10 FCAT required in s. 1008.22(3) or an  
 409 alternate assessment as described in s. 1008.22(10)~~(9)~~.  
 410 Section 11. Paragraph (d) of subsection (6) of section  
 411 1003.63, Florida Statutes, is amended to read:  
 412 1003.63 Deregulated public schools pilot program.--  
 413 (6) ELEMENTS OF THE PROPOSAL.--The major issues involving  
 414 the operation of a deregulated public school shall be considered  
 415 in advance and written into the proposal.  
 416 (d) Upon receipt of the annual report required by  
 417 paragraph (b), the Department of Education shall provide the  
 418 State Board of Education, the Commissioner of Education, the  
 419 President of the Senate, and the Speaker of the House of  
 420 Representatives with a copy of each report and an analysis and

Page 15 of 48

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hb7045-01-c1

CS/HB 7045

2008

421 comparison of the overall performance of students, to include  
 422 all students in deregulated public schools whose scores are  
 423 counted as part of the statewide assessment tests, versus  
 424 comparable public school students in the district as determined  
 425 by statewide assessments administered under s. 1008.22(3) FCAT  
 426 and district assessment tests ~~and, as appropriate, the Florida~~  
 427 ~~Written Assessment Test, and other assessments administered~~  
 428 ~~pursuant to s. 1008.22(3).~~  
 429 Section 12. Paragraph (b) of subsection (1) of section  
 430 1006.28, Florida Statutes, is amended to read:  
 431 1006.28 Duties of district school board, district school  
 432 superintendent; and school principal regarding K-12  
 433 instructional materials.--  
 434 (1) DISTRICT SCHOOL BOARD.--The district school board has  
 435 the duty to provide adequate instructional materials for all  
 436 students in accordance with the requirements of this part. The  
 437 term "adequate instructional materials" means a sufficient  
 438 number of textbooks or sets of materials serving as the basis  
 439 for instruction for each student in the core courses of  
 440 mathematics, language arts, social studies, science, reading,  
 441 and literature, except for instruction for which the school  
 442 advisory council approves the use of a program that does not  
 443 include a textbook as a major tool of instruction. The district  
 444 school board has the following specific duties:  
 445 (b) Textbooks.--Provide for proper requisitioning,  
 446 distribution, accounting, storage, care, and use of all  
 447 instructional materials furnished by the state and furnish such  
 448 other instructional materials as may be needed. The district

Page 16 of 48

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hb7045-01-c1



CS/HB 7045

2008

449 school board shall assure that instructional materials used in  
 450 the district are consistent with the district goals and  
 451 objectives and the curriculum frameworks adopted by rule of the  
 452 State Board of Education, as well as with the state and district  
 453 curricular ~~performance~~ standards provided for in s. 1001.03(1).  
 454 Section 13. Subsection (4) of section 1006.31, Florida  
 455 Statutes, is amended to read:  
 456 1006.31 Duties of each state instructional materials  
 457 committee.--The duties of each state instructional materials  
 458 committee are:  
 459 (4) EVALUATION OF INSTRUCTIONAL MATERIALS.--To evaluate  
 460 carefully all instructional materials submitted, to ascertain  
 461 which instructional materials, if any, submitted for  
 462 consideration best implement the selection criteria developed by  
 463 the commissioner and those curricular objectives included within  
 464 applicable curricular ~~performance~~ standards provided for in s.  
 465 1001.03(1).  
 466 (a) When recommending instructional materials for use in  
 467 the schools, each committee shall include only instructional  
 468 materials that accurately portray the ethnic, socioeconomic,  
 469 cultural, and racial diversity of our society, including men and  
 470 women in professional, career, and executive roles, and the role  
 471 and contributions of the entrepreneur and labor in the total  
 472 development of this state and the United States.  
 473 (b) When recommending instructional materials for use in  
 474 the schools, each committee shall include only materials which  
 475 accurately portray, whenever appropriate, humankind's place in  
 476 ecological systems, including the necessity for the protection

Page 17 of 48

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hb7045-01-c1

CS/HB 7045

2008

477 of our environment and conservation of our natural resources and  
 478 the effects on the human system of the use of tobacco, alcohol,  
 479 controlled substances, and other dangerous substances.  
 480 (c) When recommending instructional materials for use in  
 481 the schools, each committee shall require such materials as it  
 482 deems necessary and proper to encourage thrift, fire prevention,  
 483 and humane treatment of people and animals.  
 484 (d) When recommending instructional materials for use in  
 485 the schools, each committee shall require, when appropriate to  
 486 the comprehension of students, that materials for social  
 487 science, history, or civics classes contain the Declaration of  
 488 Independence and the Constitution of the United States. No  
 489 instructional materials shall be recommended by any committee  
 490 for use in the schools which contain any matter reflecting  
 491 unfairly upon persons because of their race, color, creed,  
 492 national origin, ancestry, gender, or occupation.  
 493 (e) All instructional materials recommended by each  
 494 committee for use in the schools shall be, to the satisfaction  
 495 of each committee, accurate, objective, and current and suited  
 496 to the needs and comprehension of students at their respective  
 497 grade levels. Instructional materials committees shall consider  
 498 for adoption materials developed for academically talented  
 499 students such as those enrolled in advanced placement courses.  
 500  
 501 The findings of the committees, including the evaluation of  
 502 instructional materials, shall be in sessions open to the  
 503 public. All decisions leading to determinations of the  
 504 committees shall be by roll call vote, and at no time will a

Page 18 of 48

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hb7045-01-c1

CS/HB 7045

2008

505 secret ballot be permitted.

506 Section 14. Subsection (1) and paragraph (b) of subsection

507 (2) of section 1006.34, Florida Statutes, are amended to read:

508 1006.34 Powers and duties of the commissioner and the

509 department in selecting and adopting instructional materials.--

510 (1) PROCEDURES FOR EVALUATING INSTRUCTIONAL

511 MATERIALS.--The commissioner shall prescribe the procedures by

512 which the department shall evaluate instructional materials

513 submitted by publishers and manufacturers in each adoption.

514 Included in these procedures shall be provisions that ~~whate~~

515 afford each publisher or manufacturer or his or her

516 representative an opportunity to present to members of the state

517 instructional materials committees the merits of each

518 instructional material submitted in each adoption. Beginning

519 July 1, 2008, the procedures must prohibit the adoption of

520 instructional materials that include any reference to the

521 "Florida Comprehensive Assessment Test" or "FCAT" and must

522 require any instructional materials submitted to clearly

523 demonstrate alignment to the Sunshine State Standards.

524 (2) SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS.--

525 (b) In the selection of instructional materials, library

526 books, and other reading material used in the public school

527 system, the standards used to determine the propriety of the

528 material shall include:

529 1. The age of the students who normally could be expected

530 to have access to the material.

531 2. The educational purpose to be served by the material.

532 In considering instructional materials for classroom use,

Page 19 of 48

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hb7045-01-c1

CS/HB 7045

2008

533 priority shall be given to the selection of materials which

534 encompass the state and district school board curricular

535 ~~performance~~ standards provided for in s. 1001.03(1) and which

536 include the instructional objectives contained within the

537 curriculum frameworks approved by rule of the State Board of

538 Education.

539 3. The degree to which the material would be supplemented

540 and explained by mature classroom instruction as part of a

541 normal classroom instructional program.

542 4. The consideration of the broad racial, ethnic,

543 socioeconomic, and cultural diversity of the students of this

544 state.

545

546 No book or other material containing hard-core pornography or

547 otherwise prohibited by s. 847.012 shall be used or available

548 within any public school district.

549 Section 15. Paragraph (b) of subsection (3) of section

550 1006.38, Florida Statutes, is amended to read:

551 1006.38 Duties, responsibilities, and requirements of

552 instructional materials publishers and

553 manufacturers.--Publishers and manufacturers of instructional

554 materials, or their representatives, shall:

555 (3) Submit, at a time designated in s. 1006.33, the

556 following information:

557 (b) Written proof that the publisher has provided written

558 correlations to appropriate curricular objectives included

559 within applicable curricular ~~performance~~ standards provided for

560 in s. 1001.03(1).

Page 20 of 48

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hb7045-01-c1

CS/HB 7045

2008

561 Section 16. Subsection (1) and paragraph (b) of subsection  
 562 (3) of section 1006.40, Florida Statutes, are amended to read:  
 563 1006.40 Use of instructional materials allocation;  
 564 instructional materials, library books, and reference books;  
 565 repair of books.--  
 566 (1) (a) On or before July 1 each year, the commissioner  
 567 shall certify to each district school superintendent the  
 568 estimated allocation of state funds for instructional materials,  
 569 computed under paragraph ~~to the provisions of~~ s. 1011.67 for the  
 570 ensuing fiscal year. All instructional materials used must align  
 571 to the Sunshine State Standards. Instructional materials used to  
 572 teach reading shall, to the maximum extent practicable,  
 573 incorporate nonfictional content from other core subjects.  
 574 (b) A school district may not expend funds from the  
 575 instructional materials allocation for Florida Comprehensive  
 576 Assessment Test (FCAT) practice tests, sample test items, or  
 577 practice workbooks or for any other materials dedicated to test-  
 578 taking exercises or strategies designed exclusively for FCAT  
 579 preparation or that include any reference to the "Florida  
 580 Comprehensive Assessment Test" or "FCAT." The department shall  
 581 notify publishers and manufacturers of this prohibition by  
 582 including notice of this paragraph in the instructional  
 583 materials specifications for each adoption. A school district's  
 584 violation of this paragraph is subject to the withholding of  
 585 funds from the instructional materials allocation under s.  
 586 1001.42(7).  
 587 (3)  
 588 (b) Up to 50 percent of the annual allocation may be used

Page 21 of 48

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hb7045-01-c1

CS/HB 7045

2008

589 for the purchase of instructional materials, including library  
 590 and reference books and nonprint materials, not included on the  
 591 state-adopted list and for the repair and renovation of  
 592 textbooks and library books. Notwithstanding subsection (4), up  
 593 to 10 percent of the funds used for the purchase of  
 594 instructional materials not on the state-adopted list may be  
 595 used to purchase digital or online content, or technology  
 596 devices with digital or online content, if the publisher or  
 597 manufacturer clearly demonstrates that the content is aligned to  
 598 the Sunshine State Standards.  
 599 Section 17. Section 1008.22, Florida Statutes, is amended  
 600 to read:  
 601 1008.22 Student assessment program for public schools.--  
 602 (1) PURPOSE.--The primary purposes of the student  
 603 assessment program are to provide information needed to improve  
 604 the public schools by enhancing the learning gains of all  
 605 students and to inform parents of the educational progress of  
 606 their public school children. The program must be designed to:  
 607 (a) Assess the annual learning gains of each student  
 608 toward achieving the Sunshine State Standards appropriate for  
 609 the student's grade level.  
 610 (b) Provide data for making decisions regarding school  
 611 accountability and recognition.  
 612 (c) Identify the educational strengths and needs of  
 613 students and the readiness of students to be promoted to the  
 614 next grade level or to graduate from high school with a standard  
 615 or special high school diploma.  
 616 (d) Assess how well educational goals and curricular

Page 22 of 48

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hb7045-01-c1

CS/HB 7045

2008

617 performance standards are met at the school, district, and state  
 618 levels.  
 619 (e) Provide information to aid in the evaluation and  
 620 development of educational programs and policies.  
 621 (f) Provide information on the performance of Florida  
 622 students compared with that of other students across the United  
 623 States.  
 624 (2) NATIONAL EDUCATION COMPARISONS.--It is Florida's  
 625 intent to participate in the measurement of national educational  
 626 goals. The Commissioner of Education shall direct Florida school  
 627 districts to participate in the administration of the National  
 628 Assessment of Educational Progress, or a similar national  
 629 assessment program, both for the national sample and for any  
 630 state-by-state comparison programs which may be initiated. The  
 631 ~~Exe~~ assessments must be conducted using the data collection  
 632 procedures, the student surveys, the educator surveys, and other  
 633 instruments included in the National Assessment of Educational  
 634 Progress or similar program being administered in Florida. The  
 635 results of these assessments shall be included in the annual  
 636 report of the Commissioner of Education specified in this  
 637 section. The administration of the National Assessment of  
 638 Educational Progress or similar program shall be in addition to  
 639 and separate from the administration of the statewide assessment  
 640 program.  
 641 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall  
 642 design and implement a statewide program of educational  
 643 assessment that provides information for the improvement of the  
 644 operation and management of the public schools, including

Page 23 of 48

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hb7045-01-c1

CS/HB 7045

2008

645 schools operating for the purpose of providing educational  
 646 services to youth in Department of Juvenile Justice programs.  
 647 The commissioner may enter into contracts for the continued  
 648 administration of the assessment, testing, and evaluation  
 649 programs authorized and funded by the Legislature. Contracts may  
 650 be initiated in 1 fiscal year and continue into the next and may  
 651 be paid from the appropriations of either or both fiscal years.  
 652 The commissioner is authorized to negotiate for the sale or  
 653 lease of tests, scoring protocols, test scoring services, and  
 654 related materials developed pursuant to law. Pursuant to the  
 655 statewide assessment program, the commissioner shall:  
 656 (a) Submit proposed enhanced curricular Sunshine State  
 657 Standards to the State Board of Education for adoption and  
 658 periodic review and revision under s. 1003.41. a list that  
 659 specifies student skills and competencies to which the goals for  
 660 education specified in the state plan apply, including, but not  
 661 limited to, reading, writing, science, and mathematics. The  
 662 skills and competencies must include problem-solving and higher-  
 663 order skills as appropriate and shall be known as the Sunshine  
 664 State Standards as defined in s. 1000.21. The commissioner shall  
 665 select such skills and competencies after receiving  
 666 recommendations from educators, citizens, and members of the  
 667 business community. The commissioner shall submit to the State  
 668 Board of Education revisions to the list of student skills and  
 669 competencies in order to maintain continuous progress toward  
 670 improvements in student proficiency.  
 671 (b) Develop and implement a uniform system of indicators  
 672 to describe the performance of public school students and the

Page 24 of 48

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hb7045-01-c1

CS/HB 7045

2008

673 characteristics of the public school districts and the public  
 674 schools. These indicators must include, without limitation,  
 675 information gathered by the comprehensive management information  
 676 system created pursuant to s. 1008.385 and student achievement  
 677 information obtained pursuant to this section.  
 678 (c) Develop and implement a student achievement testing  
 679 program known as the Florida Comprehensive Assessment Test  
 680 (FCAT) as part of the statewide assessment program to measure a  
 681 student's content knowledge and skills in reading, writing,  
 682 science, ~~and~~ mathematics, and, by the 2012-2013 school year,  
 683 social studies. Other content areas may be included as directed  
 684 by the commissioner. Comprehensive assessments ~~the assessment~~ of  
 685 reading and mathematics shall be administered annually in grades  
 686 3 through 10. Comprehensive assessments ~~the assessment~~ of  
 687 writing and science shall be administered at least once at the  
 688 elementary, middle, and high school levels. Comprehensive  
 689 assessment of social studies shall be administered at least once  
 690 at the middle school level. End-of-course assessments of social  
 691 studies shall be administered at the high school level. End-of-  
 692 course assessments of any other subject may be administered in  
 693 addition to the comprehensive assessments required under this  
 694 paragraph. An end-of-course assessment must be rigorous,  
 695 standardized, and administered statewide. The content knowledge  
 696 and skills assessed by comprehensive and end-of-course  
 697 assessments must be aligned to the core curricular content  
 698 established in the Sunshine State Standards. The commissioner  
 699 may select one or more nationally developed comprehensive  
 700 examinations, which may include, but are not limited to,

Page 25 of 48

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hb7045-01-c1

CS/HB 7045

2008

701 examinations for a College Board Advanced Placement course,  
 702 International Baccalaureate course, or Advanced International  
 703 Certificate of Education course, for use as end-of-course  
 704 assessments under this paragraph, if the commissioner determines  
 705 that the content knowledge and skills assessed by the  
 706 examinations meet or exceed the grade-level expectations of the  
 707 Sunshine State Standards for the course ~~must document the~~  
 708 ~~procedures used to ensure that the versions of the FCAT which~~  
 709 ~~are taken by students retaking the grade-10 FCAT are equally as~~  
 710 ~~challenging and difficult as the tests taken by students in~~  
 711 ~~grade-10 which contain performance tasks.~~ The testing program  
 712 must be designed as follows ~~so that~~:  
 713 1. ~~The tests measure student skills and competencies~~  
 714 ~~adopted by the State Board of Education as specified in~~  
 715 ~~paragraph (a).~~ The tests must measure and report student  
 716 proficiency levels of all students assessed in reading, writing,  
 717 mathematics, ~~and~~ science, and social studies. The commissioner  
 718 shall provide for the tests to be developed or obtained, as  
 719 appropriate, through contracts and project agreements with  
 720 private vendors, public vendors, public agencies, postsecondary  
 721 educational institutions, or school districts. An entity awarded  
 722 a contract or entering into a project agreement, or a corporate  
 723 affiliate or subsidiary of the entity, may not participate in  
 724 the development or publication of practice tests, sample test  
 725 items, or practice workbooks or of any other materials dedicated  
 726 to test-taking exercises or strategies for the tests developed  
 727 or obtained through the contract or project agreement, except as  
 728 authorized in the contract or project agreement or otherwise

Page 26 of 48

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hb7045-01-c1

729 authorized in writing by the commissioner. The commissioner  
 730 shall obtain input with respect to the design and implementation  
 731 of the testing program from assessment experts, state educators,  
 732 assistive technology experts, and the public. In addition, the  
 733 commissioner shall provide for ongoing review of the FCAT by an  
 734 independent test-measurement expert who provides analysis and  
 735 evaluation of the test and testing practices.  
 736 2. The testing program shall be composed ~~will include a~~  
 737 ~~combination of norm-referenced and criterion-referenced tests,~~  
 738 ~~which shall and include,~~ to the extent determined by the  
 739 commissioner, include test items questions that require the  
 740 student to produce information or perform tasks in such a way  
 741 that the core content knowledge and skills and competencies he  
 742 or she uses can be measured.

743 3. Beginning with the 2008-2009 school year, the  
 744 commissioner shall discontinue administration of the selected-  
 745 response test items on the comprehensive assessments of writing.  
 746 Beginning with the 2012-2013 school year, the comprehensive  
 747 assessments of writing shall be composed of a combination of  
 748 selected-response test items, short-response performance tasks,  
 749 and extended-response performance tasks, which shall measure a  
 750 student's content knowledge of writing, including, but not  
 751 limited to, paragraph and sentence structure, sentence  
 752 construction, grammar and usage, punctuation, capitalization,  
 753 spelling, parts of speech, verb tense, irregular verbs, subject-  
 754 verb agreement, and noun-pronoun agreement. Each testing  
 755 program, ~~whether at the elementary, middle, or high school~~  
 756 level, ~~includes a test of writing in which students are required~~

757 ~~to produce writings that are then scored by appropriate and~~  
 758 ~~timely methods-~~  
 759 4. For each test, a score shall be is designated for each  
 760 subject-area tested, below which ~~is~~ a student's performance  
 761 shall be is deemed inadequate. ~~A~~ The school district ~~districts~~  
 762 shall provide appropriate remedial instruction to students whose  
 763 performance is ~~is~~ below grade level ~~these levels~~.

764 5. Except as provided in s. 1003.428(8) (b) or s.  
 765 1003.43(11) (b), students must earn a passing score on the grade  
 766 10 assessment test described in this paragraph or attain  
 767 concordant scores as described in subsection (10) ~~(9)~~ in  
 768 reading, writing, and mathematics to qualify for a standard high  
 769 school diploma. The State Board of Education shall designate a  
 770 passing score for each part of the grade 10 assessment test. In  
 771 establishing passing scores, the state board shall consider any  
 772 possible negative impact of the test on minority students. The  
 773 State Board of Education shall adopt rules that ~~which~~ specify  
 774 the passing scores for the grade 10 FCAT. Any such rules that ~~7~~  
 775 ~~which~~ have the effect of raising the required passing scores ~~7~~  
 776 shall only apply to students taking the grade 10 FCAT for the  
 777 first time after such rules are adopted by the State Board of  
 778 Education.

779 6. Participation in the testing program shall be is  
 780 mandatory for all students attending public school, including  
 781 students served in Department of Juvenile Justice programs,  
 782 except as otherwise prescribed by the commissioner. If a student  
 783 does not participate in the statewide assessment, the district  
 784 must notify the student's parent and provide the parent with

CS/HB 7045

2008

785 information regarding the implications of such nonparticipation.  
 786 A parent must provide signed consent for a student to receive  
 787 classroom instructional accommodations that would not be  
 788 available or permitted on the statewide assessments and must  
 789 acknowledge in writing that he or she understands the  
 790 implications of such instructional accommodations. The State  
 791 Board of Education shall adopt rules, based upon recommendations  
 792 of the commissioner, for the provision of test accommodations  
 793 for students in exceptional education programs and for students  
 794 who have limited English proficiency. Accommodations that negate  
 795 the validity of a statewide assessment are not allowable in the  
 796 administration of the FCAT. However, instructional  
 797 accommodations are allowable in the classroom if included in a  
 798 student's individual education plan. Students using  
 799 instructional accommodations in the classroom that are not  
 800 allowable as accommodations on the FCAT may have the FCAT  
 801 requirement waived under ~~permitted to the requirements of s.~~  
 802 1003.428(8) (b) or s. 1003.43(11) (b).  
 803  
 804 7. A student seeking an adult high school diploma must  
 805 meet the same testing requirements that a regular high school  
 806 student must meet.  
 807  
 808 8. District school boards must provide instruction to  
 809 prepare students to demonstrate proficiency in the core  
 810 curricular content established in the Sunshine State Standards  
 811 adopted under s. 1003.41, including the core content knowledge  
 812 and ~~skills and competencies~~ necessary for successful grade-to-  
 grade progression and high school graduation. If a student is  
 provided with instructional accommodations in the classroom that

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Page 29 of 48

hb7045-01-c1

CS/HB 7045

2008

813 are not allowable as accommodations in the statewide assessment  
 814 program, as described in the test manuals, the district must  
 815 inform the parent in writing and must provide the parent with  
 816 information regarding the impact on the student's ability to  
 817 meet expected proficiency levels in reading, writing, science,  
 818 mathematics, and social studies ~~math~~. The commissioner shall  
 819 conduct studies as necessary to verify that the required core  
 820 curricular content is skills and competencies ~~are~~ part of the  
 821 district instructional programs.  
 822  
 823 9. District school boards must provide opportunities for  
 824 students to demonstrate an acceptable level of performance on an  
 825 alternative standardized assessment approved by the State Board  
 826 of Education following enrollment in summer academies.  
 827  
 828 10. The Department of Education must develop, or select,  
 829 and implement a common battery of assessment tools that are ~~will~~  
 830 be used in all juvenile justice programs in the state. These  
 831 tools must accurately measure the core curricular content ~~skills~~  
 832 ~~and competencies~~ established in the Sunshine State Standards.  
 833  
 834 11. For students seeking a special diploma under pursuant  
 835 ~~to~~ s. 1003.438, the Department of Education must develop, or  
 836 select, and implement an alternate assessment tool that  
 837 accurately measures the core curricular content ~~skills and~~  
 838 ~~competencies~~ established in the Sunshine State Standards for  
 839 students with disabilities under s. 1003.438.  
 840  
 841 12. The Commissioner of Education shall establish  
 842 schedules for the administration of statewide assessments and  
 843 the reporting of student test results. The commissioner shall,  
 844 by August 1 of each year, notify each school district in writing

Page 30 of 48

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hb7045-01-c1

CS/HB 7045

2008

841 and publish on the department's Internet website the testing and  
 842 reporting schedules for, at a minimum, the school year following  
 843 the upcoming school year. The testing and reporting schedules  
 844 shall require that:  
 845 a. There be the latest possible administration of  
 846 statewide assessments and the earliest possible reporting to the  
 847 school districts of student test results that are feasible  
 848 within available technology and specific appropriations.  
 849 b. Beginning with the 2010-2011 school year, a  
 850 comprehensive statewide assessment of writing not be  
 851 administered earlier than the week of March 1 and a  
 852 comprehensive statewide assessment of any other subject not be  
 853 administered earlier than the week of April 15.  
 854 c. A statewide end-of-course assessment be administered  
 855 within the last 2 weeks of the course.  
 856 d. Student test results of statewide assessments be  
 857 reported by the week of the first Monday in June following  
 858 administration of the assessments.  
 859  
 860 The commissioner may, based on collaboration and input from  
 861 school districts, design and implement student testing programs,  
 862 for any grade level and subject area, necessary to effectively  
 863 monitor educational achievement in the state, including the  
 864 measurement of educational achievement of the Sunshine State  
 865 Standards for students with disabilities. Development and  
 866 refinement of assessments shall include universal design  
 867 principles and accessibility standards that will prevent any  
 868 unintended obstacles for students with disabilities while

Page 31 of 48

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hb7045-01-c1

CS/HB 7045

2008

869 ensuring the validity and reliability of the test. These  
 870 principles should be applicable to all technology platforms and  
 871 assistive devices available for the assessments. The field  
 872 testing process and psychometric analyses for the statewide  
 873 assessment program must include an appropriate percentage of  
 874 students with disabilities and an evaluation or determination of  
 875 the effect of test items on such students.  
 876 (d) Conduct ongoing research to develop improved methods  
 877 of assessing student performance, including, without limitation,  
 878 the use of technology to administer tests, score, or report the  
 879 results of, the use of electronic transfer of data, the  
 880 development of work-product assessments, and the development of  
 881 process assessments.  
 882 (e) Conduct ongoing research and analysis of student  
 883 achievement data, including, without limitation, monitoring  
 884 trends in student achievement by grade level and overall student  
 885 achievement, identifying school programs that are successful,  
 886 and analyzing correlates of school achievement.  
 887 (f) Provide technical assistance to school districts in  
 888 the implementation of state and district testing programs and  
 889 the use of the data produced pursuant to such programs.  
 890 (g) Study the cost and student achievement impact of  
 891 secondary end-of-course assessments, including web-based and  
 892 performance formats, and report to the legislature prior to  
 893 implementation.  
 894 (4) STATEWIDE ASSESSMENT PREPARATION; PROHIBITED  
 895 ACTIVITIES.--Beginning with the 2008-2009 school year, a  
 896 district school board shall prohibit each public school from

Page 32 of 48

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hb7045-01-c1



CS/HB 7045

2008

897 suspending a regular program of curricula for purposes of  
 898 administering practice tests or engaging in other test-  
 899 preparation activities for a statewide assessment. However, a  
 900 district school board may authorize a public school to engage in  
 901 the following test-preparation activities for a statewide  
 902 assessment:  
 903 (a) Distributing to students the sample test books and  
 904 answer keys published by the Department of Education.  
 905 (b) Providing individualized instruction in test-taking  
 906 strategies, without suspending the school's regular program of  
 907 curricula, for a student who scores at Level 1 or Level 2 on a  
 908 prior administration of the statewide assessment.  
 909 (c) Providing individualized instruction in the content  
 910 knowledge and skills assessed, without suspending the school's  
 911 regular program of curricula, for a student who scores at Level  
 912 1 or Level 2 on a prior administration of the statewide  
 913 assessment or for a student who, through a diagnostic assessment  
 914 administered by the school district, is identified as having a  
 915 deficiency in the content knowledge and skills assessed.  
 916 (d) Incorporating test-taking exercises and strategies  
 917 into curricula for intensive reading and mathematics  
 918 intervention courses.  
 919 (e) Administering a practice test or engaging in other  
 920 test-preparation activities for the statewide assessment, which  
 921 are determined necessary to familiarize students with the  
 922 organization of the assessment, format of the test items, and  
 923 the test directions, or otherwise necessary for the valid and  
 924 reliable administration of the assessment, as set forth in rules

Page 33 of 48

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hb7045-01-c1

CS/HB 7045

2008

925 adopted by the State Board of Education with specific reference  
 926 to this paragraph.  
 927 (5)(4) DISTRICT TESTING PROGRAMS.--Each district school  
 928 board shall periodically assess student performance and  
 929 achievement within each school of the district. The assessment  
 930 programs must be based on the core curricular content  
 931 established in the Sunshine State Standards and any ~~upon~~ local  
 932 goals and objectives that are compatible with the state plan for  
 933 education and that supplement the core content knowledge and  
 934 skills necessary for successful grade-to-grade progression and  
 935 high school graduation and ~~competencies adopted by the State~~  
 936 ~~Board of Education.~~ All school districts must participate in the  
 937 statewide assessment program designed to measure annual student  
 938 learning and school performance. All district school boards  
 939 shall report assessment results as required by the state  
 940 management information system.  
 941 (6)(5) SCHOOL TESTING PROGRAMS.--Each public school shall  
 942 participate in the statewide assessment program in accordance  
 943 with the testing and reporting schedules published by the  
 944 Commissioner of Education under subparagraph (3)(c)12.7 unless  
 945 specifically exempted by state board rule based on serving a  
 946 specialized population for which standardized testing is not  
 947 appropriate. Student performance data shall be analyzed and  
 948 reported to parents, the community, and the state. Student  
 949 performance data shall be used in developing objectives of the  
 950 school improvement plan, evaluation of instructional personnel,  
 951 evaluation of administrative personnel, assignment of staff,  
 952 allocation of resources, acquisition of instructional materials

Page 34 of 48

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hb7045-01-c1

CS/HB 7045

2008

953 and technology, performance-based budgeting, and promotion and  
 954 assignment of students into educational programs. The analysis  
 955 of student performance data also must identify strengths and  
 956 needs in the educational program and trends over time. The  
 957 analysis must be used in conjunction with the budgetary planning  
 958 processes developed pursuant to s. 1008.385 and the development  
 959 of the programs of remediation.  
 960 (7)(c) REQUIRED ANALYSES.--The commissioner shall provide,  
 961 at a minimum, for the following analyses of data produced by the  
 962 student achievement testing program:  
 963 (a) The statistical system for the annual assessments  
 964 shall use measures of student learning, such as the FCAT, to  
 965 determine teacher, school, and school district statistical  
 966 distributions, which shall be determined using available data  
 967 from the FCAT, and other data collection as deemed appropriate  
 968 by the Department of Education, to measure the differences in  
 969 student prior year achievement compared to the current year  
 970 achievement for the purposes of accountability and recognition.  
 971 (b) The statistical system shall provide the best  
 972 estimates of teacher, school, and school district effects on  
 973 student progress. The approach used by the department shall be  
 974 approved by the commissioner before implementation.  
 975 (c) The annual testing program shall be administered to  
 976 provide for valid statewide comparisons of learning gains to be  
 977 made for purposes of accountability and recognition. The  
 978 commissioner shall establish a schedule for the administration  
 979 of the statewide assessments. ~~In establishing such schedule, the~~  
 980 ~~commissioner is charged with the duty to accomplish the latest~~

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Page 35 of 48

hb7045-01-c1

CS/HB 7045

2008

981 possible administration of the statewide assessments and the  
 982 earliest possible provision of the results to the school  
 983 districts feasible within available technology and specific  
 984 ~~appreciation~~. District school boards shall not establish school  
 985 calendars that jeopardize or limit the valid testing and  
 986 comparison of student learning gains.  
 987 (8)(7) LOCAL ASSESSMENTS.--Measurement of the learning  
 988 gains of students in all subjects and grade levels other than  
 989 subjects and grade levels required for the state student  
 990 achievement testing program is the responsibility of the school  
 991 districts.  
 992 (9)(c) APPLICABILITY OF TESTING STANDARDS.--  
 993 (a) If the Commissioner of Education revises a statewide  
 994 assessment and the revisions require the State Board of  
 995 Education to modify the assessment's proficiency levels or  
 996 modify the passing scores required for a standard high school  
 997 diploma, until the state board adopts the modifications by rule,  
 998 the commissioner shall use calculations for scoring the  
 999 assessment that adjust student scores on the revised assessment  
 1000 for statistical equivalence to student scores on the former  
 1001 assessment.  
 1002 (b) A student must attain ~~meet~~ the passing scores on a  
 1003 statewide assessment required ~~testing requirements~~ for a  
 1004 standard high school diploma ~~graduation~~ that were in effect at  
 1005 the time the student entered 9th grade 9 if, ~~provided~~ the  
 1006 student's enrollment was continuous.  
 1007 (c) If the commissioner revises a statewide assessment and  
 1008 the revisions require the State Board of Education to modify the

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Page 36 of 48

hb7045-01-c1

1009 passing scores required for a standard high school diploma, the  
 1010 Commissioner may, with approval of the state board, discontinue  
 1011 administration of the former assessment upon the graduation,  
 1012 based on normal student progression, of students participating  
 1013 in the final regular administration of the former assessment.  
 1014 The state board shall adopt by rule passing scores for the  
 1015 revised assessment that are statistically equivalent to passing  
 1016 scores on the discontinued assessment for a student required  
 1017 under paragraph (b) to attain passing scores on the discontinued  
 1018 assessment.  
 1019 (10)(9) CONCORDANT SCORES FOR THE FCAT.--  
 1020 (a) The State Board of Education shall analyze the content  
 1021 and concordant data sets for widely used high school achievement  
 1022 tests, including, but not limited to, the PSAT, PLAN, SAT, ACT,  
 1023 and College Placement Test, to assess if concordant scores for  
 1024 FCAT scores can be determined for high school graduation,  
 1025 college placement, and scholarship awards. In cases where  
 1026 content alignment and concordant scores can be determined, the  
 1027 Commissioner of Education shall adopt those scores as meeting  
 1028 the graduation requirement in lieu of achieving the FCAT passing  
 1029 score and may adopt those scores as being sufficient to achieve  
 1030 additional purposes as determined by rule. Each time ~~that~~ test  
 1031 content or scoring procedures change are changed for the FCAT or  
 1032 for a high school achievement test for which a concordant score  
 1033 is determined one of the identified tests, new concordant scores  
 1034 must be determined.  
 1035 (b) In order to use a concordant subject area score  
 1036 pursuant to this subsection to satisfy the assessment

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1037 requirement for a standard high school diploma as provided in s.  
 1038 1003.429(6) (a), s. 1003.43 (5) (a), or s. 1003.428, a student must  
 1039 take each subject area of the grade 10 FCAT a total of three  
 1040 times without earning a passing score. The requirements of this  
 1041 paragraph shall not apply to a new student who enters the  
 1042 Florida public school system in grade 12, who may either achieve  
 1043 a passing score on the FCAT or use an approved subject area  
 1044 concordant score to fulfill the graduation requirement.  
 1045 (c) The State Board of Education may define by rule the  
 1046 allowable uses, other than to satisfy the high school graduation  
 1047 requirement, for concordant scores as described in this  
 1048 subsection. Such uses may include, but need not be limited to,  
 1049 achieving appropriate standardized test scores required for the  
 1050 awarding of Florida Bright Futures Scholarships and college  
 1051 placement.  
 1052 (11)(40) REPORTS.--The Department of Education shall  
 1053 annually provide a report to the Governor, the President of the  
 1054 Senate, and the Speaker of the House of Representatives on the  
 1055 following:  
 1056 (a) Longitudinal performance of students in mathematics  
 1057 and reading.  
 1058 (b) Longitudinal performance of students by grade level in  
 1059 mathematics and reading.  
 1060 (c) Longitudinal performance regarding efforts to close  
 1061 the achievement gap.  
 1062 ~~(d) Longitudinal performance of students on the norm-~~  
 1063 ~~referenced component of the FCAT.~~

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1064 ~~(d)~~ Other student performance data based on national  
 1065 norm-referenced and criterion-referenced tests, when available,  
 1066 and numbers of students who after 8th grade enroll in adult  
 1067 education rather than other secondary education.  
 1068 ~~(12)(11)~~ RULES.--The State Board of Education shall adopt  
 1069 rules under ~~paragraph~~ ss. 120.536(1) and 120.54 to implement  
 1070 ~~the provisions~~ of this section.  
 1071 Section 18. Subsection (1), paragraph (b) of subsection  
 1072 (2), subsection (4), and paragraph (a) of subsection (8) of  
 1073 section 1008.25, Florida Statutes, are amended to read:  
 1074 1008.25 Public school student progression; remedial  
 1075 instruction; reporting requirements.--  
 1076 (1) INTENT.--It is the intent of the Legislature that each  
 1077 student's progression from one grade to another be determined,  
 1078 in part, upon proficiency in reading, writing, science, ~~and~~  
 1079 mathematics, and, upon assessment under s. 1008.22, social  
 1080 studies; that district school board policies facilitate such  
 1081 proficiency; and that each student and his or her parent be  
 1082 informed of that student's academic progress.  
 1083 (2) COMPREHENSIVE PROGRAM.--Each district school board  
 1084 shall establish a comprehensive program for student progression  
 1085 which must include:  
 1086 (b) Specific levels of performance in reading, writing,  
 1087 science, ~~and~~ mathematics, and, upon assessment under s. 1008.22,  
 1088 social studies for each grade level, including the levels of  
 1089 performance on statewide assessments as defined by the  
 1090 commissioner, below which a student must receive remediation; or  
 1091 be retained within an intensive program that is different from

1092 the previous year's program and that takes into account the  
 1093 student's learning style.  
 1094 (4) ASSESSMENT AND REMEDIATION.--  
 1095 (a) Each student must participate in the statewide  
 1096 assessment tests required by s. 1008.22. Each student who does  
 1097 not meet specific levels of performance as determined by the  
 1098 district school board in reading, writing, science, ~~and~~  
 1099 mathematics, and, upon assessment under s. 1008.22, social  
 1100 studies for each grade level, or who scores below level 3 in  
 1101 reading or mathematics ~~math~~, must be provided with additional  
 1102 diagnostic assessments to determine the nature of the student's  
 1103 difficulty, the areas of academic need, and strategies for  
 1104 appropriate intervention and instruction as described in  
 1105 paragraph (b).  
 1106 (b) The school in which the student is enrolled must  
 1107 develop, in consultation with the student's parent, and must  
 1108 implement a progress monitoring plan. A progress monitoring plan  
 1109 is intended to provide the school district and the school  
 1110 flexibility in meeting the academic needs of the student and to  
 1111 reduce paperwork. A student who is not meeting the school  
 1112 district or state requirements for proficiency in reading and  
 1113 mathematics ~~math~~ shall be covered by one of the following plans  
 1114 to target instruction and identify ways to improve his or her  
 1115 academic achievement:  
 1116 1. A federally required student plan such as an individual  
 1117 education plan;  
 1118 2. A schoolwide system of progress monitoring for all  
 1119 students; or

CS/HB 7045

2008

1120 3. An individualized progress monitoring plan.

1121

1122 The plan chosen must be designed to assist the student or the

1123 school in meeting state and district expectations for

1124 proficiency. If the student has been identified as having a

1125 deficiency in reading, the K-12 comprehensive reading plan

1126 required by s. 1011.62(8) shall include instructional and

1127 support services to be provided to meet the desired levels of

1128 performance. District school boards may require low-performing

1129 students to attend remediation programs held before or after

1130 regular school hours or during the summer if transportation is

1131 provided.

1132 (c) Upon subsequent evaluation, if the documented

1133 deficiency has not been remediated, the student may be retained.

1134 Each student who does not meet the minimum performance

1135 expectations defined by the Commissioner of Education for the

1136 statewide assessment tests in reading, writing, science, and

1137 mathematics, and, upon assessment under s. 1008.22, social

1138 studies must continue to be provided with remedial or

1139 supplemental instruction until the expectations are met or the

1140 student graduates from high school or is not subject to

1141 compulsory school attendance.

1142 (8) ANNUAL REPORT.--

1143 (a) In addition to the requirements in paragraph (5) (b),

1144 each district school board must annually report to the parent of

1145 each student the progress of the student toward achieving state

1146 and district expectations for proficiency in reading, writing,

1147 science, and mathematics, and, upon assessment under s. 1008.22,

Page 41 of 48

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hb7045-01-c1

CS/HB 7045

2008

1148 social studies. The district school board must report to the

1149 parent the student's results on each statewide assessment test.

1150 The evaluation of each student's progress must be based upon the

1151 student's classroom work, observations, tests, district and

1152 state assessments, and other relevant information. Progress

1153 reporting must be provided to the parent in writing in a format

1154 adopted by the district school board.

1155 Section 19. Subsection (3) of section 1008.34, Florida

1156 Statutes, is amended to read:

1157 1008.34 School grading system; school report cards;

1158 district grade.--

1159 (3) DESIGNATION OF SCHOOL GRADES.--

1160 (a) Schools receiving a school grade.--Each school that

1161 has students who are tested and included in the school grading

1162 system, ~~except an alternative school that receives a school~~

1163 ~~improvement rating pursuant to s. 1008.341, shall receive a~~

1164 ~~school grade, except as follows:~~

1165 1. A school shall not receive a school grade if the number

1166 of its students tested and included in the school grading system

1167 is less than the minimum sample size necessary, based on

1168 accepted professional practice, for statistical reliability and

1169 prevention of the unlawful release of personally identifiable

1170 student data under s. 1002.22 or 20 U.S.C. s. 1232g.~~7 however~~

1171 2. An alternative school may choose to receive a school

1172 grade under this section or ~~it~~ ~~may~~ ~~of~~ a school improvement

1173 rating under s. 1008.341.

1174 3. ~~Additionally,~~ A school that serves any combination of

1175 students in kindergarten through grade 3 that ~~which~~ does not

Page 42 of 48

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hb7045-01-c1

1176 receive a school grade because its students are not tested and  
 1177 included in the school grading system shall receive the school  
 1178 grade designation of a K-3 feeder pattern school identified by  
 1179 the Department of Education and verified by the school district.  
 1180 A school feeder pattern exists if at least 60 percent of the  
 1181 students in the school serving a combination of students in  
 1182 kindergarten through grade 3 are scheduled to be assigned to the  
 1183 graded school. ~~School grades itemized in subsection (2) shall be~~  
 1184 ~~based on the following:~~  
 1185 (b) ~~(a)~~ Criteria.--A school's grade shall be based on a  
 1186 combination of:  
 1187 1. Student achievement scores, including achievement  
 1188 scores for students seeking a special diploma.  
 1189 2. Student learning gains as measured by annual FCAT  
 1190 assessments in grades 3 through 10; learning gains for students  
 1191 seeking a special diploma, as measured by an alternate  
 1192 assessment tool, shall be included not later than the 2009-2010  
 1193 school year.  
 1194 3. Improvement of the lowest 25th percentile of students  
 1195 in the school in reading, mathematics ~~math~~, or writing on the  
 1196 FCAT, unless these students are exhibiting satisfactory  
 1197 performance.  
 1198 (c) ~~(b)~~ Student assessment data.--Student assessment data  
 1199 used in determining school grades shall include:  
 1200 1. The aggregate scores of all eligible students enrolled  
 1201 in the school who have been assessed on the FCAT.  
 1202 2. The aggregate scores of all eligible students enrolled  
 1203 in the school who have been assessed on the FCAT, ~~including~~

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1204 ~~Florida~~ ~~White~~ and who have scored at or in the lowest 25th  
 1205 percentile of students in the school in reading, mathematics  
 1206 ~~math~~, or writing, unless these students are exhibiting  
 1207 satisfactory performance.  
 1208 3. Effective with the 2005-2006 school year, the  
 1209 achievement scores and learning gains of eligible students  
 1210 attending alternative schools that provide dropout prevention  
 1211 and academic intervention services pursuant to s. 1003.53. The  
 1212 term "eligible students" in this subparagraph does not include  
 1213 students attending an alternative school who are subject to  
 1214 district school board policies for expulsion for repeated or  
 1215 serious offenses, who are in dropout retrieval programs serving  
 1216 students who have officially been designated as dropouts, or who  
 1217 are in programs operated or contracted by the Department of  
 1218 Juvenile Justice. The student performance data for eligible  
 1219 students identified in this subparagraph shall be included in  
 1220 the calculation of the home school's grade. ~~As used in~~ As used in ~~the~~  
 1221 ~~purpose~~ ~~of~~ this section and s. 1008.341, the term "home school"  
 1222 means the school to which the student would be assigned if the  
 1223 student were not ~~was attending~~ ~~when~~ assigned to an alternative  
 1224 school. If an alternative school chooses to be graded under  
 1225 ~~performance~~ ~~to~~ this section, student performance data for eligible  
 1226 students identified in this subparagraph shall not be included  
 1227 in the home school's grade but shall be included only in the  
 1228 calculation of the alternative school's grade. School districts  
 1229 ~~shall~~ ~~must~~ require collaboration between the home school and the  
 1230 alternative school in order to promote student success. This  
 1231 collaboration must include an annual discussion between the

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CS/HB 7045

2008

1232 principal of the alternative school and the principal of each  
 1233 student's home school concerning the most appropriate school  
 1234 assignment for the student.  
 1235  
 1236 The State Board of Education shall adopt appropriate criteria  
 1237 for each school grade. The criteria must also give added weight  
 1238 to student achievement in reading. Schools designated with a  
 1239 grade of "C," making satisfactory progress, shall be required to  
 1240 demonstrate that adequate progress has been made by students in  
 1241 the school who are in the lowest 25th percentile in reading,  
 1242 mathematics math, or writing on the FCAT, ~~including Florida~~  
 1243 ~~writes~~, unless these students are exhibiting satisfactory  
 1244 performance.  
 1245 Section 20. Subsection (2) and paragraph (b) of subsection  
 1246 (3) of section 1008.341, Florida Statutes, are amended to read:  
 1247 1008.341 School improvement rating for alternative  
 1248 schools.--  
 1249 (2) SCHOOL IMPROVEMENT RATING.--An alternative school  
 1250 ~~sheets~~ that provides ~~provide~~ dropout prevention and academic  
 1251 intervention services under ~~paragraph~~ to s. 1003.53 shall receive  
 1252 a school improvement rating under ~~paragraph~~ to this section.  
 1253 However, an alternative school shall not receive a school  
 1254 improvement rating if the number of its students for whom  
 1255 student performance data is available for the current year and  
 1256 previous year is less than the minimum sample size necessary,  
 1257 based on accepted professional practice, for statistical  
 1258 reliability and prevention of the unlawful release of personally  
 1259 identifiable student data under s. 1002.22 or 20 U.S.C. s.

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hb7045-01-c1

CS/HB 7045

2008

1260 1232g. The school improvement rating shall identify an  
 1261 alternative school ~~sheets~~ as having one of the following  
 1262 ratings defined according to rules of the State Board of  
 1263 Education:  
 1264 (a) "Improving" means a school ~~sheets~~ with students  
 1265 making more academic progress than when the students were served  
 1266 in their home schools.  
 1267 (b) "Maintaining" means a school ~~sheets~~ with students  
 1268 making progress equivalent to the progress made when the  
 1269 students were served in their home schools.  
 1270 (c) "Declining" means a school ~~sheets~~ with students  
 1271 making less academic progress than when the students were served  
 1272 in their home schools.  
 1273  
 1274 The school improvement rating shall be based on a comparison of  
 1275 student performance data for the current year and previous year.  
 1276 Schools that improve at least one level or maintain an  
 1277 "improving" rating under ~~paragraph~~ to this section are eligible  
 1278 for school recognition awards under ~~paragraph~~ to s. 1008.36.  
 1279 (3) DESIGNATION OF SCHOOL IMPROVEMENT RATING.--Student  
 1280 data used in determining an alternative school's school  
 1281 improvement rating shall include:  
 1282 (b) The aggregate scores of all eligible students who were  
 1283 assigned to and enrolled in the school during the October or  
 1284 February FTE count, who have been assessed on the FCAT,  
 1285 ~~including Florida Writes~~, and who have scored in the lowest 25th  
 1286 percentile of students in the state on FCAT Reading.  
 1287

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hb7045-01-c1

CS/HB 7045

2008

1288 The assessment scores of students who are subject to district  
 1289 school board policies for expulsion for repeated or serious  
 1290 offenses, who are in dropout retrieval programs serving students  
 1291 who have officially been designated as dropouts, or who are in  
 1292 programs operated or contracted by the Department of Juvenile  
 1293 Justice may not be included in an alternative school's school  
 1294 improvement rating.  
 1295 Section 21. Paragraph (a) of subsection (8) of section  
 1296 1008.345, Florida Statutes, is amended to read:  
 1297 1008.345 Implementation of state system of school  
 1298 improvement and education accountability.--  
 1299 (8) As a part of the system of educational accountability,  
 1300 the Department of Education shall:  
 1301 (a) Develop minimum ~~performance~~ standards for various  
 1302 grades and subject areas, as required in ss. 1001.03, 1008.22,  
 1303 and 1008.34.  
 1304 Section 22. Subsection (2) of section 1008.36, Florida  
 1305 Statutes, is amended to read:  
 1306 1008.36 Florida School Recognition Program.--  
 1307 (2) The Florida School Recognition Program is created to  
 1308 provide financial awards to public schools that:  
 1309 (a) Sustain high performance by receiving a school grade  
 1310 of "A," making excellent progress; or  
 1311 (b) Demonstrate exemplary improvement due to innovation  
 1312 and effort by improving at least one a letter grade or by  
 1313 improving more than one letter grade and sustaining the  
 1314 improvement the following school year.  
 1315

CS/HB 7045

2008

1316 Notwithstanding statutory provisions to the contrary, incentive  
 1317 awards are not subject to collective bargaining.  
 1318 Section 23. This act shall take effect July 1, 2008.



Amendment No. CHAMBER ACTION  
Senate House

17 Amendment No.  
18 or events resulting from violence, technological malfunction,  
19 human error, and natural disaster actual emergencies, ~~including~~  
20 ~~but not limited to, fires, natural disasters, and bomb threats,~~  
21 for all the public schools of the district which comprise grades  
22 K-12. District school board policies must ~~shall~~ include commonly  
23 used alarm system responses for specific types of emergencies  
24 and verification by each school that drills have been provided  
25 as required by law and fire protection codes. Each school shall  
26 conduct and document at least 10 emergency drills per school  
27 year, at least five of which must be emergency egress drills, at  
28 least one of which must be an accidental or intentional  
29 hazardous materials release drill, and at least two of which  
30 must be tornado drills. The focus of the two remaining emergency  
31 drills shall be at the discretion of each school.  
32 (b) The district school board shall establish model  
33 emergency management and emergency preparedness procedures for  
34 the following life-threatening emergencies:  
35 1. Manmade emergencies, including fires, bomb threats, and  
36 weapon-use and hostage situations.  
37 2. Technological emergencies, including radiological,  
38 hazardous materials, and ~~ex~~ toxic chemical releases ~~epills~~.  
39 3. Weather emergencies, including hurricanes, tornadoes,  
40 and severe storms.  
41 4. ~~Exposure as a result of a manmade emergency.~~

-----  
T I T L E A M E N D M E N T  
-----

1 Representative Richardson offered the following:  
2  
3 Amendment (with title amendment)  
4 Between lines 428 and 429, insert:  
5 Section 12. Subsection (4) of section 1006.07, Florida  
6 Statutes, is amended to read:  
7 1006.07 District school board duties relating to student  
8 discipline and school safety.--The district school board shall  
9 provide for the proper accounting for all students, for the  
10 attendance and control of students at school, and for proper  
11 attention to health, safety, and other matters relating to the  
12 welfare of students, including:  
13 (4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.--  
14 (a) Formulate and prescribe policies and procedures for  
15 emergency preparation and drill activities ~~drills~~ and for  
16 response to and management of emergencies, including incidents

HOUSE AMENDMENT  
Bill No. CS/HB 7045

Amendment No.  
45 Remove lines 2-25 and insert:  
46 An act relating to public school standards; amending s. 1003.41,  
47 F.S.; requiring the State Board of Education to review the  
48 Sunshine State Standards and replace them with enhanced  
49 curricular standards; establishing requirements for the  
50 standards; providing requirements for the adoption, review, and  
51 revision of the standards; requiring evaluation of proposed  
52 standards; authorizing the adoption of rules; amending s.  
53 220.187, F.S.; revising requirements for the selection of norm-  
54 referenced tests administered by private schools for purposes of  
55 the Corporate Income Tax Credit Scholarship Program; amending s.  
56 1000.21, F.S.; revising the systemwide definition of "Sunshine  
57 State Standards"; amending s. 1001.03, F.S.; requiring the state  
58 board to review and revise the Sunshine State Standards;  
59 conforming provisions; amending s. 1001.41, F.S.; conforming  
60 provisions relating to district school board adoption of  
61 standards and policies; amending s. 1001.42, F.S.; prohibiting  
62 school district expenditure of legislative appropriations for  
63 purposes of Florida Comprehensive Assessment Test (FCAT)  
64 preparation; providing penalties for unlawful expenditures;  
65 amending ss. 1003.428, 1003.429, 1003.43, 1003.433, 1003.63,  
66 1006.28, and 1006.31, F.S.; conforming provisions and cross-  
67 references; amending s. 1006.07, F.S.; revising district school  
68 board duties relating to emergency management and emergency  
69 preparedness; providing requirements for the number and type of  
70 emergency drills conducted by each school;



CS/HB 1549

2008

1 A bill to be entitled  
 2 An act relating to Brevard County; providing legislative  
 3 findings; creating the Florida Advanced Combustion Center,  
 4 Inc., as a not-for-profit corporation; providing a  
 5 definition; requiring compliance with public meetings and  
 6 records laws; providing for the organization and purpose  
 7 of the corporation; establishing a corporate office;  
 8 providing for a board of directors of the corporation;  
 9 specifying the powers and duties of the board; authorizing  
 10 investments and the issuance of certain bonds; prohibiting  
 11 private individuals from benefiting from corporate  
 12 benefits and earnings; providing for dissolution of the  
 13 corporation; requiring an annual report; providing  
 14 construction; providing an effective date.

15  
 16 Be It Enacted by the Legislature of the State of Florida:

17  
 18 Section 1. (1) LEGISLATIVE FINDINGS.--The Legislature  
 19 finds that:

20 (a) It is in the public interest to promote energy-related  
 21 research and development of advanced combustion technologies and  
 22 that such activities can make the state a leader in combustion  
 23 technologies as well as encourage investment and economic  
 24 development in this state.

25 (b) A Brevard County location and a relationship with  
 26 Kennedy Space Center and its facilities, scientific workforce,  
 27 and technical expertise will promote international participation

CS/HB 1549

2008

28 in helping solve the energy problems facing the state and  
 29 nation.

30 (c) The fulfillment of the purposes of the corporation  
 31 promotes the health, safety, and general welfare of the people  
 32 of the state and serves as essential governmental functions and  
 33 a paramount public purpose.

34 (2) CREATION; PUBLIC RECORDS AND MEETINGS REQUIREMENTS.--

35 (a) There is created a not-for-profit corporation, to be  
 36 known as the Florida Advanced Combustion Center, Inc., which  
 37 shall have all the powers of corporations organized under  
 38 chapters 607 and 617, Florida Statutes, and which shall not be a  
 39 unit, agency, or entity of state government. As used in this  
 40 act, the term "corporation" means the Florida Advanced  
 41 Combustion Center, Inc.

42 (b) The Legislature determines that public policy dictates  
 43 that the Florida Advanced Combustion Center, Inc., operate in  
 44 the most open and accessible manner consistent with its public  
 45 purpose. To this end, the Legislature specifically declares that  
 46 the Florida Advanced Combustion Center, Inc., and its boards and  
 47 advisory committees or similar groups are subject to the  
 48 provisions of chapter 119, Florida Statutes, relating to public  
 49 records and those provisions of chapter 286, Florida Statutes,  
 50 relating to public meetings and records, except those  
 51 specifically exempted as trade secrets.

52 (3) OFFICES.--The corporation shall establish one or more  
 53 corporate offices, one of which shall be located in Brevard  
 54 County at or near Kennedy Space Center.

55 (4) BOARD OF DIRECTORS.--The corporation shall be governed

56 by a board of directors as follows:

57 (a) Appointment and terms.--The board shall consist of  
 58 seven persons who are residents of Brevard County. The Brevard  
 59 County Legislative Delegation shall nominate five candidates for  
 60 each board vacancy, and the Governor shall appoint members of  
 61 the board from the nominees. Two members shall be members of the  
 62 Brevard County Board of County Commissioners, appointed by the  
 63 commission. Of the members first appointed, two shall serve for  
 64 2 years and the remainder for 4 years, and in each case until a  
 65 successor is appointed and has qualified. Thereafter, the  
 66 Governor shall appoint each member for 4 years unless a vacancy  
 67 occurs during a member's term, which the Governor shall be  
 68 authorized to fill for the remainder of the member's term. The  
 69 Governor may remove any member for misfeasance, malfeasance, or  
 70 willful neglect of duty. Before entering upon his or her duties,  
 71 each member of the board shall take and subscribe the oath or  
 72 affirmation required by the State Constitution.

73 (b) Powers and duties.--The board of directors of the  
 74 corporation shall have all the powers of a corporate body under  
 75 the laws of this state, including the power and duty to:

- 76 1. Construct a state-of-the-art research facility at or  
 77 near Kennedy Space Center.
- 78 2. Contract with a research university located in Brevard  
 79 County to plan, operate, and manage the corporation's facility.
- 80 3. Enter into interlocal agreements pursuant to s. 163.01,  
 81 Florida Statutes, with public agencies of this state for the  
 82 exercise of any power, privilege, or authority consistent with  
 83 the purposes of this act.

- 84 4. Secure funding for programs and activities of the  
 85 corporation and its boards from federal, state, local, and  
 86 private sources and from fees charged for services and solicit,  
 87 receive, hold, invest, and administer any grant, payment, or  
 88 gift of funds or property and make expenditures consistent with  
 89 the powers granted to it, including the receipt of tax increment  
 90 revenues from any source.
- 91 5. Sue and be sued, and appear and defend in all actions  
 92 and proceedings, in its corporate name to the same extent as a  
 93 natural person.
- 94 6. Elect or appoint officers and agents as its affairs  
 95 require and allow them reasonable compensation.
- 96 7. Adopt, amend, and repeal bylaws, not inconsistent with  
 97 the powers granted to it or the articles of incorporation, for  
 98 the administration of the affairs of the corporation and the  
 99 exercise of its corporate powers.
- 100 8. Acquire, enjoy, use, and dispose of patents,  
 101 copyrights, and trademarks and any licenses, royalties, and  
 102 other rights or interests thereunder or therein.
- 103 9. Do all acts and things necessary or convenient to carry  
 104 out the powers granted to it.
- 105 10. Carry forward any unexpended state appropriations into  
 106 succeeding fiscal years.
- 107 11. Procure insurance or require bond against any loss in  
 108 connection with the property of the corporation and its board of  
 109 directors or working groups, in such amounts and from such  
 110 insurers as is necessary or desirable.
- 111 12. Insure or provide for insurance of any real or

CS/HB 1549

2008

112 personal property or operations of the corporation or any  
 113 private enterprise against any risks or hazards, including the  
 114 power to pay premiums on any such insurance.  
 115 13. Create and dissolve advisory committees, working  
 116 groups, task forces, or similar organizations, as necessary to  
 117 carry out the mission of the corporation. Members of such groups  
 118 shall serve without compensation but may be reimbursed for  
 119 reasonable, necessary, and actual expenses, as determined by the  
 120 corporation's board of directors.  
 121 14. Disseminate information about itself and its  
 122 activities.  
 123 15. Acquire, by purchase, lease, option, gift, grant,  
 124 bequest, devise, or otherwise, real property, or personal  
 125 property for its administrative purposes, together with any  
 126 improvements thereon.  
 127 16. Hold, improve, clear, or prepare for development any  
 128 such property.  
 129 17. Mortgage, pledge, hypothecate, or otherwise encumber  
 130 or dispose of any real or personal property.  
 131 18. Insure or provide for insurance of any real or  
 132 personal property or operations of the corporation or any  
 133 private enterprise against any risks or hazards, including the  
 134 power to pay premiums on any such insurance.  
 135 19. Establish and fund a guaranty fund.  
 136 20. Borrow money and apply for and accept advances, loans,  
 137 grants, contributions, and any other form of financial  
 138 assistance from the Federal Government or the state, county, or  
 139 other public body or from any sources, public or private, for

Page 5 of 11

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hb1549-01-c1

CS/HB 1549

2008

140 the purposes of this act and give such security as may be  
 141 required and enter into and carry out contracts or agreements in  
 142 connection therewith, and include in any contract for financial  
 143 assistance with the Federal Government for, or with respect to,  
 144 any purposes under this act and related activities such  
 145 conditions imposed pursuant to federal laws and deemed as  
 146 reasonable and appropriate which are not inconsistent with the  
 147 provisions of this act.  
 148 21. Make or have all surveys and plans necessary for the  
 149 carrying out of the purposes of this act, contract with any  
 150 person, public or private, in making and carrying out such  
 151 plans, and adopt, approve, modify, and amend such plans.  
 152 22. Develop, test, and report methods and techniques and  
 153 carry out demonstrations and other activities for the promotion  
 154 of any of the purposes of this act.  
 155 23. Make expenditures necessary to carry out the purposes  
 156 of this act.  
 157 24. Make and execute any leases, contracts, trust  
 158 agreements, and other instruments and agreements, with public or  
 159 private entities, necessary or convenient to accomplish the  
 160 purposes of this act, including the execution of interest rate  
 161 swaps, hedges, and other interest rate management contracts and  
 162 derivative products.  
 163 (5) FINANCES.--In performing its functions, the  
 164 corporation shall take all possible steps to ensure the maximum  
 165 benefit to the state, including, but not limited to,  
 166 establishing strategic priorities, consistent with the findings  
 167 of this act, to guide funding allocations and ensure the

Page 6 of 11

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hb1549-01-c1

CS/HB 1549

2008

168 efficient use of available resources.

169 (a) When authorized by the board, the corporation has

170 power in its corporate capacity, in its discretion, to issue

171 revenue bonds or other evidences of indebtedness which a public

172 agency has the power to issue from time to time to finance the

173 undertaking of any purpose of this act, including, without

174 limiting the generality thereof, the payment of principal and

175 interest upon any advances for surveys and plans or preliminary

176 loans, and has the power to issue refunding bonds for the

177 payment or retirement of bonds previously issued. The security

178 for such bonds may be based upon such revenues as are legally

179 available.

180 (b) In anticipation of the sale of such revenue bonds, the

181 corporation may issue bond anticipation notes and may renew such

182 notes from time to time, but the maximum maturity of any such

183 note, including renewals thereof, may not exceed 5 years after

184 the date of issuance of the original note. Such notes shall be

185 paid from any revenues of the corporation available therefor and

186 not otherwise pledged or from the proceeds of sale of the

187 revenue bonds in anticipation of which they were issued.

188 (c) Any bond, note, or other form of indebtedness issued

189 pursuant to this act shall mature no later than the end of the

190 30th fiscal year after the fiscal year in which the bond, note,

191 or other form of indebtedness was issued.

192 (d) Bonds issued under this act do not constitute an

193 indebtedness within the meaning of any constitutional or

194 statutory debt limitation or restriction and are not subject to

195 the provisions of any other law or charter relating to the

CS/HB 1549

2008

196 authorization, issuance, or sale of bonds. Bonds issued under

197 the provisions of this act are declared to be for an essential

198 public and governmental purpose. Bonds issued under this act,

199 the interest on which is exempt from income taxes of the United

200 States, together with interest thereon and income therefrom, are

201 exempted from all taxes.

202 (e) The credit of the state, Brevard County, or any other

203 body with taxing powers may not be pledged on behalf of the

204 corporation.

205 (f) The corporation is exempt from taxation and

206 assessments of any nature whatsoever upon its income and any

207 property, assets, or revenues acquired, received, or used in the

208 furtherance of the purposes provided in this chapter. The

209 obligations of the corporation incurred pursuant to paragraph

210 (d) and the interest and income thereon and all security

211 agreements, letters of credit, liquidity facilities, or other

212 obligations or instruments arising out of, entered into in

213 connection therewith, or given to secure payment thereof are

214 exempt from all taxation, provided such exemption does not apply

215 to any tax imposed by chapter 220, Florida Statutes, on the

216 interest, income, or profits on debt obligations owned by

217 corporations.

218 (g) The corporation may validate obligations to be

219 incurred pursuant to this act and the validity and

220 enforceability of any agreements or resolutions of public record

221 providing for payments pledged to the payment thereof by

222 proceedings under chapter 75, Florida Statutes. The validation

223 complaint shall be filed only in the Circuit Court for Brevard

CS/HB 1549

2008

224 County. The notice required to be published by s. 75.06, Florida  
 225 Statutes, shall be published in Brevard County, and the  
 226 complaint and order of the circuit court shall be served only on  
 227 the State Attorney for the Eighteenth Judicial Circuit. Sections  
 228 75.04(2) and 75.06(2), Florida Statutes, shall not apply to a  
 229 complaint for validation filed as authorized in this paragraph.  
 230 (h) The corporation shall not be deemed to be a special  
 231 district for purposes of chapter 189, Florida Statutes, or a  
 232 unit of local government for purposes of part III of chapter  
 233 218, Florida Statutes. The provisions of chapters 120 and 215,  
 234 Florida Statutes, except the limitation on interest rates  
 235 provided by s. 215.84, Florida Statutes, which applies to  
 236 obligations of the corporation issued pursuant to this act, and  
 237 part I of chapter 287, Florida Statutes, except ss. 287.0582 and  
 238 287.0641, Florida Statutes, shall not apply to this act, the  
 239 corporation created in this act, the service contracts entered  
 240 into pursuant to this act, or debt obligations issued by the  
 241 corporation as contemplated in this act.  
 242 (i) Notwithstanding any other provision of law, any pledge  
 243 of or other security interest in revenue, money, accounts,  
 244 contract rights, general intangibles, or other personal property  
 245 made or created by the fund or the corporation shall be valid,  
 246 binding, and perfected from the time such pledge is made or  
 247 other security interest attaches without any physical delivery  
 248 of the collateral or further act and the lien of any such pledge  
 249 or other security interest shall be valid, binding, and  
 250 perfected against all parties having claims of any kind in tort,  
 251 contract, or otherwise against the fund or the corporation

Page 9 of 11

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hb1549-01-c1

CS/HB 1549

2008

252 irrespective of whether or not such parties have notice of such  
 253 claims. No instrument by which such a pledge or security  
 254 interest is created nor any financing statement need be recorded  
 255 or filed.  
 256 (6) INVESTMENTS; BENEFITS AND EARNINGS.--  
 257 (a) The corporation may invest in any of the investments  
 258 authorized by s. 218.415, Florida Statutes.  
 259 (b) All bonds of the corporation shall be and constitute  
 260 legal investments without limitation for all public bodies of  
 261 this state; for all banks, trust companies, savings banks,  
 262 savings associations, savings and loan associations, and  
 263 investment companies; for all administrators, executors,  
 264 trustees, and other fiduciaries; for all insurance companies and  
 265 associations and other persons carrying on an insurance  
 266 business; and for all other persons who are now or may hereafter  
 267 be authorized to invest in bonds or other obligations of the  
 268 state and shall be and constitute eligible securities to be  
 269 deposited as collateral for the security of any state, county,  
 270 municipal, or other public funds. This paragraph shall be  
 271 considered as additional and supplemental authority and shall  
 272 not be limited without specific reference to this paragraph.  
 273 (c) In no event shall any of the benefits or earnings of  
 274 the corporation inure to the benefit of any private person.  
 275 (7) CORPORATE EXISTENCE; DISSOLUTION.--  
 276 (a) The corporation and its corporate existence shall  
 277 continue until terminated by law. However, no such law shall  
 278 take effect as long as the corporation has bonds outstanding  
 279 unless adequate provision has been made for the payment of such

Page 10 of 11

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hb1549-01-c1



280 bonds pursuant to the documents authorizing the issuance of such  
 281 bonds.

282 (b) Upon dissolution of the corporation, title to all  
 283 property owned by the corporation shall vest in Brevard County.

284 (8) ANNUAL REPORT.--By December 1 each year, the  
 285 corporation shall submit an annual report to the Governor, the  
 286 President of the Senate, and the Speaker of the House of  
 287 Representatives containing:

288 (a) A detailed description of the corporation's activities  
 289 and accomplishments for the year.

290 (b) An annual financial accounting of resources and  
 291 expenditures prepared by an independent certified public  
 292 accountant.

293 (c) A statement of the strategic priorities of the  
 294 corporation and their use in guiding resource allocations.

295 (d) Any recommendations the corporation has for action by  
 296 the Legislature or by the agencies of state, county, or  
 297 municipal governments to foster research concerning, or  
 298 development or deployment of, advanced combustion technology.

299 (9) CONSTRUCTION.--The powers granted to the corporation  
 300 shall be liberally construed so that the corporation may achieve  
 301 the purposes and goals of this act.

302 Section 2. This act shall take effect upon becoming a law.

Amendment No.

CHAMBER ACTION

Senate

House

---

---

1 Representative Altman offered the following:

2

3 **Amendment (with title amendment)**

4 Remove line 35 and insert:

5 (a) There is created a not-for-profit public benefit  
6 corporation, to be

7

8

9

10

-----

11

**T I T L E A M E N D M E N T**

12

Remove line 4 and insert:

13

Inc., as a not-for-profit public benefit corporation; providing

14

a

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Amendment No.

CHAMBER ACTION

Senate

House

---

---

1 Representative Altman offered the following:

2

3 **Amendment**

4 Remove lines 198-200 and insert:

5 public and governmental purpose. Bonds issued under this act,  
6 together with interest thereon and income therefrom, are

7



April 16, 2008

*The Honorable Marco Rubio, Speaker*

I am directed to inform the House of Representatives that the Senate has refused to concur in House Amendment 1 to CS for CS for SB 1716 and requests the House to recede.

*Faye W. Blanton, Secretary*

SAMPLE

1 A bill to be entitled

2 An act relating to postsecondary education; amending s.

3 1000.21, F.S.; redesignating the names of certain

4 community colleges as colleges; creating s. 1001.60, F.S.;

5 establishing the Florida College System to be comprised of

6 public postsecondary educational institutions meeting

7 certain criteria; providing system purposes; providing

8 limitations; authorizing the name change of an institution

9 under certain conditions; providing for local boards of

10 trustees and membership thereof; amending s. 1004.35,

11 F.S.; conforming provisions; creating s. 1004.87, F.S.;

12 establishing the Florida College System Task Force for the

13 purpose of developing recommendations for the transition

14 of community colleges to baccalaureate-degree-granting

15 colleges and for establishing and funding state colleges;

16 providing for membership and appointments; providing

17 duties of the task force; requiring reporting; providing

18 for dissolution of the task force; creating s. 1004.875,

19 F.S.; creating the State College Pilot Project for the

20 purpose of developing recommendations for the transition

21 of community colleges to state colleges and for developing

22 a funding model for the Florida College System;

23 designating certain institutions to participate in the

24 pilot project; providing duties of the institutions;

25 requiring reporting; providing an effective date.

26

27 Be It Enacted by the Legislature of the State of Florida:

28

29 Section 1. Paragraphs (b), (e), (k), (u), and (x) of

30 subsection (3) of section 1000.21, Florida Statutes, are amended

31 to read:

32 1000.21 Systemwide definitions.--As used in the Florida K-

33 20 Education Code:

34 (3) "Community college," except as otherwise specifically

35 provided, includes the following institutions and any branch

36 campuses, centers, or other affiliates of the institution:

37 (b) Broward ~~Community~~ College.

38 (e) Daytona Beach ~~Community~~ College.

39 (k) Indian River ~~Community~~ College.

40 (u) Polk ~~Community~~ College.

41 (x) Santa Fe ~~Community~~ College.

42 Section 2. Section 1001.60, Florida Statutes, is created to

43 read:

44 1001.60 Florida College System.--

45 (1) PURPOSES.--In order to maximize open access for

46 students, respond to community needs for postsecondary academic

47 education and career degree education, and provide associate and

48 baccalaureate degrees that will best meet the state's employment

49 needs, the Legislature establishes a system of governance for the

50 Florida College System.

51 (2) FLORIDA COLLEGE SYSTEM.--There shall be a single

52 Florida College System comprised of the public postsecondary

53 educational institutions identified in s. 1000.21(3) that grant

54 2-year and 4-year academic degrees as provided by law. An

55 institution within the Florida College System may not offer

56 graduate degree programs.

57 (a) The programs and services offered by institutions in

58 the Florida College System in providing associate and

59 baccalaureate degrees shall be delivered in a cost-effective  
60 manner that demonstrates substantial savings to the student and  
61 to the state over the cost of providing the degree at a state  
62 university.  
63 (b)1. With the approval of the institution's local board of  
64 trustees, an institution in the Florida College System may change  
65 the institution's name and use the designation "college" if it  
66 has been authorized to grant baccalaureate degrees pursuant to s.  
67 1004.73 or s. 1007.33 or if it has received approval from the  
68 State Board of Education pursuant to this paragraph.  
69 2. With the approval of an institution's local board of  
70 trustees, any institution in the Florida College System may  
71 request approval from the State Board of Education to change the  
72 institution's name and use the designation "college." The State  
73 Board of Education may approve the request if the institution  
74 enters into an agreement with the State Board of Education to do  
75 the following:  
76 a. Maintain as the institution's primary mission  
77 responsibility for responding to community needs for  
78 postsecondary academic education and career degree education as  
79 prescribed in s. 1004.65(6).  
80 b. Maintain an open-door admissions policy for associate-  
81 level degree programs and workforce education programs.  
82 c. Continue to provide outreach to underserved populations.  
83 d. Continue to provide remedial education.  
84 e. Comply with all provisions of the statewide articulation  
85 agreement that relate to 2-year and 4-year public degree-granting  
86 institutions as adopted by the State Board of Education pursuant  
87 to s. 1007.23.

88 3. An institution in the Florida College System shall not  
89 use the designation "university."  
90 (3) LOCAL BOARDS OF TRUSTEES.--Each institution within the  
91 Florida College System shall be governed by a local board of  
92 trustees as provided in s. 1001.64. The membership of each local  
93 board of trustees shall be as provided in s. 1001.61.  
94 Section 3. Section 1004.35, Florida Statutes, is amended to  
95 read:  
96 1004.35 Broward County campuses of Florida Atlantic  
97 University; coordination with other institutions.--The State  
98 Board of Education, the Board of Governors, and Florida Atlantic  
99 University shall consult with Broward ~~Community~~ College and  
100 Florida International University in coordinating course offerings  
101 at the postsecondary level in Broward County, Florida Atlantic  
102 University may contract with the Board of Trustees of Broward  
103 ~~Community~~ College and with Florida International University to  
104 provide instruction in courses offered at the Southeast Campus.  
105 Florida Atlantic University shall increase course offerings at  
106 the Southeast Campus as facilities become available.  
107 Section 4. Section 1004.87, Florida Statutes, is created to  
108 read:  
109 1004.87 Florida College System Task Force.--  
110 (1) The Florida College System Task Force is established  
111 within the Division of Community Colleges of the Department of  
112 Education for the purpose of developing findings and issuing  
113 recommendations regarding the transition of community colleges to  
114 baccalaureate-degree-granting colleges and the criteria for  
115 establishing and funding state colleges.  
116 (2)(a) All members of the task force must be appointed on

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117 or before August 31, 2008, and the task force shall hold its  
 118 first meeting on or before September 15, 2008.  
 119 (b)1. The task force shall be comprised of the Commissioner  
 120 of Education and 11 members appointed by the Commissioner.  
 121 2. The Commissioner of Education shall be the chair and a  
 122 voting member of the task force.  
 123 3. The appointees shall include seven community college  
 124 presidents, one state university president, the president of an  
 125 institution that is eligible to participate in the William L.  
 126 Boyd, IV, Florida Resident Access Grant Program, the president of  
 127 an institution that is licensed by the Commission for Independent  
 128 Education and grants baccalaureate degrees, and one member at  
 129 large. The community college presidents appointed to the task  
 130 force may not include the presidents of the institutions named to  
 131 participate in the State College Pilot Project. The community  
 132 college presidents appointed to the task force must reflect the  
 133 diversity of program offerings and service areas of the 28  
 134 community colleges and include representatives of community  
 135 colleges that are authorized to grant baccalaureate degrees,  
 136 community colleges that are not authorized to grant baccalaureate  
 137 degrees, community colleges that have urban service areas,  
 138 community colleges that have rural service areas, community  
 139 colleges the service areas of which have populations of 500,000  
 140 or more, and community colleges the service areas of which have  
 141 populations of fewer than 500,000.  
 142 (3) The task force shall:  
 143 (a) Recommend a program approval process for new  
 144 baccalaureate degree programs that are designed to meet the  
 145 employment needs of Florida, including approval as a

Page 5 of 10

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146 baccalaureate-degree-granting community college and as a state  
 147 college.  
 148 (b) Recommend a funding model that considers projected  
 149 enrollment, adjustments for actual enrollment, program mix, and  
 150 comparable support for similar programs across all institutions,  
 151 including state colleges and community colleges authorized by the  
 152 State Board of Education to award baccalaureate degrees pursuant  
 153 to s. 1007.33. The funding model must ensure that the programs  
 154 and services offered by institutions in the Florida College  
 155 System in providing associate and baccalaureate degrees are  
 156 delivered in a cost-effective manner that demonstrates  
 157 substantial savings to the student and to the state over the cost  
 158 of providing the degree at a state university.  
 159 (c) Identify the areas, both geographic and academic, in  
 160 which an increased number of graduates who have baccalaureate  
 161 degrees are necessary in order to meet regional and statewide  
 162 workforce needs.  
 163 (d) Monitor implementation of the State College Pilot  
 164 Project.  
 165 (e) Recommend priorities and criteria for baccalaureate  
 166 programs that may be offered without specific approval by the  
 167 State Board of Education.  
 168 (4) Any recommendation from the task force to the  
 169 Legislature requires approval by at least three-fourths of the  
 170 membership of the task force.  
 171 (5) The task force shall be staffed by existing employees  
 172 of the Division of Community Colleges.  
 173 (6)(a) Community colleges, state universities, the  
 174 Commission for Independent Education, and the Agency for

Page 6 of 10

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175 Workforce Innovation shall provide information and assistance to  
 176 the task force.

177 (b) Independent postsecondary educational institutions,  
 178 representatives of the business community, and other stakeholders  
 179 are encouraged to provide the task force with information to  
 180 assist the task force in its deliberations.

181 (7) The task force shall submit a report and  
 182 recommendations to the Governor, the State Board of Education,  
 183 the President of the Senate, and the Speaker of the House of  
 184 Representatives by March 2, 2009. The report must include any  
 185 comments from the task force regarding the final report resulting  
 186 from the State College Pilot Project and any specific  
 187 recommendations of the task force for legislative action during  
 188 the 2009 Regular Session of the Legislature.

189 (8) The task force shall be dissolved effective June 30,  
 190 2010, prior to which time it shall issue its final report with  
 191 recommended detailed criteria for implementing the Florida  
 192 College System as a permanent part of the state system of higher  
 193 education.

194 Section 5. Section 1004.875, Florida Statutes, is created  
 195 to read:

196 1004.875 State College Pilot Project.--

197 (1) The Legislature finds that it is in the best interest  
 198 of the state to provide the residents of the state affordable  
 199 access to baccalaureate degree programs that are designed to meet  
 200 regional and statewide employment needs.

201 (2)(a) Beginning with the 2008-2009 fiscal year, the State  
 202 College Pilot Project is created, which shall be conducted by  
 203 Chipola College, Daytona Beach College, Edison College, Indian

Page 7 of 10

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204 River College, Miami Dade College, Okaloosa-Walton College, Polk  
 205 College, Santa Fe College, and St. Petersburg College in  
 206 collaboration with the Florida College System Task Force. The  
 207 purpose of the pilot project is to recommend to the Legislature  
 208 an approval process for the transition of baccalaureate-degree  
 209 granting community colleges to state colleges in order to meet  
 210 the employment needs of Florida, criteria for the transition of  
 211 institutions in the Florida College System to state colleges, and  
 212 a funding model for the Florida College System.

213 (b) With the approval of the community college's board of  
 214 trustees and continued compliance with the provisions of  
 215 subsection (3), a community college identified in paragraph (a)  
 216 as a participant in the State College Pilot Project may change  
 217 the institution's name and use the designation "state college."  
 218 An institution participating in the State College Pilot Project  
 219 shall not use the designation "university."

220 (3) Each institution identified in subsection (2) as a  
 221 participant in the pilot project shall:

222 (a) Maintain, as the institution's primary mission,  
 223 responsibility for responding to community needs for  
 224 postsecondary academic education and career degree education as  
 225 prescribed in s. 1004.65(6).

226 (b) Maintain an open-door admissions policy for associate-  
 227 level degree programs and workforce education programs.

228 (c)1. Require, as a condition of admission to upper-  
 229 division programs, successful completion of the college-level  
 230 communication and mathematics skills examination (CUAST).  
 231 established pursuant to s. 1008.29, unless the student has been  
 232 awarded an associate degree from a community college or a state

Page 8 of 10

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233 university.

234 2. For purposes of a longitudinal analysis of the CLAST,

235 and notwithstanding any other provision of law to the contrary,

236 administer the CLAST to each student admitted to an upper-

237 division program unless the student has previously achieved the

238 minimum scores that constitute successful completion of the

239 examination as established pursuant to s. 1008.29(4). The

240 institution shall report annually the test scores of each student

241 tested pursuant to the provisions of this subparagraph and any

242 exemption the student has been provided pursuant to s. 1008.29(9)

243 to the Florida College System Task Force until its dissolution,

244 to the State Board of Education once the task force is dissolved,

245 and to the Office of Program Policy Analysis and Government

246 Accountability.

247 (d) Continue to provide outreach to underserved

248 populations.

249 (e) Continue to provide remedial education.

250 (f) Comply with all provisions of the statewide

251 articulation agreement that relate to 2-year and 4-year public

252 degree-granting institutions as adopted by the State Board of

253 Education pursuant to s. 1007.23.

254 (g) Be prohibited from awarding graduate credit or graduate

255 degrees.

256 (h) Be prohibited from participating in intercollegiate

257 athletics beyond the 2-year level.

258 (i) Deliver the programs and services in providing

259 associate and baccalaureate degrees in a cost-effective manner

260 that demonstrates substantial savings to the student and to the

261 state over the cost of providing the degree at a state

Page 9 of 10

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262 university.

263 (4) (a) The institutions participating in the pilot project

264 shall collaborate with the Florida College System Task Force to

265 make recommendations to the State Board of Education, the

266 President of the Senate, and the Speaker of the House of

267 Representatives on specific issues that should be addressed in

268 the transition of a community college to a state college. Any

269 recommendations of the institutions participating in the pilot

270 project require approval by two-thirds of the participating

271 institutions. At a minimum, the following areas should be

272 addressed during the course of the pilot project:

273 1. The development of a program approval process to be

274 followed by the State Board of Education when considering

275 proposals for new baccalaureate degree programs that are designed

276 to meet the employment needs of Florida. Proposals for new

277 baccalaureate degree programs are not limited to proposals

278 designed to meet regional workforce needs.

279 2. The formulation of criteria for the transition of an

280 institution from a community college to a state college.

281 3. The development of a funding model for state colleges.

282 (b) A final report, including a status report on the

283 transition of the institutions participating in the pilot project

284 and recommendations on the issues outlined in paragraph (a),

285 shall be submitted to the State Board of Education, the President

286 of the Senate, the Speaker of the House of Representatives, and

287 the Florida College System Task Force by January 1, 2009.

288 Section 6. This act shall take effect July 1, 2008.

Page 10 of 10

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**RETURNING HOUSE MESSAGES**  
**CS/HB 739 (2<sup>nd</sup> Eng.)**

April 29, 2008

*The Honorable Marco Rubio, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS/HB 739, with 1 amendment, and requests the concurrence of the House.

*Faye W. Blanton, Secretary*

SAMPLE

1 A bill to be entitled

2 An act relating to guardian advocates for persons with

3 developmental disabilities; amending s. 393.12, F.S.;

4 requiring the court to conduct determination of incapacity

5 of persons with developmental disabilities and appointment

6 of guardian advocates in separate proceedings; revising

7 conditions relating to venue for appointment of guardian

8 advocates; providing that the guardian advocate need not

9 be represented by an attorney unless required by the court

10 or the guardian advocate is delegated certain rights

11 regarding property; limiting applicability to certain

12 proceedings relating to appointment and supervision of

13 guardian advocates; requiring the petition to include the

14 relationship of the proposed guardian advocate to certain

15 providers; modifying the persons to whom a notice of the

16 filing of the petition must be given to include next of

17 kin, the health care surrogate designated to execute an

18 advance directive, and the agent under durable power of

19 attorney; removing a provision requiring the inclusion of

20 certain information relating to the right to be

21 represented by counsel in the notice of the filing of the

22 petition; establishing a timeframe for appointment of

23 counsel and modifying who may be appointed as counsel to a

24 person with a developmental disability; providing

25 conditions for the court to appoint attorneys; requiring

26 court proceedings and orders to consider advance

27 directives for health care and durable powers of attorney;

28 requiring the court's order to provide the name and

29 reasons for the selection of the guardian advocate;

30 providing a process for restoration of rights for the

31 person with a developmental disability; providing for the

32 petitioner to submit evidentiary support to the court;

33 providing for a hearing if no evidentiary support is

34 available; amending s. 393.13, F.S.; conforming a cross-

35 reference; providing an effective date.

36

37 Be It Enacted by the Legislature of the State of Florida:

38

39 Section 1. Section 393.12, Florida Statutes, is amended to

40 read:

41 393.12 Capacity; appointment of guardian advocate.--

42 (1) CAPACITY.--

43 (a) ~~The issue of capacity shall be separate and distinct~~

44 ~~from a determination of the appropriateness of admission to~~

45 ~~nonresidential services or residential care for a condition of~~

46 ~~developmental disabilities. A~~ No person with a developmental

47 disability may not ~~shall~~ be presumed incapacitated solely by

48 reason of his or her acceptance in nonresidential services or

49 admission to residential care and may not; ~~not shall any such~~

50 ~~person~~ be denied the full exercise of all legal rights

51 guaranteed to citizens of this state and of the United States.

52 (b) The determination of incapacity issue of capacity of a

53 person with a developmental disability and the appointment of a

54 guardian must be conducted ~~disabilities shall be determined in a~~

55 separate proceeding according to the procedures and requirements

56 of chapter 744 and the Florida Probate Rules.

CSHB 739, Engrossed 2

2008

57 (2) APPOINTMENT OF A GUARDIAN ADVOCATE.--  
 58 (a) ~~Genalties.~~ A circuit ~~probate~~ court may appoint a  
 59 guardian advocate, without an adjudication of incapacity, for a  
 60 person with developmental disabilities, if the person lacks the  
 61 decisionmaking ability ~~esperty~~ to do some, but not all, of the  
 62 decisionmaking tasks necessary to care for his or her person or  
 63 property, ~~or estate~~ or if the person has voluntarily petitioned  
 64 for the appointment of a guardian advocate. Except as otherwise  
 65 specified, the proceeding shall be governed by the Florida Rules  
 66 of Probate ~~Civil~~ Procedure.  
 67 (b) A person who is being considered for appointment or is  
 68 appointed as a guardian advocate need not be represented by an  
 69 attorney unless required by the court or if the guardian  
 70 advocate is delegated any rights regarding property other than  
 71 the right to be the representative payee for government  
 72 benefits. This paragraph applies only to proceedings relating to  
 73 the appointment of a guardian advocate and the court's  
 74 supervision of a guardian advocate and is not an exercise of the  
 75 Legislature's authority pursuant to s. (2)(a), Art. V of the  
 76 State Constitution.

77 (3) ~~(4)~~ PETITION.--A petition to appoint a guardian  
 78 advocate for a person with a developmental disability may be  
 79 executed by an adult person who is a resident of this state. The  
 80 petition must ~~shall~~ be verified and must ~~shall~~:

81 (a) ~~(1)~~ State the name, age, and present address of the  
 82 petitioner and his or her relationship to the person with a  
 83 developmental disability ~~disabilities~~;

84 (b) ~~(2)~~ State the name, age, county of residence, and

Page 3 of 13

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hb0739-03-e2

CSHB 739, Engrossed 2

2008

85 present address of the person with a developmental disability  
 86 ~~disabilities~~;

87 (c) ~~(3)~~ Allege that the petitioner believes that the person  
 88 needs a guardian advocate and specify the factual information on  
 89 which such belief is based;

90 (d) ~~(4)~~ Specify the exact areas in which the person lacks  
 91 the decisionmaking ability ~~esperty~~ to make informed decisions  
 92 about his or her care and treatment services or to meet the  
 93 essential requirements for his or her physical health or safety;

94 (e) ~~(5)~~ Specify the legal disabilities to which the person  
 95 is subject; and

96 (f) ~~(6)~~ State the name of the proposed guardian advocate,  
 97 the relationship of that person to the person with a

98 developmental disability; the relationship that the proposed  
 99 guardian advocate had or has with a provider of health care

100 services, residential services, or other services to the person  
 101 with a developmental disability; ~~disabilities~~; and the reason  
 102 why this person should be appointed. If a willing and qualified  
 103 guardian advocate cannot be located, the petition shall so  
 104 state.

105 (4) ~~(4)~~ NOTICE.--

106 (a) ~~(1)~~ Notice of the filing of the petition must ~~shall~~ be  
 107 given to the person with a developmental disability, ~~individual~~  
 108 ~~and his or her parent or parents. The notice shall be given both~~  
 109 verbally and in writing in the language of the person and in  
 110 English. Notice must ~~shall~~ also be given to the next of kin of  
 111 the person with a developmental disability as defined in chapter  
 112 744, any health care surrogate designated for the person with a

Page 4 of 13

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hb0739-03-e2

113 developmental disability pursuant to an advance directive under  
 114 chapter 765, any agent designated for the person with a  
 115 developmental disability under a durable power of attorney, and  
 116 such other persons as the court may direct. A copy of the  
 117 petition to appoint a guardian advocate must shall be served  
 118 with the notice.  
 119 (b)2- The notice must shall state that a hearing will be  
 120 held shall be set to inquire into the capacity of the person  
 121 with a developmental disability disabilities to exercise the  
 122 rights enumerated in the petition. The notice must shall also  
 123 state the date of the hearing on the petition.  
 124 3- The notice shall state that the individual with  
 125 developmental disabilities has the right to be represented by  
 126 counsel of his or her own choice and that if the individual  
 127 cannot afford an attorney, the court shall appoint one.  
 128 (5)(e) COUNSEL.--Within 3 days after a petition has been  
 129 filed, the court shall appoint an attorney to represent a person  
 130 with a developmental disability who is the subject of a petition  
 131 to appoint a guardian advocate. The person with a developmental  
 132 disability may substitute his or her own attorney for the  
 133 attorney appointed by the court.

134 (a) If the court appoints the attorney:  
 135 1. The court shall appoint a private attorney who shall be  
 136 selected from the attorney registry compiled pursuant to s.  
 137 27.40.  
 138 2. The attorney must have completed a minimum of 8 hours  
 139 of education in guardianship. The court may waive this  
 140 requirement for an attorney who has served as a court-appointed

141 attorney in guardian advocate proceedings or as an attorney of  
 142 record for guardian advocates for at least 3 years.

143 (b) An attorney representing a person with a developmental  
 144 disability may not also serve as the guardian advocate of the  
 145 person, as counsel for the guardian advocate, or as counsel for  
 146 the person petitioning for the appointment of a guardian  
 147 advocate.

148 1. ~~Every person with developmental disabilities who is the~~  
 149 ~~subject of a petition to appoint a guardian advocate shall be~~  
 150 ~~represented by counsel.~~

151 2. ~~Every person with developmental disabilities has the~~  
 152 ~~right to be represented by counsel of his or her own choice. If~~  
 153 ~~the person cannot afford an attorney, the court shall appoint~~  
 154 ~~one to represent the person. The court shall appoint counsel if~~  
 155 ~~no appearance has been filed within 10 working days of the~~  
 156 ~~hearing.~~

157 (6)(e) HEARING.--

158 (a)1- Upon the filing of the petition to appoint a  
 159 guardian advocate, the court shall set a date for holding a  
 160 hearing on upon which the petition shall be heard. The A hearing  
 161 must on the petition shall be held as soon as practicable after  
 162 the petition is filed, but reasonable delay for the purpose of  
 163 investigation, discovery, or procuring counsel or witnesses may  
 164 shall be granted.

165 (b)2- The hearing must be held shall be conducted at the  
 166 time and place specified in the notice of hearing and must. The  
 167 hearing shall be conducted in a manner consistent with due  
 168 process.

169 ~~(c)3-~~ The person with a developmental disability  
 170 ~~individual~~ has the right to be present at the hearing and shall  
 171 be present unless good cause to exclude the individual can be  
 172 shown. The person ~~individual~~ has the right to remain silent, to  
 173 present evidence, to call and cross-examine witnesses, and to  
 174 have the hearing open or closed, as the person may choose.  
 175 ~~(d)4-~~ At the hearing, the court shall receive and consider  
 176 all reports relevant to the person's ~~disability disabilities,~~  
 177 including, but not limited to, the person's current individual  
 178 family or individual support plan, the individual education  
 179 plan, and other professional reports documenting the condition  
 180 and needs of the person ~~individual~~.

181 ~~(e)5-~~ The Florida Evidence Code, chapter 90, applies ~~shall~~  
 182 apply at the hearing. The burden of proof ~~shall~~ be by clear  
 183 and convincing evidence.

184 (7) ADVANCE DIRECTIVES FOR HEALTH CARE AND DURABLE POWER  
 185 OF ATTORNEY.--In each proceeding in which a guardian advocate is  
 186 appointed under this section, the court shall determine whether  
 187 the person with a developmental disability has executed any  
 188 valid advance directive under chapter 765 or a durable power of  
 189 attorney under chapter 709.

190 (a) If the person with a developmental disability has  
 191 executed an advance directive or durable power of attorney, the  
 192 court must consider and find whether the documents will  
 193 sufficiently address the needs of the person with a  
 194 developmental disability for whom the guardian advocate is  
 195 sought. A guardian advocate may not be appointed if the court  
 196 finds that the advance directive or durable power of attorney

197 provides an alternative to the appointment of a guardian  
 198 advocate which will sufficiently address the needs of the person  
 199 with a developmental disability.

200 (b) If an interested person seeks to contest an advance  
 201 directive or durable power of attorney executed by a person with  
 202 a developmental disability, the interested person shall file a  
 203 verified statement. The verified statement shall include the  
 204 factual basis for the belief that the advance directive or  
 205 durable power of attorney is invalid or does not sufficiently  
 206 address the needs of the person for whom a guardian advocate is  
 207 sought or that the person with authority under the advance  
 208 directive or durable power of attorney is abusing his or her  
 209 power.

210 (c) If an advance directive exists, the court shall  
 211 specify in its order and letters of guardian advocacy what  
 212 authority, if any, the guardian advocate shall exercise over the  
 213 person's health care surrogate. Pursuant to the grounds listed  
 214 in s. 765.105, the court, upon its own motion, may, with notice  
 215 to the health care surrogate and any other appropriate parties,  
 216 modify or revoke the authority of the health care surrogate to  
 217 make health care decisions for the person with a developmental  
 218 disability. For purposes of this section, the term "health care  
 219 decision" has the same meaning as in s. 765.101.

220 (d) If any durable power of attorney exists, the court  
 221 shall specify in its order and letters of guardian advocacy what  
 222 powers of the agent, if any, are suspended and granted to the  
 223 guardian advocate. The court, however, may not suspend any  
 224 powers of the agent unless the court determines the durable



225 power of attorney is invalid or there is an abuse by the agent  
 226 of the powers granted.  
 227 (8) ~~(#)~~ COURT ORDER determining the appointment of a  
 228 guardian-advocate.--If the court finds the person with a  
 229 developmental disability ~~abilities~~ requires the appointment  
 230 of a guardian advocate, the court shall enter a written order  
 231 appointing the guardian advocate and containing determining the  
 232 need for a guardian-advocate. ~~The written order shall contain~~  
 233 the findings of facts and conclusions of law on which the court  
 234 made its decision, including, ~~the court shall make the following~~  
 235 findings:  
 236 (a) ~~1-~~ The nature and scope of the person's lack of  
 237 decisionmaking ability ~~incapacity~~;  
 238 (b) ~~2-~~ The exact areas in which the individual lacks  
 239 decisionmaking ability ~~capacity~~ to make informed decisions about  
 240 care and treatment services or to meet the essential  
 241 requirements for his or her physical health and safety;  
 242 (c) ~~3-~~ The specific legal disabilities to which the person  
 243 with developmental disability ~~abilities~~ is subject; and  
 244 (d) The name of the person selected as guardian advocate  
 245 and the reasons for the court's selection; and  
 246 (e) ~~4-~~ The powers, ~~and~~ duties, and responsibilities of the  
 247 guardian advocate, including bonding of the guardian advocate,  
 248 as provided in ~~governed by~~ s. 744.351.  
 249 (9) ~~(#)~~ LEGAL RIGHTS.--A person with a developmental  
 250 disability ~~abilities~~ for whom a guardian advocate has been  
 251 appointed retains all legal rights except those ~~that~~ ~~which~~ have  
 252 been specifically granted to the guardian advocate.

253 (10) ~~(#)~~ POWERS AND DUTIES OF GUARDIAN ADVOCATE.--A  
 254 guardian advocate for a person with a developmental disability  
 255 ~~abilities~~ shall be a person or corporation qualified to act  
 256 as guardian, with the same powers, duties, and responsibilities  
 257 required of a guardian under chapter 744 or those defined by  
 258 court order under this section. However, a guardian advocate may  
 259 not be required to file an annual accounting under s. 744.3678  
 260 if the court determines that the person with a developmental  
 261 disability ~~abilities~~ receives income only from Social  
 262 Security benefits and the guardian advocate is the person's  
 263 representative payee for the benefits.  
 264 (11) ~~(#)~~ COURT COSTS.--In all proceedings under this  
 265 section, ~~no~~ court costs may not ~~shall~~ be charged against the  
 266 agency.  
 267 (12) SUGGESTION OF RESTORATION OF RIGHTS.--Any interested  
 268 person, including the person with a developmental disability,  
 269 may file a suggestion of restoration of rights with the court in  
 270 which the guardian advocacy is pending. The suggestion must  
 271 state that the person with a developmental disability is  
 272 currently capable of exercising some or all of the rights that  
 273 were delegated to the guardian advocate and provide evidentiary  
 274 support for the filing of the suggestion. Evidentiary support  
 275 includes, but is not limited to, a signed statement from a  
 276 medical, psychological, or psychiatric practitioner by whom the  
 277 person with a developmental disability was evaluated and which  
 278 supports the suggestion for the restoration. If the petitioner  
 279 is unable to provide evidentiary support due to the lack of  
 280 access to such information or reports, the petitioner may state

281 a good faith basis for the suggestion for the restoration of  
 282 rights without attaching evidentiary support. The court shall  
 283 immediately set a hearing if no evidentiary support is attached  
 284 to inquire of the petitioner and guardian advocate as to the  
 285 reason and enter such orders as are appropriate to secure the  
 286 required documents. The person with a disability and the  
 287 person's attorney shall be provided notice of the hearing.  
 288 (a) Within 3 days after the filing of the suggestion,  
 289 counsel shall be appointed for the person with a developmental  
 290 disability as set forth in subsection (5).  
 291 (b) The clerk of the court shall immediately send notice  
 292 of the filing of the suggestion to the person with a  
 293 developmental disability, the guardian advocate, the attorney  
 294 for the person with a developmental disability, the attorney for  
 295 the guardian advocate, if any, and any other interested person  
 296 designated by the court. Formal notice shall be served on the  
 297 guardian advocate. Informal notice may be served on other  
 298 persons. Notice need not be served on the person who filed the  
 299 suggestion.

300 (c) Any objections to the suggestion must be filed within  
 301 20 days after service of the notice. If an objection is timely  
 302 filed, or if the evidentiary support suggests that restoration  
 303 of rights is not appropriate, the court shall set the matter for  
 304 hearing. The hearing shall be conducted as set forth in s.  
 305 744.1095. The court, at the hearing, shall consider all reports  
 306 and testimony relevant to the person's decisionmaking abilities  
 307 at the hearing, including, but not limited to, the person's  
 308 current individual family plan or individual support plan, the

309 individual education plan, and other professional reports that  
 310 document the condition and needs of the person.  
 311 (d) Notice of the hearing and copies of the objections  
 312 shall be served upon the person with a developmental disability,  
 313 the attorney for the person with a developmental disability, the  
 314 guardian advocate, the attorney for the guardian advocate, the  
 315 next of kin of the person with a developmental disability, and  
 316 any other interested person as directed by the court.  
 317 (e) If no objections are filed and the court is satisfied  
 318 with the evidentiary support for restoration, the court shall  
 319 enter an order of restoration of rights which were delegated to  
 320 a guardian advocate and which the person with a developmental  
 321 disability may now exercise.  
 322 (f) At the conclusion of a hearing, the court shall enter  
 323 an order denying the suggestion or restoring all or some of the  
 324 rights that were delegated to the guardian advocate. If only  
 325 some rights are restored to the person with a developmental  
 326 disability, the court shall enter amended letters of guardian  
 327 advocacy.

328 (g) If only some rights are restored to the person with a  
 329 developmental disability, the order must state which rights are  
 330 restored and amended letters of guardian advocacy shall be  
 331 issued by the court. The guardian advocate shall amend the  
 332 current plan as required under chapter 744 if personal rights  
 333 are restored to the person with a developmental disability. The  
 334 guardian advocate shall file a final accounting as required  
 335 under chapter 744 if all property rights are restored to the  
 336 person with a developmental disability. The guardian advocate

337 must file the amended plan or final accounting within 60 days  
 338 after the order restoring rights and amended letters of guardian  
 339 advocacy are issued. A copy of the reports shall be served upon  
 340 the person with a developmental disability and the attorney for  
 341 the person with a developmental disability.

342 Section 2. Paragraph (h) of subsection (3) of section  
 343 393.13, Florida Statutes, is amended to read:

344 393.13 Treatment of persons with developmental  
 345 disabilities.--

346 (3) RIGHTS OF ALL PERSONS WITH DEVELOPMENTAL  
 347 DISABILITIES.--The rights described in this subsection shall  
 348 apply to all persons with developmental disabilities, whether or  
 349 not such persons are clients of the agency.

350 (h) Persons with developmental disabilities shall have a  
 351 right to consent to or refuse treatment, subject to the powers  
 352 of a guardian appointed pursuant to s. 393.12 or a  
 353 guardian appointed pursuant to provisions of s. ~~393.12(2)(a) or~~  
 354 chapter 744.

Section 3. This act shall take effect July 1, 2008.



CHAMBER ACTION

Senate	House
Floor: 1/AD/3R	Floor: SEN A/AA
4/29/2008 9:56 AM	5/1/2008 4:11 PM

17 ~~person~~ be denied the full exercise of all legal rights guaranteed  
 18 to citizens of this state and of the United States.  
 19 (b) The determination of incapacity ~~issue of capacity~~ of a  
 20 person with a developmental disability and the appointment of a  
 21 guardian must be conducted ~~disabilities shall be determined~~ in a  
 22 separate proceeding according to the procedures and requirements  
 23 of chapter 744 and the Florida Probate Rules.

24 (2) APPOINTMENT OF A GUARDIAN ADVOCATE.--  
 25 (a) ~~Conditions.~~ A circuit ~~probate~~ court may appoint a  
 26 guardian advocate, without an adjudication of incapacity, for a  
 27 person with developmental disabilities, if the person lacks the  
 28 decisionmaking ability ~~capacity~~ to do some, but not all, of the  
 29 decisionmaking tasks necessary to care for his or her person ~~or~~  
 30 property, ~~or estate~~ or if the person has voluntarily petitioned  
 31 for the appointment of a guardian advocate. Except as otherwise  
 32 specified, the proceeding shall be governed by the Florida Rules  
 33 of Probate ~~Civil~~ Procedure.

34 (b) A person who is being considered for appointment or is  
 35 appointed as a guardian advocate need not be represented by an  
 36 attorney unless required by the court or if the guardian advocate  
 37 is delegated any rights regarding property other than the right  
 38 to be the representative payee for government benefits. This  
 39 paragraph applies only to proceedings relating to the appointment  
 40 of a guardian advocate and the court's supervision of a guardian  
 41 advocate and is not an exercise of the Legislature's authority  
 42 pursuant to s. (2) (a), Art. V of the State Constitution.

43 (3) ~~(b)~~ PETITION.--A petition to appoint a guardian advocate  
 44 for a person with a developmental disability may be executed by  
 45 an adult person who is a resident of this state. The petition  
 46 must ~~shall~~ be verified and must shall:



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47 (a)1- State the name, age, and present address of the  
 48 petitioner and his or her relationship to the person with a  
 49 developmental disability ~~disabilities~~;  
 50 (b)2- State the name, age, county of residence, and present  
 51 address of the person with a developmental disability  
 52 ~~disabilities~~;

53 (c)3- Allege that the petitioner believes that the person  
 54 needs a guardian advocate and specify the factual information on  
 55 which such belief is based;

56 (d)4- Specify the exact areas in which the person lacks the  
 57 decisionmaking ability ~~ability~~ to make informed decisions about  
 58 his or her care and treatment services or to meet the essential  
 59 requirements for his or her physical health or safety;

60 (e)5- Specify the legal disabilities to which the person is  
 61 subject; and

62 (f)6- State the name of the proposed guardian advocate, the  
 63 relationship of that person to the person with a developmental  
 64 disability; the relationship that the proposed guardian advocate  
 65 had or has with a provider of health care services, residential  
 66 services, or other services to the person with a developmental  
 67 disability; ~~abilities~~ and the reason why this person should  
 68 be appointed. If a willing and qualified guardian advocate cannot  
 69 be located, the petition shall so state.

70 (4)4- NOTICE.--  
 71 (a)1- Notice of the filing of the petition ~~shall~~ be  
 72 given to the person with a developmental disability, ~~individual~~  
 73 ~~and his or her parent or parent.~~ The notice ~~shall be given both~~  
 74 verbally and in writing in the language of the person and in  
 75 English. Notice ~~must~~ ~~shall~~ also be given to the next of kin of  
 76 the person with a developmental disability as defined in chapter

77 744, a health care surrogate designated to execute an advance  
 78 directive under chapter 765, an agent under a durable power of  
 79 attorney, and such other persons as the court may direct. A copy  
 80 of the petition to appoint a guardian advocate ~~must~~ ~~shall~~ be  
 81 served with the notice.

82 (b)2- The notice ~~must~~ ~~shall~~ state that a hearing will be  
 83 held ~~shall be set~~ to inquire into the capacity of the person with  
 84 a developmental disability ~~abilities~~ to exercise the rights  
 85 enumerated in the petition. The notice ~~must~~ ~~shall~~ also state the  
 86 date of the hearing on the petition.

87 (c)3- The notice shall state that the person with a  
 88 developmental disability ~~abilities~~ ~~with developmental~~  
 89 ~~abilities~~ has the right to be represented by counsel of his or  
 90 her own choice and that if the person ~~abilities~~ cannot afford an  
 91 attorney, the court shall appoint one.

92 (5)4- COUNSEL.--Within 3 days after a petition has been  
 93 filed, the court shall appoint an attorney to represent a person  
 94 with a developmental disability who is the subject of a petition  
 95 to appoint a guardian advocate. The person with a developmental  
 96 disability may substitute his or her own attorney for the  
 97 attorney appointed by the court.

98 (a) If the court appoints the attorney, the attorney must  
 99 have completed a minimum of 8 hours of education in guardianship.  
 100 The court may waive this requirement for an attorney who has  
 101 served as a court-appointed attorney in guardian advocate  
 102 proceedings or as an attorney of record for guardian advocates  
 103 for at least 3 years.

104 (b) An attorney representing a person with a developmental  
 105 disability may not also serve as the guardian advocate of the  
 106 person, as counsel for the guardian advocate, or as counsel for



939538



939538

107 the person petitioning for the appointment of a guardian  
108 advocate.  
109 1. Every person with developmental disabilities who is the  
110 subject of a petition to appoint a guardian advocate shall be  
111 represented by counsel.  
112 2. Every person with developmental disabilities has the  
113 right to be represented by counsel of his or her own choice. If  
114 the person cannot afford an attorney, the court shall appoint one  
115 to represent the person. The court shall appoint counsel if no  
116 appearance has been filed within 10 working days of the hearing.  
117 (6) (e) HEARING.--  
118 (a) 1. Upon the filing of the petition to appoint a guardian  
119 advocate, the court shall set a date for holding a hearing on  
120 upon which the petition shall be heard. The hearing must on the  
121 petition shall be held as soon as practicable after the petition  
122 is filed, but reasonable delay for the purpose of investigation,  
123 discovery, or procuring counsel or witnesses may shall be  
124 granted.  
125 (b) 2. The hearing must be held shall be conducted at the  
126 time and place specified in the notice of hearing and must. The  
127 hearing shall be conducted in a manner consistent with due  
128 process.  
129 (c) 3. The person with a developmental disability ~~and~~  
130 has the right to be present at the hearing and shall be present  
131 unless good cause to exclude the individual can be shown. The  
132 person ~~and~~ has the right to remain silent, to present  
133 evidence, to call and cross-examine witnesses, and to have the  
134 hearing open or closed, as the person may choose.  
135 (d) 4. At the hearing, the court shall receive and consider  
136 all reports relevant to the person's disability ~~and~~,  
137 including, but not limited to, the person's current individual  
138 family or individual support plan, the individual education plan,  
139 and other professional reports documenting the condition and  
140 needs of the person ~~and~~.  
141 (e) 5. The Florida Evidence Code, chapter 90, applies shall  
142 apply at the hearing. The burden of proof must shall be by clear  
143 and convincing evidence.  
144 (7) ADVANCE DIRECTIVES FOR HEALTH CARE AND DURABLE POWER OF  
145 ATTORNEY.--In each proceeding in which a guardian advocate is  
146 appointed under this section, the court shall determine whether  
147 the person with a developmental disability has executed any valid  
148 advance directive under chapter 765 or a durable power of  
149 attorney under chapter 709.  
150 (a) If the person with a developmental disability has  
151 executed an advance directive or durable power of attorney, the  
152 court must consider and find whether the documents will  
153 sufficiently address the needs of the person with a developmental  
154 disability for whom the guardian advocate is sought. A guardian  
155 advocate may not be appointed if the court finds that the advance  
156 directive or durable power of attorney provides an alternative to  
157 the appointment of a guardian advocate which will sufficiently  
158 address the needs of the person with a developmental disability.  
159 (b) If an interested person seeks to contest an advance  
160 directive or durable power of attorney executed by a person with  
161 a developmental disability, the interested person shall file a  
162 verified statement. The verified statement shall include the  
163 factual basis for the belief that the advance directive or  
164 durable power of attorney is invalid or does not sufficiently  
165 address the needs of the person for whom a guardian advocate is  
166 sought or that the person with authority under the advance

137 including, but not limited to, the person's current individual  
138 family or individual support plan, the individual education plan,  
139 and other professional reports documenting the condition and  
140 needs of the person ~~and~~.  
141 (e) 5. The Florida Evidence Code, chapter 90, applies shall  
142 apply at the hearing. The burden of proof must shall be by clear  
143 and convincing evidence.  
144 (7) ADVANCE DIRECTIVES FOR HEALTH CARE AND DURABLE POWER OF  
145 ATTORNEY.--In each proceeding in which a guardian advocate is  
146 appointed under this section, the court shall determine whether  
147 the person with a developmental disability has executed any valid  
148 advance directive under chapter 765 or a durable power of  
149 attorney under chapter 709.  
150 (a) If the person with a developmental disability has  
151 executed an advance directive or durable power of attorney, the  
152 court must consider and find whether the documents will  
153 sufficiently address the needs of the person with a developmental  
154 disability for whom the guardian advocate is sought. A guardian  
155 advocate may not be appointed if the court finds that the advance  
156 directive or durable power of attorney provides an alternative to  
157 the appointment of a guardian advocate which will sufficiently  
158 address the needs of the person with a developmental disability.  
159 (b) If an interested person seeks to contest an advance  
160 directive or durable power of attorney executed by a person with  
161 a developmental disability, the interested person shall file a  
162 verified statement. The verified statement shall include the  
163 factual basis for the belief that the advance directive or  
164 durable power of attorney is invalid or does not sufficiently  
165 address the needs of the person for whom a guardian advocate is  
166 sought or that the person with authority under the advance



939538



939538

167 directive or durable power of attorney is abusing his or her  
168 power.

169 (c) If an advance directive exists, the court shall specify  
170 in its order and letters of guardian advocacy what authority, if  
171 any, the guardian advocate shall exercise over the person's  
172 health care surrogate. Pursuant to the grounds listed in s.  
173 765.105, the court, upon its own motion, may, with notice to the  
174 health care surrogate and any other appropriate parties, modify  
175 or revoke the authority of the health care surrogate to make  
176 health care decisions for the person with a developmental  
177 disability. For purposes of this section, the term "health care  
178 decision" has the same meaning as in s. 765.101.

179 (d) If any durable power of attorney exists, the court  
180 shall specify in its order and letters of guardian advocacy what  
181 powers of the agent, if any, are suspended and granted to the  
182 guardian advocate. The court, however, may not suspend any powers  
183 of the agent unless the court determines the durable power of  
184 attorney is invalid or there is an abuse by the agent of the  
185 powers granted.

186 (8)(f) COURT ORDER determining the appointment of a  
187 guardian advocate.--If the court finds the person with a  
188 developmental disability ~~disabilities~~ requires the appointment of  
189 a guardian advocate, the court shall enter a written order  
190 appointing the guardian advocate and containing ~~determining the~~  
191 ~~need for a guardian advocate. The written order shall contain~~ the  
192 findings of facts and conclusions of law on which the court made  
193 its decision, including, ~~the court shall make the following~~  
194 findings:

195 (a)1- The nature and scope of the person's lack of  
196 decisionmaking ability ~~incompetency;~~

197 (b)2- The exact areas in which the individual lacks  
198 decisionmaking ability ~~incompetency~~ to make informed decisions about  
199 care and treatment services or to meet the essential requirements  
200 for his or her physical health and safety;

201 (c)3- The specific legal disabilities to which the person  
202 with developmental disability ~~disabilities~~ is subject; ~~and~~

203 (d) The name of the person selected as guardian advocate  
204 and the reasons for the court's selection; and

205 (e)4- The powers, ~~and~~ duties, and responsibilities of the  
206 guardian advocate, including bonding of the guardian advocate, as  
207 provided in ~~section~~ s. 744.351.

208 (9)(g) LEGAL RIGHTS.--A person with a developmental  
209 disability ~~disabilities~~ for whom a guardian advocate has been  
210 appointed retains all legal rights except those that ~~which~~ have  
211 been specifically granted to the guardian advocate.

212 (10)(h) POWERS AND DUTIES OF GUARDIAN ADVOCATE.--A guardian  
213 advocate for a person with a developmental disability  
214 ~~disabilities~~ shall be a person or corporation qualified to act as  
215 guardian, with the same powers, duties, and responsibilities  
216 required of a guardian under chapter 744 or those defined by  
217 court order under this section. However, a guardian advocate may  
218 not be required to file an annual accounting under s. 744.3678 if  
219 the court determines that the person with a developmental  
220 disability ~~disabilities~~ receives income only from Social Security  
221 benefits and the guardian advocate is the person's representative  
222 payee for the benefits.

223 (11)(i) COURT COSTS.--In all proceedings under this  
224 section, ~~the~~ court costs may not ~~shall~~ be charged against the  
225 agency.



939538



939538

226 (12) SUGGESTION OF RESTORATION OF RIGHTS.--Any interested  
227 person, including the person with a developmental disability, may  
228 file a suggestion of restoration of rights with the court in  
229 which the guardian advocacy is pending. The suggestion must state  
230 that the person with a developmental disability is currently  
231 capable of exercising some or all of the rights that were  
232 delegated to the guardian advocate and provide evidentiary  
233 support for the filing of the suggestion. Evidentiary support  
234 includes, but is not limited to, a signed statement from a  
235 medical, psychological, or psychiatric practitioner by whom the  
236 person with a developmental disability was evaluated and which  
237 supports the suggestion for the restoration. If the petitioner is  
238 unable to provide evidentiary support due to the lack of access  
239 to such information or reports, the petitioner may state a good  
240 faith basis for the suggestion for the restoration of rights  
241 without attaching evidentiary support. The court shall  
242 immediately set a hearing if no evidentiary support is attached  
243 to inquire of the petitioner and guardian advocate as to the  
244 reason and enter such orders as are appropriate to secure the  
245 required documents. The person with a disability and the person's  
246 attorney shall be provided notice of the hearing.  
247 (a) Within 3 days after the filing of the suggestion,  
248 counsel shall be appointed for the person with a developmental  
249 disability as set forth in subsection (5).  
250 (b) The clerk of the court shall immediately send notice of  
251 the filing of the suggestion to the person with a developmental  
252 disability, the guardian advocate, the attorney for the person  
253 with a developmental disability, the attorney for the guardian  
254 advocate, if any, and any other interested person designated by  
255 the court. Formal notice shall be served on the guardian

256 advocate. Informal notice may be served on other persons. Notice  
257 need not be served on the person who filed the suggestion.  
258 (c) Any objections to the suggestion must be filed within  
259 20 days after service of the notice. If an objection is timely  
260 filed, or if the evidentiary support suggests that restoration of  
261 rights is not appropriate, the court shall set the matter for  
262 hearing. The hearing shall be conducted as set forth in s.  
263 744.1095. The court, at the hearing, shall consider all reports  
264 and testimony relevant to the person's decisionmaking abilities  
265 at the hearing, including, but not limited to, the person's  
266 current individual family plan or individual support plan, the  
267 individual education plan, and other professional reports that  
268 document the condition and needs of the person.  
269 (d) Notice of the hearing and copies of the objections  
270 shall be served upon the person with a developmental disability,  
271 the attorney for the person with a developmental disability, the  
272 guardian advocate, the attorney for the guardian advocate, the  
273 next of kin of the person with a developmental disability, and  
274 any other interested person as directed by the court.  
275 (e) If no objections are filed and the court is satisfied  
276 with the evidentiary support for restoration, the court shall  
277 enter an order of restoration of rights which were delegated to a  
278 guardian advocate and which the person with a developmental  
279 disability may now exercise.  
280 (f) At the conclusion of a hearing, the court shall enter  
281 an order denying the suggestion or restoring all or some of the  
282 rights that were delegated to the guardian advocate. If only some  
283 rights are restored to the person with a developmental  
284 disability, the court shall enter amended letters of guardian  
285 advocacy.





939538



939538

286 (g) If only some rights are restored to the person with a  
287 developmental disability, the order must state which rights are  
288 restored and amended letters of guardian advocacy shall be issued  
289 by the court. The guardian advocate shall amend the current plan  
290 as required under chapter 744 if personal rights are restored to  
291 the person with a developmental disability. The guardian advocate  
292 shall file a final accounting as required under chapter 744 if  
293 all property rights are restored to the person with a  
294 developmental disability. The guardian advocate must file the  
295 amended plan or final accounting within 60 days after the order  
296 restoring rights and amended letters of guardian advocacy are  
297 issued. A copy of the reports shall be served upon the person  
298 with a developmental disability and the attorney for the person  
299 with a developmental disability.

300 Section 2. Paragraph (h) of subsection (3) of section

301 393.13, Florida Statutes, is amended to read:

302 393.13 Treatment of persons with developmental

303 disabilities.--

304 (3) RIGHTS OF ALL PERSONS WITH DEVELOPMENTAL

305 DISABILITIES.--The rights described in this subsection shall

306 apply to all persons with developmental disabilities, whether or

307 not such persons are clients of the agency.

308 (h) Persons with developmental disabilities shall have a

309 right to consent to or refuse treatment, subject to the powers of

310 a guardian advocate appointed pursuant to s. 393.12 or a guardian

311 appointed pursuant to ~~provisions of s. 393.12(2)(a) or~~ chapter

312 744.

313 Section 3. This act shall take effect July 1, 2008.

314

315

===== T I T L E A M E N D M E N T =====

316 And the title is amended as follows:  
317 Delete everything before the enacting clause  
318 and insert:  
319 A bill to be entitled  
320 An act relating to guardian advocates for persons with  
321 developmental disabilities; amending s. 393.12, F.S.;  
322 requiring the court to conduct determination of incapacity  
323 of persons with developmental disabilities and appointment  
324 of guardian advocates in separate proceedings; revising  
325 conditions relating to venue for appointment of guardian  
326 advocates; providing that the guardian advocate need not  
327 be represented by an attorney unless required by the court  
328 or the guardian advocate is delegated certain rights  
329 regarding property; limiting applicability to certain  
330 proceedings relating to appointment and supervision of  
331 guardian advocates; requiring the petition to include the  
332 relationship of the proposed guardian advocate to certain  
333 providers; modifying the persons to whom a notice of the  
334 filing of the petition must be given to include next of  
335 kin, the health care surrogate designated to execute an  
336 advance directive, and the agent under durable power of  
337 attorney; establishing a timeframe for appointment of  
338 counsel and modifying who may be appointed as counsel to a  
339 person with a developmental disability; providing  
340 conditions for the court to appoint attorneys; requiring  
341 court proceedings and orders to consider advance  
342 directives for health care and durable powers of attorney;  
343 requiring the court's order to provide the name and  
344 reasons for the selection of the guardian advocate;  
345 providing a process for restoration of rights for the

SENATOR AMENDMENT

Florida Senate - 2008

Bill No. CS/HB 739, 2nd Eng.



939538

346 | person with a developmental disability; providing for the  
347 | petitioner to submit evidentiary support to the court;  
348 | providing for a hearing if no evidentiary support is  
349 | available; amending s. 393.13, F.S.; conforming a cross-  
350 | reference; providing an effective date.

Amendment No. CHAMBER ACTION

Senate House

17  
18  
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28

Amendment No.  
~~disabilities~~ has the right to be represented by counsel of his  
or her own choice and ~~that if the individual cannot afford an~~  
~~attorney~~ the court shall initially appoint counsel ~~one~~.

(5)(4) COUNSEL. Within 3 days after a petition has been  
filed, the court shall appoint an attorney to represent a person  
with a developmental disability who is the subject of a petition  
to appoint a guardian advocate. The person with a developmental  
disability may substitute his or her own attorney for the  
attorney appointed by the court.

(a) The court shall initially appoint a private attorney  
who shall be selected from the attorney registry compiled  
pursuant to s. 27.40. Such attorney must

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4/30/2008 12:29 AM

Amendment No. CHAMBER ACTION

Senate House

1 Representative Ambler offered the following:  
2  
3 **Amendment to Senate Amendment (939538)**  
4 Remove lines 77-98 and insert:  
5 744, a health care surrogate designated pursuant to an advance  
6 directive under chapter 765, an agent under a durable power of  
7 attorney, and such other persons as the court may direct. A copy  
8 of the petition to appoint a guardian advocate must ~~shall~~ be  
9 served with the notice.

(b)2- The notice must ~~shall~~ state that a hearing will be  
held ~~shall be set~~ to inquire into the capacity of the person  
12 with a developmental disability ~~disabilities~~ to exercise the  
13 rights enumerated in the petition. The notice must ~~shall~~ also  
14 state the date of the hearing on the petition.

(c)3- The notice shall state that the person with a  
16 developmental disability ~~individual with developmental~~

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