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# **Committee on State Affairs**

**Wednesday, March 21, 2007**  
**10:15 AM – 12:00 PM**  
**4:00 PM – 5:30 PM (*if needed*)**  
**Morris Hall**

**Committee Action Report**  
**For both times slots on calendar**

# COMMITTEE MEETING REPORT

## Committee on State Affairs

3/21/2007 10:15:00AM

Location: Morris Hall (17 HOB)

### Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Frank Attkisson (Chair)	X		
Dorothy Bendross-Mindingall	X		
Mike Davis	X		
Hugh Gibson	X		
Ed Hooper	X		
Robert Schenck	X		
Kelly Skidmore	X		
Geraldine Thompson	X		
<b>Totals:</b>	<b>8</b>	<b>0</b>	<b>0</b>

Committee meeting was reported out: Wednesday, March 21, 2007 6:35:42PM

# COMMITTEE MEETING REPORT

## Committee on State Affairs

3/21/2007 10:15:00AM

**Location:** Morris Hall (17 HOB)

**HB 69 : Florida Retirement System**

<input checked="" type="checkbox"/> Favorable	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dorothy Bendross-Mindingall	X				
Mike Davis	X				
Hugh Gibson	X				
Ed Hooper	X				
Robert Schenck	X				
Kelly Skidmore	X				
Geraldine Thompson	X				
Frank Attkisson (Chair)	X				
<b>Total Yeas: 8</b>		<b>Total Nays: 0</b>			

### Appearances:

Florida Retirement System

Amanda Ghaffari, Legislative Advocate (Lobbyist) - Opponent

Florida Association of Counties

100 S. Monroe Street

Tallahassee Florida 32311

Florida Retirement System

Pamela Jacobson, Chief Aircraft Pilot - Proponent

Hillsborough County Mosquito Control

4220 Tampa Bay Blvd.

Tampa Florida 33614

Phone: 813.554.5025

Florida Retirement System

Bill Shaw, Commissioner - Proponent

FL Keys Mesquito Control District

381 - 101 Street

Marathon Florida 33050

Phone: 305.304.0188

Committee meeting was reported out: Wednesday, March 21, 2007 6:35:42PM

# COMMITTEE MEETING REPORT

## Committee on State Affairs

3/21/2007 10:15:00AM

Location: Morris Hall (17 HOB)

HB 81 : Florida Retirement System

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dorothy Bendross-Mindingall	X				
Mike Davis	X				
Hugh Gibson	X				
Ed Hooper	X				
Robert Schenck	X				
Kelly Skidmore	X				
Geraldine Thompson	X				
Frank Attkisson (Chair)			X		
<b>Total Yeas: 7</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Wednesday, March 21, 2007 6:35:42PM

# COMMITTEE MEETING REPORT

## Committee on State Affairs

3/21/2007 10:15:00AM

Location: Morris Hall (17 HOB)

HB 91 : Special Risk Class of the Florida Retirement System

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dorothy Bendross-Mindingall	X				
Mike Davis	X				
Hugh Gibson	X				
Ed Hooper	X				
Robert Schenck	X				
Kelly Skidmore	X				
Geraldine Thompson	X				
Frank Attkisson (Chair)					X
<b>Total Yeas: 7</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Wednesday, March 21, 2007 6:35:42PM

# COMMITTEE MEETING REPORT

## Committee on State Affairs

3/21/2007 10:15:00AM

Location: Morris Hall (17 HOB)

HB 205 : Florida Retirement System

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dorothy Bendross-Mindingall	X				
Mike Davis	X				
Hugh Gibson	X				
Ed Hooper	X				
Robert Schenck	X				
Kelly Skidmore	X				
Geraldine Thompson	X				
Frank Attkisson (Chair)			X		
<b>Total Yeas: 7</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Wednesday, March 21, 2007 6:35:42PM

# COMMITTEE MEETING REPORT

## Committee on State Affairs

3/21/2007 10:15:00AM

Location: Morris Hall (17 HOB)

HB 241 : Firefighter Pensions

Favorable With Amendments - (1)

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dorothy Bendross-Mindingall	X				
Mike Davis	X				
Hugh Gibson	X				
Ed Hooper	X				
Robert Schenck	X				
Kelly Skidmore	X				
Geraldine Thompson	X				
Frank Attkisson (Chair)	X				
	<b>Total Yeas: 8</b>	<b>Total Nays: 0</b>			

Committee meeting was reported out: Wednesday, March 21, 2007 6:35:42PM

# COMMITTEE MEETING REPORT

## Committee on State Affairs

3/21/2007 10:15:00AM

Location: Morris Hall (17 HOB)

HB 257 : Retirement

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dorothy Bendross-Mindingall			X		
Mike Davis	X				
Hugh Gibson	X				
Ed Hooper	X				
Robert Schenck	X				
Kelly Skidmore	X				
Geraldine Thompson	X				
Frank Attkisson (Chair)	X				
<b>Total Yeas: 7</b>		<b>Total Nays: 0</b>			

### Appearances:

#### Retirement

Kraig Conn, Legislative Counsel (Lobbyist) - Opponent

Florida League of Cities

301 S. Bronough

Tallahassee Florida 32308

Phone: 850.222.9684

#### Retirement

L. E. "Ed" Hoffman (Lobbyist) - Proponent

FL Police Benevolent Association, Inc.

St. Augustine Florida 32086

Committee meeting was reported out: Wednesday, March 21, 2007 6:35:42PM



# COMMITTEE MEETING REPORT

## Committee on State Affairs

3/21/2007 10:15:00AM

Location: Morris Hall (17 HOB)

HB 307 : Sales and Use Tax Credits or Refunds

Favorable With Amendments - (2)

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dorothy Bendross-Mindingall	X				
Mike Davis	X				
Hugh Gibson	X				
Ed Hooper	X				
Robert Schenck	X				
Kelly Skidmore	X				
Geraldine Thompson	X				
Frank Attkisson (Chair)			X		
<b>Total Yeas: 7</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Wednesday, March 21, 2007 6:35:42PM

# COMMITTEE MEETING REPORT

## Committee on State Affairs

3/21/2007 10:15:00AM

Location: Morris Hall (17 HOB)

HB 473 : Residential Property Just Valuation

Favorable With Amendments - (1)

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dorothy Bendross-Mindingall	X				
Mike Davis			X		
Hugh Gibson	X				
Ed Hooper	X				
Robert Schenck	X				
Kelly Skidmore	X				
Geraldine Thompson	X				
Frank Attkisson (Chair)	X				
<b>Total Yeas: 7</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Wednesday, March 21, 2007 6:35:42PM

# COMMITTEE MEETING REPORT

## Committee on State Affairs

3/21/2007 10:15:00AM

Location: Morris Hall (17 HOB)

HB 521 : Florida Retirement System

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dorothy Bendross-Mindingall	X				
Mike Davis	X				
Hugh Gibson	X				
Ed Hooper	X				
Robert Schenck	X				
Kelly Skidmore	X				
Geraldine Thompson	X				
Frank Attkisson (Chair)					X
<b>Total Yeas: 7</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Wednesday, March 21, 2007 6:35:42PM

# COMMITTEE MEETING REPORT

## Committee on State Affairs

3/21/2007 10:15:00AM

Location: Morris Hall (17 HOB)

HB 541 : Public Records

Favorable With Amendments - (1)

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dorothy Bendross-Mindingall	X				
Mike Davis	X				
Hugh Gibson	X				
Ed Hooper	X				
Robert Schenck	X				
Kelly Skidmore	X				
Geraldine Thompson	X				
Frank Attkisson (Chair)			X		
<b>Total Yeas: 7</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Wednesday, March 21, 2007 6:35:42PM

# COMMITTEE MEETING REPORT

## Committee on State Affairs

3/21/2007 10:15:00AM

Location: Morris Hall (17 HOB)

HB 635 : Florida Retirement System

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Dorothy Bendross-Mindingall			X		
Mike Davis	X				
Hugh Gibson	X				
Ed Hooper	X				
Robert Schenck	X				
Kelly Skidmore	X				
Geraldine Thompson	X				
Frank Attkisson (Chair)	X				
<b>Total Yeas: 7</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Wednesday, March 21, 2007 6:35:42PM

# COMMITTEE MEETING REPORT

## Committee on State Affairs

3/21/2007 10:15:00AM

Location: Morris Hall (17 HOB)

HB 861 : Reemployment After Retirement

<input checked="" type="checkbox"/> Favorable	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dorothy Bendross-Mindingall	X				
Mike Davis	X				
Hugh Gibson	X				
Ed Hooper	X				
Robert Schenck	X				
Kelly Skidmore	X				
Geraldine Thompson	X				
Frank Attkisson (Chair)			X		
<b>Total Yeas: 7</b>		<b>Total Nays: 0</b>			

### Appearances:

Reemployment After Retirement

David Murrell, Executive Director (Lobbyist) - Proponent

Florida Police Benevolent Association

300 E. Brevard Street

Tallahassee Florida 32301

Phone: 850.222.3329

Committee meeting was reported out: Wednesday, March 21, 2007 6:35:42PM

# COMMITTEE MEETING REPORT

## Committee on State Affairs

3/21/2007 10:15:00AM

Location: Morris Hall (17 HOB)

HB 1151 : Ad Valorem Taxation of Property Used to Provide Affordable Housing

<input checked="" type="checkbox"/> Favorable	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dorothy Bendross-Mindingall	X				
Mike Davis	X				
Hugh Gibson	X				
Ed Hooper	X				
Robert Schenck	X				
Kelly Skidmore	X				
Geraldine Thompson	X				
Frank Attkisson (Chair)					X
<b>Total Yeas: 7</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Wednesday, March 21, 2007 6:35:42PM

# COMMITTEE MEETING REPORT

## Committee on State Affairs

3/21/2007 10:15:00AM

Location: Morris Hall (17 HOB)

HB 1483 : Local Government Revenue Sources

<input checked="" type="checkbox"/> Favorable	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dorothy Bendross-Mindingall		X			
Mike Davis	X				
Hugh Gibson	X				
Ed Hooper			X		
Robert Schenck	X				
Kelly Skidmore		X			
Geraldine Thompson		X			
Frank Attkisson (Chair)	X				
<b>Total Yeas: 4</b>		<b>Total Nays: 3</b>			

### Appearances:

Local Governments Revenue Sources

Wyane Blanton, Ex. Director (State Employee) - Opponent

Florida School Boards Association

203 South Monroe Street

Tallahassee Florida 32301

Phone: 850.414.2578

Local Government Revenue Sources

Sarah Bleakley, Special Counsel (Lobbyist) - Opponent

Florida Association of Counties

1500 Mahan Drive

Tallahassee Florida 32308

Phone: 850.224.4070

Bill Barrett (Lobbyist) - Opponent

City of St. Cloud

4100 Hudson Trail

Tampa Florida 33618

Committee meeting was reported out: Wednesday, March 21, 2007 6:35:42PM



# COMMITTEE MEETING REPORT

## Committee on State Affairs

3/21/2007 10:15:00AM

Location: Morris Hall (17 HOB)

HB 1545 : Pub. Rec./Motor Vehicle Records

	Yea	Nay	No Vote	Absentee	
				Yea	Nay
<input checked="" type="checkbox"/> Favorable					
Dorothy Bendross-Mindingall			X		
Mike Davis	X				
Hugh Gibson	X				
Ed Hooper	X				
Robert Schenck	X				
Kelly Skidmore	X				
Geraldine Thompson	X				
Frank Attkisson (Chair)	X				
<b>Total Yeas: 7</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Wednesday, March 21, 2007 6:35:42PM

# COMMITTEE MEETING REPORT

## Committee on State Affairs

3/21/2007 10:15:00AM

**Location:** Morris Hall (17 HOB)

### Workshop

#### **PCB GEAC 07-08 relating to the Open Government Sunset Review of the public records exemption for soc**

##### **Appearances:**

C. Scott Dudley, Sr. Legislative Advocate (Lobbyist) - Proponent

*Florida League of Cities*  
301 S. Bronought Street  
Tallahassee Florida 32302  
Phone:850.222.9684

Frank Messersmith (Lobbyist) - Information Only

*Florida Sheriffs Association*  
2901 Lake Bradford Road  
Tallahassee Florida  
Phone:850.576.5858

Mike Fields, President (Lobbyist) - Information Only

*Bank of America*  
315 S. Calhoun Street  
Tallahassee Florida 32301  
Phone:850.561.1720

Nick Iarossi (Lobbyist) - Information Only

OGSR of the Public Records Exemption for Social Security Numbers  
*Lexis Nexis*  
101 E. College Avenue, Suite 303  
Tallahassee Florida 32301  
Phone:850.222.9075

#### **PCB GEAC 07-09 relating to the Open Government Sunset Review of the public records exemption for fin:**

#### **PCB GEAC 07-10 relating to the Open Government Sunset Review of social security numbers and financia**

##### **Appearances:**

Fred Baggett (Lobbyist) - Information Only

OGSR of the Public Records Exemptions for Social Numbers and Financial Account Numbers in Court Records and O  
*Florida Association of Court Clerks*  
101 E. College Avenue  
Tallahassee Florida  
Phone:850.425.8512

#### **PCB GEAC 07-15 relating to the Open Government Sunset Review of the public records exemption for wo**

#### **PCB GEAC 07-23 relating to ad valorem tax relief for renters**

##### **Appearances:**

Committee meeting was reported out: Wednesday, March 21, 2007 6:35:42PM

# COMMITTEE MEETING REPORT

## Committee on State Affairs

**3/21/2007 10:15:00AM**

**Location:** Morris Hall (17 HOB)

John Smith, Assistant Director Leg. Affairs (Lobbyist) - Proponent

*Florida League of Cities*

300 S. Bronough Street

Tallahassee Florida 32301

Sarah Bleakley, Special Counsel (Lobbyist) - Proponent

*Florida Association of Counties*

1500 Mahon Drive

Tallahassee Florida 32308

Phone:850.224.4070

Trey Price (State Employee) - Information Only

PCB GEAC 07- Ad Valorem Tax Relief For Renters

200 S. Monroe Street

Tallahassee Florida 32308

Phone:850.224.1400

**Committee meeting was reported out: Wednesday, March 21, 2007 6:35:42PM**

# **COMMITTEE MEETING REPORT**

**Committee on State Affairs**

**3/21/2007 10:15:00AM**

**Location:** Morris Hall (17 HOB)

**Committee meeting was reported out: Wednesday, March 21, 2007 6:35:42PM**

# COMMITTEE MEETING REPORT

## Committee on State Affairs

3/21/2007 10:15:00AM

**Location:** Morris Hall (17 HOB)

### Summary:

#### Committee on State Affairs

*Wednesday March 21, 2007 10:15 am*

HB 69	Favorable	Yeas: 8	Nays: 0
HB 81	Favorable	Yeas: 7	Nays: 0
HB 91	Favorable	Yeas: 7	Nays: 0
HB 205	Favorable	Yeas: 7	Nays: 0
HB 241	Favorable With Amendments	Yeas: 8	Nays: 0
HB 257	Favorable	Yeas: 7	Nays: 0
HB 307	Favorable With Amendments	Yeas: 7	Nays: 0
HB 473	Favorable With Amendments	Yeas: 7	Nays: 0
HB 521	Favorable	Yeas: 7	Nays: 0
HB 541	Favorable With Amendments	Yeas: 7	Nays: 0
HB 635	Favorable	Yeas: 7	Nays: 0
HB 861	Favorable	Yeas: 7	Nays: 0
HB 1151	Favorable	Yeas: 7	Nays: 0
HB 1483	Favorable	Yeas: 4	Nays: 3
HB 1545	Favorable	Yeas: 7	Nays: 0

Committee meeting was reported out: Wednesday, March 21, 2007 6:35:42PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 0241

COUNCIL/COMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

1 Council/Committee hearing bill: Committee on State Affairs  
 2 Representative Gibson, H. offered the following:

**Amendment (with title amendment)**

Between line(s) 30 and 31 insert:

Section 2. Subsection (17) is added to section 190.011,  
 Florida Statutes, to read:

190.011 General powers.--The district shall have, and the  
 board may exercise, the following powers:

(17) To assess and impose the state excise tax authorized  
 under s. 175.101, if exercising the powers permitted under s.  
 190.012(2)(b).

===== T I T L E A M E N D M E N T =====

Remove line 6 and insert:

suppression and related services; amending s. 190.011, F.S.;  
 authorizing community development districts to levy the premium  
 tax; providing an effective

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 0307

COUNCIL/COMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

1 Council/Committee hearing bill: Committee on State Affairs  
 2 Representative Holder offered the following:

**Amendment (with directory and title amendments)**

Remove lines 27-38 and insert:

if a proper election under paragraph (e) is made by the dealer and lender and the following conditions are met:

1. No credit or refund was previously claimed or allowed on any portion of the account.

2. The accounts have been found worthless and are deductible as bad debts for federal income tax purposes by the lender or any entity affiliated with the lender under 26 U.S.C. s. 1504.

3. The accounts are found to be worthless on or after January 1, 2008 and the credit or refund is claimed not later than 12 months following the date on which the accounts are charged off for federal income tax purposes.

4. The credit or refund authorized by this subsection shall apply as follows:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

20 a. Beginning January 1, 2008, the credit or refund allowed  
21 by this subsection shall be 25 percent of the tax paid to the  
22 Department attributed to the bad debt.

23 b. Beginning January 1, 2009, the credit or refund allowed  
24 by this subsection shall be 50 percent of the tax paid to the  
25 Department attributed to the bad debt.

26 c. Beginning January 1, 2010, the credit or refund allowed  
27 by this subsection shall be 75 percent of the tax paid to the  
28 Department attributed to the bad debt.

29 d. Beginning January 1, 2011, the credit or refund allowed  
30 by this subsection shall be 100 percent of the tax paid.

31

32 ===== T I T L E A M E N D M E N T =====

33 Remove line 6 and insert:

34 conditions; providing for phased compliance; providing for  
35 remittances of taxes collected

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

Bill No. 0307

COUNCIL/COMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

1 Council/Committee hearing bill: Committee on State Affairs  
2 Representative Holder offered the following:

3  
4 **Amendment**

5 Remove line(s) 110 and 111 and insert:  
6 or refund claims pending as of January 1, 2008.

7 Section 2. This act shall take effect January 1, 2008.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

21        2. The assessed value of a comparable home in the same  
22 area of the county that has been continuously assessed to only  
23 one homeowner as provided in s. 4 (c)(1), Article VII of the  
24 State Constitution for 5 years; and

25        3. The assessed value of a comparable home in the same  
26 area of the county that has been continuously assessed to only  
27 one homeowner for 10 years and assessed as provided in s. 4  
28 (c)(1), Article VII of the State Constitution since 1995.

29        4. The property appraiser shall use the average of the  
30 three values to establish the initial just value of the  
31 homestead.

32        (b) For homesteads acquired on or after January 1, 2005  
33 and receiving an initial homestead assessed value after January  
34 1, 2005, the property appraiser shall consider:

35        1. The purchase price of the property, exclusive of any  
36 portion of the price attributable to payments for household  
37 furnishing or other items of personal property;

38        2. The assessed value of a comparable home in the same  
39 area of the county that has been continuously assessed to only  
40 one homeowner as provided in s. 4 (c)(1), Article VII of the  
41 State Constitution for 5 years;

42        3. The assessed value of a comparable home in the same  
43 area of the county that has been continuously assessed to only  
44 one homeowner as provided in s. 4 (c) (1), Article VII of the  
45 State Constitution.

46        4. The property appraiser shall use the average of the  
47 three values to establish the initial just value of the  
48 homestead.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

49 (c) In the event that no comparable homestead assessment  
50 data exists in the same area of the county for either year 5 or  
51 year 10, or both years, the property appraiser shall consider:

52 1. The purchase price of the property, exclusive of any  
53 portion of the price attributable to payments for household  
54 furnishing or other items of personal property;

55 2. The initial assessed value for the first year in which  
56 a comparable home in the same area of the county that has been  
57 assessed to only one homeowner as provided in s. 4 (c) (1),  
58 Article VII of the State Constitution exists; and

59 3. The assessed value for the median year between the  
60 year which provides the value for (c) 1 and (c) 2.

61 4. The property appraiser shall use the average of the  
62 three values to establish the initial just value of the  
63 homestead.

64 (d) In the event that the initial assessed value in which  
65 a comparable home in the same area of the county that has been  
66 continuously assessed to only one homeowner exists for only the  
67 preceding year, the property appraiser shall average the  
68 purchase price and the initial just value of the homestead for  
69 the previous year.

70 (e) In the event that there is no comparable home in the  
71 same area of the county for the preceding year, the initial just  
72 value of the homestead shall be the purchase price of the  
73 property, exclusive of any portion of the price attributable to  
74 payments for household furnishing or other items of personal  
75 property.

76 Section 2. Section 193.155, Florida Statutes, is amended  
77 to read:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

78 193.155 Homestead assessments.--Homestead property shall  
79 be assessed at just value as of January 1, 1994. Property  
80 receiving the homestead exemption after January 1, 1994, shall  
81 be assessed at just value as established pursuant to s.  
82 193.011(2) as of January 1 of the year in which the property  
83 receives the exemption.

84 (1) Beginning in 1995, or the year following the year the  
85 property receives homestead exemption, whichever is later, the  
86 property shall be reassessed annually on January 1. Any change  
87 resulting from such reassessment shall not exceed the lower of  
88 the following:

89 (a) Three percent of the assessed value of the property  
90 for the prior year; or

91 (b) The percentage change in the Consumer Price Index for  
92 All Urban Consumers, U.S. City Average, all items 1967=100, or  
93 successor reports for the preceding calendar year as initially  
94 reported by the United States Department of Labor, Bureau of  
95 Labor Statistics.

96 (2) If the assessed value of the property as calculated  
97 under subsection (1) exceeds the just value, the assessed value  
98 of the property shall be lowered to the just value of the  
99 property.

100 (3) Except as provided in this subsection, property  
101 assessed under this section shall be assessed at just value as  
102 of January 1 of the year following a change of ownership.  
103 Thereafter, the annual changes in the assessed value of the  
104 property are subject to the limitations in subsections (1) and  
105 (2). For the purpose of this section, a change in ownership  
106 means any sale, foreclosure, or transfer of legal title or

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

107 beneficial title in equity to any person, except as provided in  
108 this subsection. There is no change of ownership if:

109 (a) Subsequent to the change or transfer, the same person  
110 is entitled to the homestead exemption as was previously  
111 entitled and:

112 1. The transfer of title is to correct an error;

113 2. The transfer is between legal and equitable title; or

114 3. The change or transfer is by means of an instrument in  
115 which the owner is listed as both grantor and grantee of the  
116 real property and one or more other individuals are additionally  
117 named as grantee. However, if any individual who is additionally  
118 named as a grantee applies for a homestead exemption on the  
119 property, the application shall be considered a change of  
120 ownership;

121 (b) The transfer is between husband and wife, including a  
122 transfer to a surviving spouse or a transfer due to a  
123 dissolution of marriage;

124 (c) The transfer occurs by operation of law under s.  
125 732.4015; or

126 (d) Upon the death of the owner, the transfer is between  
127 the owner and another who is a permanent resident and is legally  
128 or naturally dependent upon the owner.

129 (4) (a) Except as provided in paragraph (b), changes,  
130 additions, or improvements to homestead property shall be  
131 assessed at just value as of the first January 1 after the  
132 changes, additions, or improvements are substantially completed.

133 (b) Changes, additions, or improvements that replace all  
134 or a portion of homestead property damaged or destroyed by  
135 misfortune or calamity shall not increase the homestead  
136 property's assessed value when the square footage of the

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

137 homestead property as changed or improved does not exceed 110  
138 percent of the square footage of the homestead property before  
139 the damage or destruction. Additionally, the homestead  
140 property's assessed value shall not increase if the total square  
141 footage of the homestead property as changed or improved does  
142 not exceed 1,500 square feet. Changes, additions, or  
143 improvements that do not cause the total to exceed 110 percent  
144 of the total square footage of the homestead property before the  
145 damage or destruction or that do not cause the total to exceed  
146 1,500 total square feet shall be reassessed as provided under  
147 subsection (1). The homestead property's assessed value shall be  
148 increased by the just value of that portion of the changed or  
149 improved homestead property which is in excess of 110 percent of  
150 the square footage of the homestead property before the damage  
151 or destruction or of that portion exceeding 1,500 square feet.  
152 Homestead property damaged or destroyed by misfortune or  
153 calamity which, after being changed or improved, has a square  
154 footage of less than 100 percent of the homestead property's  
155 total square footage before the damage or destruction shall be  
156 assessed pursuant to subsection (5). This paragraph applies to  
157 changes, additions, or improvements commenced within 3 years  
158 after the January 1 following the damage or destruction of the  
159 homestead.

160 (c) Changes, additions, or improvements that replace all  
161 or a portion of real property that was damaged or destroyed by  
162 misfortune or calamity shall be assessed upon substantial  
163 completion as if such damage or destruction had not occurred and  
164 in accordance with paragraph (b) if the owner of such property:

165 1. Was permanently residing on such property when the  
166 damage or destruction occurred;

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

167 2. Was not entitled to receive homestead exemption on such  
168 property as of January 1 of that year; and

169 3. Applies for and receives homestead exemption on such  
170 property the following year.

171 (d) Changes, additions, or improvements include  
172 improvements made to common areas or other improvements made to  
173 property other than to the homestead property by the owner or by  
174 an owner association, which improvements directly benefit the  
175 homestead property. Such changes, additions, or improvements  
176 shall be assessed at just value, and the just value shall be  
177 apportioned among the parcels benefiting from the improvement.

178 (5) When property is destroyed or removed and not  
179 replaced, the assessed value of the parcel shall be reduced by  
180 the assessed value attributable to the destroyed or removed  
181 property.

182 (6) Only property that receives a homestead exemption is  
183 subject to this section. No portion of property that is assessed  
184 solely on the basis of character or use pursuant to s. 193.461  
185 or s. 193.501, or assessed pursuant to s. 193.505, is subject to  
186 this section. When property is assessed under s. 193.461, s.  
187 193.501, or s. 193.505 and contains a residence under the same  
188 ownership, the portion of the property consisting of the  
189 residence and curtilage must be assessed separately, pursuant to  
190 s. 193.011, for the assessment to be subject to the limitation  
191 in this section.

192 (7) If a person received a homestead exemption limited to  
193 that person's proportionate interest in real property, the  
194 provisions of this section apply only to that interest.

195 (8) Erroneous assessments of homestead property assessed  
196 under this section may be corrected in the following manner:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

197 (a) If errors are made in arriving at any assessment under  
198 this section due to a material mistake of fact concerning an  
199 essential characteristic of the property, the just value and  
200 assessed value must be recalculated for every such year,  
201 including the year in which the mistake occurred.

202 (b) If changes, additions, or improvements are not  
203 assessed at just value as of the first January 1 after they were  
204 substantially completed, the property appraiser shall determine  
205 the just value for such changes, additions, or improvements for  
206 the year they were substantially completed. Assessments for  
207 subsequent years shall be corrected, applying this section if  
208 applicable.

209 (c) If back taxes are due pursuant to s. 193.092, the  
210 corrections made pursuant to this subsection shall be used to  
211 calculate such back taxes.

212 (9) If the property appraiser determines that for any year  
213 or years within the prior 10 years a person who was not entitled  
214 to the homestead property assessment limitation granted under  
215 this section was granted the homestead property assessment  
216 limitation, the property appraiser making such determination  
217 shall record in the public records of the county a notice of tax  
218 lien against any property owned by that person in the county,  
219 and such property must be identified in the notice of tax lien.  
220 Such property that is situated in this state is subject to the  
221 unpaid taxes, plus a penalty of 50 percent of the unpaid taxes  
222 for each year and 15 percent interest per annum. However, when a  
223 person entitled to exemption pursuant to s. 196.031  
224 inadvertently receives the limitation pursuant to this section  
225 following a change of ownership, the assessment of such property

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

26 must be corrected as provided in paragraph (8)(a), and the  
227 person need not pay the unpaid taxes, penalties, or interest.

228 Section 3. This act shall take upon becoming a law and  
229 shall apply to tax assessments for tax years beginning January  
230 1, 2008.

231  
232 ===== T I T L E A M E N D M E N T =====

233 Remove line(s) and insert:

234

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

Bill No. 473

COUNCIL/COMMITTEE ACTION

ADOPTED  (Y/N)

ADOPTED AS AMENDED  (Y/N)

ADOPTED W/O OBJECTION  (Y/N)

FAILED TO ADOPT  (Y/N)

WITHDRAWN  (Y/N)

OTHER \_\_\_\_\_

1 Council/Committee hearing bill: Committee on State Affairs  
 2 Representative(s) Schenck offered the following:

**Amendment (with title amendment)**

Remove line(s) 53 through 68 and insert:

7 (2) Notwithstanding the requirement that property  
 8 appraisers consider all of the factors enumerated in subsection  
 9 (1) in arriving at just valuation for property, in the case of  
 10 persons continuously entitled to a homestead exemption pursuant  
 11 to s. 6, Article VII of the State Constitution and who acquired  
 12 title to the property after December 31, 2001, initial just  
 13 valuation of the homestead shall be established as follows:

14 (a)1. For homesteads acquired after December 31, 2001 but  
 15 before January 1, 2005 and receiving initial homestead assessed  
 16 values between these dates, the property appraiser shall  
 17 consider:

18 a. The purchase price of the property, exclusive of any  
 19 portion of the price attributable to payments for household  
 20 furnishing or other items of personal property;

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

21        b. The assessed value of a comparable home in the same  
22 area of the county that has been continuously assessed to only  
23 one homeowner as provided in s. 4 (c) (1), Article VII of the  
24 State Constitution for 5 years; and

25        c. The assessed value of a comparable home in the same  
26 area of the county that has been continuously assessed to only  
27 one homeowner for 10 years and assessed as provided in s. 4  
28 (c) (1), Article VII of the State Constitution since 1995.

29        2. The property appraiser shall use the average of the  
30 three values to establish the initial just value of the  
31 homestead.

32        (b)1. For homesteads acquired on or after January 1, 2005  
33 and receiving an initial homestead assessed value after January  
34 1, 2005, the property appraiser shall consider:

35        a. The purchase price of the property, exclusive of any  
36 portion of the price attributable to payments for household  
37 furnishing or other items of personal property;

38        b. The assessed value of a comparable home in the same  
39 area of the county that has been continuously assessed to only  
40 one homeowner as provided in s. 4 (c) (1), Article VII of the  
41 State Constitution for 5 years;

42        c. The assessed value of a comparable home in the same  
43 area of the county that has been continuously assessed to only  
44 one homeowner as provided in s. 4 (c) (1), Article VII of the  
45 State Constitution for 10 years.

46        2. The property appraiser shall use the average of the  
47 three values to establish the initial just value of the  
48 homestead.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

49           (c)1. In the event that no comparable homestead assessment  
50 data exists in the same area of the county for either year 5 or  
51 year 10, or both years, the property appraiser shall consider:

52           a. The purchase price of the property, exclusive of any  
53 portion of the price attributable to payments for household  
54 furnishing or other items of personal property;

55           b. The initial assessed value for the first year in which  
56 a comparable home in the same area of the county that has been  
57 assessed to only one homeowner as provided in s. 4 (c) (1),  
58 Article VII of the State Constitution exists; and

59           c. The assessed value for the median year between the year  
60 which provides the value for (c) 1 and (c) 2.

61           2. The property appraiser shall use the average of the  
62 three values to establish the initial just value of the  
63 homestead.

64           (d) In the event that the initial assessed value in which  
65 a comparable home in the same area of the county that has been  
66 continuously assessed to only one homeowner exists for only the  
67 preceding year, the property appraiser shall average the  
68 purchase price and the initial just value of the homestead for  
69 the previous year.

70           (e) In the event that there is no comparable home in the  
71 same area of the county for the preceding year, the initial just  
72 value of the homestead shall be the purchase price of the  
73 property, exclusive of any portion of the price attributable to  
74 payments for household furnishing or other items of personal  
75 property.

76           Section 2. Section 193.155, Florida Statutes, is amended  
77 to read:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

78 193.155 Homestead assessments.--Homestead property shall  
79 be assessed at just value as of January 1, 1994. Property  
80 receiving the homestead exemption after January 1, 1994, shall  
81 be assessed at just value as established pursuant to s.  
82 193.011(2) as of January 1 of the year in which the property  
83 receives the exemption.

84 (1) Beginning in 1995, or the year following the year the  
85 property receives homestead exemption, whichever is later, the  
86 property shall be reassessed annually on January 1. Any change  
87 resulting from such reassessment shall not exceed the lower of  
88 the following:

89 (a) Three percent of the assessed value of the property  
90 for the prior year; or

91 (b) The percentage change in the Consumer Price Index for  
92 All Urban Consumers, U.S. City Average, all items 1967=100, or  
93 successor reports for the preceding calendar year as initially  
94 reported by the United States Department of Labor, Bureau of  
95 Labor Statistics.

96 (2) If the assessed value of the property as calculated  
97 under subsection (1) exceeds the just value, the assessed value  
98 of the property shall be lowered to the just value of the  
99 property.

100 (3) Except as provided in this subsection, property  
101 assessed under this section shall be assessed at just value as  
102 of January 1 of the year following a change of ownership.  
103 Thereafter, the annual changes in the assessed value of the  
104 property are subject to the limitations in subsections (1) and  
105 (2). For the purpose of this section, a change in ownership  
106 means any sale, foreclosure, or transfer of legal title or

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

107/ beneficial title in equity to any person, except as provided in  
108 this subsection. There is no change of ownership if:

109 (a) Subsequent to the change or transfer, the same person  
110 is entitled to the homestead exemption as was previously  
111 entitled and:

112 1. The transfer of title is to correct an error;

113 2. The transfer is between legal and equitable title; or

114 3. The change or transfer is by means of an instrument in  
115 which the owner is listed as both grantor and grantee of the  
116 real property and one or more other individuals are additionally  
117 named as grantee. However, if any individual who is additionally  
118 named as a grantee applies for a homestead exemption on the  
119 property, the application shall be considered a change of  
120 ownership;

121 (b) The transfer is between husband and wife, including a  
122 transfer to a surviving spouse or a transfer due to a  
123 dissolution of marriage;

124 (c) The transfer occurs by operation of law under s.  
125 732.4015; or

126 (d) Upon the death of the owner, the transfer is between  
127 the owner and another who is a permanent resident and is legally  
128 or naturally dependent upon the owner.

129 (4) (a) Except as provided in paragraph (b), changes,  
130 additions, or improvements to homestead property shall be  
131 assessed at just value as of the first January 1 after the  
132 changes, additions, or improvements are substantially completed.

133 (b) Changes, additions, or improvements that replace all  
134 or a portion of homestead property damaged or destroyed by  
135 misfortune or calamity shall not increase the homestead  
136 property's assessed value when the square footage of the

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

137 homestead property as changed or improved does not exceed 110  
138 percent of the square footage of the homestead property before  
139 the damage or destruction. Additionally, the homestead  
140 property's assessed value shall not increase if the total square  
141 footage of the homestead property as changed or improved does  
142 not exceed 1,500 square feet. Changes, additions, or  
143 improvements that do not cause the total to exceed 110 percent  
144 of the total square footage of the homestead property before the  
145 damage or destruction or that do not cause the total to exceed  
146 1,500 total square feet shall be reassessed as provided under  
147 subsection (1). The homestead property's assessed value shall be  
148 increased by the just value of that portion of the changed or  
149 improved homestead property which is in excess of 110 percent of  
150 the square footage of the homestead property before the damage  
151 or destruction or of that portion exceeding 1,500 square feet.  
152 Homestead property damaged or destroyed by misfortune or  
153 calamity which, after being changed or improved, has a square  
154 footage of less than 100 percent of the homestead property's  
155 total square footage before the damage or destruction shall be  
156 assessed pursuant to subsection (5). This paragraph applies to  
157 changes, additions, or improvements commenced within 3 years  
158 after the January 1 following the damage or destruction of the  
159 homestead.

160 (c) Changes, additions, or improvements that replace all  
161 or a portion of real property that was damaged or destroyed by  
162 misfortune or calamity shall be assessed upon substantial  
163 completion as if such damage or destruction had not occurred and  
164 in accordance with paragraph (b) if the owner of such property:

165 1. Was permanently residing on such property when the  
166 damage or destruction occurred;

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

167 2. Was not entitled to receive homestead exemption on such  
168 property as of January 1 of that year; and

169 3. Applies for and receives homestead exemption on such  
170 property the following year.

171 (d) Changes, additions, or improvements include  
172 improvements made to common areas or other improvements made to  
173 property other than to the homestead property by the owner or by  
174 an owner association, which improvements directly benefit the  
175 homestead property. Such changes, additions, or improvements  
176 shall be assessed at just value, and the just value shall be  
177 apportioned among the parcels benefiting from the improvement.

178 (5) When property is destroyed or removed and not  
179 replaced, the assessed value of the parcel shall be reduced by  
180 the assessed value attributable to the destroyed or removed  
181 property.

182 (6) Only property that receives a homestead exemption is  
183 subject to this section. No portion of property that is assessed  
184 solely on the basis of character or use pursuant to s. 193.461  
185 or s. 193.501, or assessed pursuant to s. 193.505, is subject to  
186 this section. When property is assessed under s. 193.461, s.  
187 193.501, or s. 193.505 and contains a residence under the same  
188 ownership, the portion of the property consisting of the  
189 residence and curtilage must be assessed separately, pursuant to  
190 s. 193.011, for the assessment to be subject to the limitation  
191 in this section.

192 (7) If a person received a homestead exemption limited to  
193 that person's proportionate interest in real property, the  
194 provisions of this section apply only to that interest.

195 (8) Erroneous assessments of homestead property assessed  
196 under this section may be corrected in the following manner:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

197 (a) If errors are made in arriving at any assessment under  
198 this section due to a material mistake of fact concerning an  
199 essential characteristic of the property, the just value and  
200 assessed value must be recalculated for every such year,  
201 including the year in which the mistake occurred.

202 (b) If changes, additions, or improvements are not  
203 assessed at just value as of the first January 1 after they were  
204 substantially completed, the property appraiser shall determine  
205 the just value for such changes, additions, or improvements for  
206 the year they were substantially completed. Assessments for  
207 subsequent years shall be corrected, applying this section if  
208 applicable.

209 (c) If back taxes are due pursuant to s. 193.092, the  
210 corrections made pursuant to this subsection shall be used to  
211 calculate such back taxes.

212 (9) If the property appraiser determines that for any year  
213 or years within the prior 10 years a person who was not entitled  
214 to the homestead property assessment limitation granted under  
215 this section was granted the homestead property assessment  
216 limitation, the property appraiser making such determination  
217 shall record in the public records of the county a notice of tax  
218 lien against any property owned by that person in the county,  
219 and such property must be identified in the notice of tax lien.  
220 Such property that is situated in this state is subject to the  
221 unpaid taxes, plus a penalty of 50 percent of the unpaid taxes  
222 for each year and 15 percent interest per annum. However, when a  
223 person entitled to exemption pursuant to s. 196.031  
224 inadvertently receives the limitation pursuant to this section  
225 following a change of ownership, the assessment of such property

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

226 must be corrected as provided in paragraph (8)(a), and the  
227 person need not pay the unpaid taxes, penalties, or interest.

228 Section 3. This act shall take upon becoming a law and  
229 shall apply to tax assessments for tax years beginning January  
230 1, 2008.

231  
232 ===== T I T L E A M E N D M E N T =====

233 Remove line(s) 5 and insert:  
234 property; providing for retroactive application; amending s.  
235 193.155, F.S.; conforming change; providing

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 541

COUNCIL/COMMITTEE ACTION

ADOPTED  (Y/N)  
ADOPTED AS AMENDED  (Y/N)  
ADOPTED W/O OBJECTION  (Y/N)  
FAILED TO ADOPT  (Y/N)  
WITHDRAWN  (Y/N)  
OTHER \_\_\_\_\_

1 Council/Committee hearing bill: Committee on State Affairs  
2 Representative(s) Vana offered the following:  
3

4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (1) of section 119.07, Florida  
7 Statutes, is amended to read:

8 119.07 Inspection and copying of records; photographing  
9 public records; fees; exemptions.--

10 (1)(a) Every person who has custody of a public record  
11 shall permit the record to be inspected and copied by any person  
12 desiring to do so, at any reasonable time, under reasonable  
13 conditions, and under supervision by the custodian of the public  
14 records.

15 (b) A custodian of public records or a person having  
16 custody of public records may designate another officer or  
17 employee of the agency to permit the inspection and copying of  
18 public records, but must disclose the identity of the designee  
19 to the person requesting to inspect or copy public records.

20 (c) A custodian of public records and his or her designee  
21 must respond to requests to inspect or copy records promptly and  
22 in good faith. A good faith response includes making reasonable

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

23 efforts to determine from other officers or employees within the  
24 agency whether such a record exists and, if so, the location at  
25 which the record can be accessed.

26 (d) A custodian of public records or his or her designee  
27 shall be available to respond to requests to inspect and copy  
28 public records during the regular business hours of the office  
29 at which public records are maintained.

30 (e)~~(b)~~ A person who has custody of a public record who  
31 asserts that an exemption applies to a part of such record shall  
32 redact that portion of the record to which an exemption has been  
33 asserted and validly applies, and such person shall produce the  
34 remainder of such record for inspection and copying.

35 (f)~~(e)~~ If the person who has custody of a public record  
36 contends that all or part of the record is exempt from  
37 inspection and copying, he or she shall state the basis of the  
38 exemption that he or she contends is applicable to the record,  
39 including the statutory citation to an exemption created or  
40 afforded by statute.

41 (g)~~(d)~~ If requested by the person seeking to inspect or  
42 copy the record, the custodian of public records shall state in  
43 writing and with particularity the reasons for the conclusion  
44 that the record is exempt or confidential.

45 (h)~~(e)~~ In any civil action in which an exemption to this  
46 section is asserted, if the exemption is alleged to exist under  
47 or by virtue of s. 119.071(1)(d) or (f), (2)(d), (e), or (f), or  
48 (4)(c), the public record or part thereof in question shall be  
49 submitted to the court for an inspection in camera. If an  
50 exemption is alleged to exist under or by virtue of s.  
51 119.071(2)(c), an inspection in camera is discretionary with the  
52 court. If the court finds that the asserted exemption is not  
53 applicable, it shall order the public record or part thereof in

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

54 question to be immediately produced for inspection or copying as  
55 requested by the person seeking such access.

56 ~~(i)(f)~~ Even if an assertion is made by the custodian of  
57 public records that a requested record is not a public record  
58 subject to public inspection or copying under this subsection,  
59 the requested record shall, nevertheless, not be disposed of for  
60 a period of 30 days after the date on which a written request to  
61 inspect or copy the record was served on or otherwise made to  
62 the custodian of public records by the person seeking access to  
63 the record. If a civil action is instituted within the 30-day  
64 period to enforce the provisions of this section with respect to  
65 the requested record, the custodian of public records may not  
66 dispose of the record except by order of a court of competent  
67 jurisdiction after notice to all affected parties.

68 ~~(j)(g)~~ The absence of a civil action instituted for the  
69 purpose stated in paragraph ~~(h)(e)~~ does not relieve the  
70 custodian of public records of the duty to maintain the record  
71 as a public record if the record is in fact a public record  
72 subject to public inspection and copying under this subsection  
73 and does not otherwise excuse or exonerate the custodian of  
74 public records from any unauthorized or unlawful disposition of  
75 such record.

76 Section 2. Subsection (5) of section 497.140, Florida  
77 Statutes, is amended to read:

78 497.140 Fees.--

79 (5) The department shall charge a fee not to exceed \$25  
80 for the certification of a public record. The fee shall be  
81 determined by rule of the department. The department shall  
82 assess a fee for duplication of a public record as provided in  
83 s. 119.07(1)(a) and ~~(e)(b)~~.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

84 Section 3. Paragraph (b) of subsection (4) of section  
85 627.311, Florida Statutes, is amended to read:

86 627.311 Joint underwriters and joint reinsurers; public  
87 records and public meetings exemptions.--

88 (4) The Florida Automobile Joint Underwriting Association:

89 (b) Shall keep portions of association meetings during  
90 which confidential and exempt underwriting files or confidential  
91 and exempt claims files are discussed exempt from the provisions  
92 of s. 286.011 and s. 24(b), Art. I of the State Constitution.

93 All closed portions of association meetings shall be recorded by  
94 a court reporter. The court reporter shall record the times of  
95 commencement and termination of the meeting, all discussion and  
96 proceedings, the names of all persons present at any time, and  
97 the names of all persons speaking. No portion of any closed  
98 meeting shall be off the record. Subject to the provisions of  
99 this paragraph and s. 119.07(1)(e)-(g) ~~s. 119.07(1)(b)-(d)~~, the  
100 court reporter's notes of any closed meeting shall be retained  
101 by the association for a minimum of 5 years. A copy of the  
102 transcript, less any confidential and exempt information, of any  
103 closed meeting during which confidential and exempt claims files  
104 are discussed shall become public as to individual claims files  
105 after settlement of that claim.

106 Section 4. Paragraph (w) of subsection (6) of section  
107 627.351, Florida Statutes, as amended by section 21 of chapter  
108 2007-1, Laws of Florida, is amended to read:

109 627.351 Insurance risk apportionment plans.--

110 (6) CITIZENS PROPERTY INSURANCE CORPORATION.--

111 (w)1. The following records of the corporation are  
112 confidential and exempt from the provisions of s. 119.07(1) and  
113 s. 24(a), Art. I of the State Constitution:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

14 a. Underwriting files, except that a policyholder or an  
115 applicant shall have access to his or her own underwriting  
116 files.

117 b. Claims files, until termination of all litigation and  
118 settlement of all claims arising out of the same incident,  
119 although portions of the claims files may remain exempt, as  
120 otherwise provided by law. Confidential and exempt claims file  
121 records may be released to other governmental agencies upon  
122 written request and demonstration of need; such records held by  
123 the receiving agency remain confidential and exempt as provided  
124 for herein.

125 c. Records obtained or generated by an internal auditor  
126 pursuant to a routine audit, until the audit is completed, or if  
127 the audit is conducted as part of an investigation, until the  
128 investigation is closed or ceases to be active. An investigation  
29 is considered "active" while the investigation is being  
130 conducted with a reasonable, good faith belief that it could  
131 lead to the filing of administrative, civil, or criminal  
132 proceedings.

133 d. Matters reasonably encompassed in privileged attorney-  
134 client communications.

135 e. Proprietary information licensed to the corporation  
136 under contract and the contract provides for the confidentiality  
137 of such proprietary information.

138 f. All information relating to the medical condition or  
139 medical status of a corporation employee which is not relevant  
140 to the employee's capacity to perform his or her duties, except  
141 as otherwise provided in this paragraph. Information which is  
142 exempt shall include, but is not limited to, information  
143 relating to workers' compensation, insurance benefits, and  
144 retirement or disability benefits.



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

145 g. Upon an employee's entrance into the employee  
146 assistance program, a program to assist any employee who has a  
147 behavioral or medical disorder, substance abuse problem, or  
148 emotional difficulty which affects the employee's job  
149 performance, all records relative to that participation shall be  
150 confidential and exempt from the provisions of s. 119.07(1) and  
151 s. 24(a), Art. I of the State Constitution, except as otherwise  
152 provided in s. 112.0455(11).

153 h. Information relating to negotiations for financing,  
154 reinsurance, depopulation, or contractual services, until the  
155 conclusion of the negotiations.

156 i. Minutes of closed meetings regarding underwriting  
157 files, and minutes of closed meetings regarding an open claims  
158 file until termination of all litigation and settlement of all  
159 claims with regard to that claim, except that information  
160 otherwise confidential or exempt by law will be redacted.

161  
162 When an authorized insurer is considering underwriting a risk  
163 insured by the corporation, relevant underwriting files and  
164 confidential claims files may be released to the insurer  
165 provided the insurer agrees in writing, notarized and under  
166 oath, to maintain the confidentiality of such files. When a file  
167 is transferred to an insurer that file is no longer a public  
168 record because it is not held by an agency subject to the  
169 provisions of the public records law. Underwriting files and  
170 confidential claims files may also be released to staff of and  
171 the board of governors of the market assistance plan established  
172 pursuant to s. 627.3515, who must retain the confidentiality of  
173 such files, except such files may be released to authorized  
174 insurers that are considering assuming the risks to which the  
175 files apply, provided the insurer agrees in writing, notarized

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

176 and under oath, to maintain the confidentiality of such files.  
177 Finally, the corporation or the board or staff of the market  
178 assistance plan may make the following information obtained from  
179 underwriting files and confidential claims files available to  
180 licensed general lines insurance agents: name, address, and  
181 telephone number of the residential property owner or insured;  
182 location of the risk; rating information; loss history; and  
183 policy type. The receiving licensed general lines insurance  
184 agent must retain the confidentiality of the information  
185 received.

186 2. Portions of meetings of the corporation are exempt from  
187 the provisions of s. 286.011 and s. 24(b), Art. I of the State  
188 Constitution wherein confidential underwriting files or  
189 confidential open claims files are discussed. All portions of  
190 corporation meetings which are closed to the public shall be  
191 recorded by a court reporter. The court reporter shall record  
192 the times of commencement and termination of the meeting, all  
193 discussion and proceedings, the names of all persons present at  
194 any time, and the names of all persons speaking. No portion of  
195 any closed meeting shall be off the record. Subject to the  
196 provisions hereof and s. 119.07(1)(e)-(g) ~~s. 119.07(1)(b)-(d)~~,  
197 the court reporter's notes of any closed meeting shall be  
198 retained by the corporation for a minimum of 5 years. A copy of  
199 the transcript, less any exempt matters, of any closed meeting  
200 wherein claims are discussed shall become public as to  
201 individual claims after settlement of the claim.

202 Section 5. This act shall take effect July 1, 2007.

203  
204 ===== T I T L E A M E N D M E N T =====

205 Remove the entire title and insert:

206 A bill to be entitled

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

207 | An act relating to public records; amending s. 119.07, F.S.;  
208 | authorizing a custodian of public records to designate another  
209 | officer or employee of the agency to permit the inspection and  
210 | copying of public records; requiring that the designee be  
211 | identified; requiring custodians of public records and their  
212 | designees to respond to requests to inspect and copy public  
213 | records promptly and in good faith; amending ss. 497.140,  
214 | 627.311, and 627.351, F.S.; conforming cross-references;  
215 | providing an effective date.