



Economic Expansion & Infrastructure Council

Action Packet

**April 17, 2007
9:00 am – 12:00 Noon
404 House Office Building**

**Marco Rubio
Speaker**

**Rep. Dean Cannon
Chair**

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council

4/17/2007 9:00:00AM

Location: 404 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Dean Cannon (Chair)	X		
Gary Aubuchon	X		
Susan Bucher	X		
Edward Bullard	X		
Larry Cretul	X		
Joyce Cusack	X		
Don Davis			X
Mike Davis	X		
Keith Fitzgerald	X		
Richard Glorioso	X		
Doug Holder	X		
Dick Kravitz	X		
Peter Nehr	X		
Pat Patterson	X		
Betty Reed	X		
Totals:	14	0	1

Committee meeting was reported out: Tuesday, April 17, 2007 2:25:55PM

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council
4/17/2007 9:00:00AM

Location: 404 HOB

Summary:

Economic Expansion & Infrastructure Council

Tuesday April 17, 2007 09:00 am

HB 83	Favorable with Council Substitute	Yeas: 14	Nays: 0
HB 131	Favorable with Council Substitute	Yeas: 14	Nays: 0
HB 213	Favorable with Council Substitute	Yeas: 14	Nays: 0
HB 259	Favorable with Council Substitute	Yeas: 13	Nays: 0
HB 445	Favorable with Council Substitute	Yeas: 11	Nays: 2
HB 499	Favorable with Council Substitute	Yeas: 12	Nays: 0
HB 513	Temporarily Deferred		
HB 589	Not Considered		
HB 959	Favorable	Yeas: 13	Nays: 0
HB 961	Favorable	Yeas: 14	Nays: 0
HB 1273	Favorable	Yeas: 13	Nays: 0
HB 1487	Not Considered		
HB 1491	Favorable with Council Substitute	Yeas: 14	Nays: 0
HB 1521	Not Considered		
HB 1523	Not Considered		

Committee meeting was reported out: Tuesday, April 17, 2007 2:25:55PM

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council
4/17/2007 9:00:00AM

Location: 404 HOB
HB 83 : Capital Formation

Favorable with Council Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Gary Aubuchon	X				
Susan Bucher	X				
Edward Bullard	X				
Larry Cretul	X				
Joyce Cusack	X				
Don Davis			X		
Mike Davis	X				
Keith Fitzgerald	X				
Richard Glorioso	X				
Doug Holder	X				
Dick Kravitz	X				
Peter Nehr	X				
Pat Patterson	X				
Betty Reed	X				
Dean Cannon (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Appearances:

Capital Formation
 Jose Gonzalez-WAIVED TIME (Lobbyist) - Proponent
 Associated Industries of FL
 516 N. Adams St.
 Tallahassee FL 32312
 Phone: 850 224-7173

Capital Formation
 Chris Hart (General Public) - Information Only
 Enterprise Florida
 800 N. Magnolia Ave.
 Orlando FL 32801
 Phone: 407 956-5630

Committee meeting was reported out: Tuesday, April 17, 2007 2:25:55PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.04 (for drafter's use only)

Bill No. **HB 83**

COUNCIL/COMMITTEE ACTION

ADOPTED (Y/N)

ADOPTED AS AMENDED (Y/N)

ADOPTED W/O OBJECTION (Y/N) 4/17/07

FAILED TO ADOPT (Y/N)

WITHDRAWN (Y/N)

OTHER _____

1 Council/Committee hearing bill: Economic Expansion &
 2 Infrastructure Council
 3 Representative Grant offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Sections 288.9621, 288.9622, 288.9623, and 288.9624, Florida Statutes, are created to read:

288.9621 Short title.--Sections 288.9621-288.9624 may be cited as the "Florida Capital Formation Act."

288.9622 Findings and intent.--

(1) The Legislature finds and declares that there is need to increase the availability of seed capital and early stage venture equity capital for emerging companies in the state, including, without limitation, enterprises in life sciences, information technology, advanced manufacturing processes, aviation and aerospace, and homeland security and defense, as well as other strategic technologies.

(2) It is the intent of the Legislature that this act serve to mobilize private investment in a broad variety of

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Debate:

Rep. Bucher
Rep. M. Davis
Rep. Holder
Rep. Bullard

Questions:

Rep. Bucher *Rep. Bullard*
Rep. Cusack
Rep. Fitzgerald
Rep. Reed

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.04 (for drafter's use only)

22 venture capital partnerships in diversified industries and
23 geographies; retain private-sector investment criteria focused
24 on rate of return; use the services of highly qualified managers
25 in the venture capital industry regardless of location;
26 facilitate the organization of the Florida Opportunity Fund as a
27 fund-of-funds investor in seed and early stage venture capital
28 and angel funds; and precipitate capital investment and
29 extensions of credit to and in the Florida Opportunity Fund.

30 (3) It is the intent of the Legislature to mobilize
31 venture equity capital for investment in such a manner as to
32 result in a significant potential to create new businesses and
33 jobs in this state that are based on high growth potential
34 technologies, products, or services and that will further
35 diversify the economy of this state.

36 288.9623 Definitions.--As used in ss. 288.9621-288.9624:

37 (1) "Board" means the board of directors of the Florida
38 Opportunity Fund.

39 (2) "Fund" means the Florida Opportunity Fund.

40 288.9624 Florida Opportunity Fund; creation; duties.--

41 (1)(a) Enterprise Florida, Inc., shall facilitate the
42 creation of the Florida Opportunity Fund, a private, not-for-
43 profit corporation organized and operated under chapter 617.
44 Enterprise Florida, Inc., shall be the fund's sole shareholder
45 or member. The fund is not a public corporation or
46 instrumentality of the state. The fund shall manage its business
47 affairs and conduct business consistent with its organizational
48 documents and the purposes set forth in this section.
49 Notwithstanding the powers granted under chapter 617, the
50 corporation may not amend, modify, or repeal a bylaw or article

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.04 (for drafter's use only)

51 of incorporation without the express written consent of
52 Enterprise Florida, Inc.

53 (b) The vice chair of Enterprise Florida, Inc., shall
54 select from among its sitting board of directors a five-person
55 appointment committee. The appointment committee shall select
56 five initial members of a board of directors for the fund.

57 (c) The persons elected to the initial board of directors
58 by the appointment committee shall include persons who have
59 expertise in the area of the selection and supervision of early
60 stage investment managers or in the fiduciary management of
61 investment funds and other areas of expertise as considered
62 appropriate by the appointment committee.

63 (d) After election of the initial board of directors,
64 vacancies on the board shall be filled by vote of the board of
65 directors of Enterprise Florida, Inc., and board members shall
66 serve terms as provided in the fund's organizational documents.

67 (e) Members of the board are subject to any restrictions
68 on conflicts of interest specified in the organizational
69 documents and may not have an interest in any venture capital
70 investment selected by the fund under ss. 288.9621-288.9624.

71 (f) Members of the board shall serve without compensation,
72 but members, the president of the board, and other board
73 employees may be reimbursed for all reasonable, necessary, and
74 actual expenses as determined and approved by the board pursuant
75 to s. 112.061.

76 (g) The fund shall have all powers granted under its
77 organizational documents and shall indemnify members to the
78 broadest extent permissible under the laws of this state.

79 (2) Upon organization, the board shall conduct a national
80 solicitation for investment plan proposals from qualified

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.04 (for drafter's use only)

81 venture capital investment managers for the raising and
82 investing of capital by the Florida Opportunity Fund. Any
83 proposed investment plan must address the applicant's level of
84 experience, quality of management, investment philosophy and
85 process, provability of success in fundraising, prior investment
86 fund results, and plan for achieving the purposes of this act.
87 The board shall select only venture capital investment managers
88 having demonstrated expertise in the management of and
89 investment in companies.

90 (3) The board is responsible for negotiating the terms of
91 a contract with the Florida Opportunity Fund investment manager;
92 executing the contract with the selected venture capital
93 investment fund manager on behalf of the Florida Opportunity
94 Fund; managing the business affairs of the Florida Opportunity
95 Fund, such as accounting, audit, insurance, and related
96 requirements; soliciting and negotiating the terms of,
97 contracting for, and receiving investment capital and loan
98 proceeds with the assistance of the investment manager;
99 receiving investment returns; paying investors and debtors; and
100 reinvesting the investment returns in the fund in order to
101 provide additional venture capital investments designed to
102 result in a significant potential to create new businesses and
103 jobs in this state and further diversify the economy of this
104 state.

105 (4) For the purpose of mobilizing investment in a broad
106 variety of Florida-based, new technology companies and
107 generating a return sufficient to continue reinvestment, the
108 fund shall:

109 (a) Invest directly only in seed and early stage venture
110 capital funds that have experienced managers or management teams

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.04 (for drafter's use only)

111 with demonstrated experience, expertise, and a successful
112 history in the investment of venture capital funds, focusing on
113 opportunities in this state. The fund may not make direct
114 investments in individual businesses. While not precluded from
115 investing in venture capital funds that have investments outside
116 this state, the fund must require a venture capital fund to show
117 a record of successful investment in this state, to be based in
118 this state, or to have an office in this state staffed with a
119 full-time, professional venture investment executive in order to
120 be eligible for investment.

121 (b) Negotiate for investment capital or loan proceeds from
122 private, institutional, or banking sources.

123 (c) Negotiate any and all terms and conditions for its
124 investments.

125 (d) Invest only in funds that have raised capital from
126 other sources so that the amount invested in an entity in this
127 state is at least twice the amount invested by the fund.

128 (5) By December 1 of each year, the board shall issue an
129 annual report concerning the activities conducted by the fund to
130 the Governor, the President of the Senate, and the Speaker of
131 the House of Representatives. The annual report, at a minimum,
132 must include:

133 (a) An accounting of the amount of investments disbursed
134 by the fund and the progress of the fund.

135 (b) A description of the benefits to this state resulting
136 from the fund, including the number of businesses created,
137 associated industries started, the number of jobs created, and
138 the growth of related research projects.

139 (c) Independently audited financial statements, including
140 statements that show receipts and expenditures during the

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.04 (for drafter's use only)

141 preceding fiscal year for personnel, administration, and
142 operational costs of the fund.

143 Section 2. The nonrecurring sum of \$30 million is
144 appropriated from the General Revenue Fund to Enterprise
145 Florida, Inc., for the Florida Opportunity Fund for the 2007-
146 2008 fiscal year. Of these funds, \$500,000 shall be for the
147 purpose of initiating activities necessary to implement the
148 fund's responsibilities under this act, and \$29.5 million is
149 provided for the purpose of making investments under s.
150 288.9624, Florida Statutes.

151 Section 3. This act shall take effect July 1, 2007.

152
153 ===== T I T L E A M E N D M E N T =====

154 Remove the entire title and insert:

155
156 A bill to be entitled
157 An act relating to venture capital funds; creating s. 288.9621,
158 F.S.; providing a short title; creating s. 288.9622, F.S.;
159 providing legislative findings and intent; creating s. 288.9623,
160 F.S.; providing definitions; creating s. 288.9624, F.S.;
161 requiring Enterprise Florida, Inc., to facilitate creation of
162 the Florida Opportunity Fund; specifying criteria of the fund;
163 providing for appointment of an appointment committee; providing
164 for selection of a board of directors of the fund by Enterprise
165 Florida, Inc.; specifying criteria; providing for terms and
166 requirements of the directors; providing purposes of the fund;
167 providing duties and responsibilities of the fund; authorizing
168 the fund to negotiate all contract terms; providing for
169 reimbursement for travel and other direct expenses; providing
170 for powers of the fund; providing investment requirements for

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.04 (for drafter's use only)

171 the fund; requiring the board of directors to issue an annual
172 report on the activities of the fund; providing report
173 requirements; providing an appropriation; providing an effective
174 date.

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COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council
4/17/2007 9:00:00AM

Location: 404 HOB
HB 131 : Public Records

Favorable with Council Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Gary Aubuchon	X				
Susan Bucher	X				
Edward Bullard	X				
Larry Cretul	X				
Joyce Cusack	X				
Don Davis			X		
Mike Davis	X				
Keith Fitzgerald	X				
Richard Glorioso	X				
Doug Holder	X				
Dick Kravitz	X				
Peter Nehr	X				
Pat Patterson	X				
Betty Reed	X				
Dean Cannon (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 17, 2007 2:25:55PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

Bill No. **HB 131**

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N) 4/17/07
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Economic Expansion &
 2 Infrastructure Council
 3 Representative Grant offered the following:
 4

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

8 Section 1. Section 288.9626, Florida Statutes, is created
 9 to read:

10 288.9626 Exemptions from public records and public
 11 meetings requirements; Florida Opportunity Fund.--

12 (1) DEFINITIONS.--As used in this section, the term:

13 (a) "Alternative investment" means an investment by the
 14 Florida Opportunity Fund in a private equity fund, venture
 15 capital fund, or angel fund or a direct investment in a
 16 portfolio company or investment through a distribution of
 17 securities to its partners or shareholders by an alternative
 18 investment vehicle.

19 (b) "Alternative investment vehicle" means the limited
 20 partnership, limited liability company, or similar legal

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Questions: Rep. Bucher *Debate: Rep. Bucher*

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

21 structure through which the Florida Opportunity Fund may elect
22 to invest in a portfolio company.

23 (c) "Florida Opportunity Fund" or "fund" means the Florida
24 Opportunity Fund as defined in s. 288.9623.

25 (d) "Portfolio company" means a corporation or other
26 issuer, any of whose securities are owned by an alternative
27 investment vehicle or the Florida Opportunity Fund and any
28 subsidiary of such corporation or other issuer.

29 (e) "Portfolio positions" means individual investments in
30 portfolio companies that are made by the Florida Opportunity
31 Fund, including information or specific investment terms
32 associated with any portfolio company investment.

33 (f)1. "Proprietary confidential business information"
34 means information that has been designated by the proprietor
35 when provided to the Florida Opportunity Fund as information
36 that is owned or controlled by a proprietor; that is intended to
37 be and is treated by the proprietor as private, the disclosure
38 of which would harm the business operations of the proprietor
39 and has not been intentionally disclosed by the proprietor
40 unless pursuant to a private agreement that provides that the
41 information will not be released to the public except as
42 required by law or legal process, or pursuant to law or an order
43 of a court or administrative body; and that concerns:

44 a. Trade secrets as defined in s. 688.002.

45 b. Information provided to the Florida Opportunity Fund
46 regarding a prospective investment in a private equity fund,
47 venture capital fund, angel fund, or portfolio company that is
48 proprietary to the provider of the information.

49 c. Financial statements and auditor reports of an
50 alternative investment vehicle or portfolio company, unless

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

51 publicly released by the alternative investment vehicle or
52 portfolio company.

53 d. Meeting materials of an alternative investment vehicle
54 or portfolio company relating to financial, operating, or
55 marketing information of the alternative investment vehicle or
56 portfolio company.

57 e. Information regarding the portfolio positions in which
58 the alternative investment vehicles or Florida Opportunity Fund
59 invest.

60 f. Capital call and distribution notices to investors or
61 the Florida Opportunity Fund of an alternative investment
62 vehicle.

63 g. Alternative investment agreements and related records.

64 h. Information concerning investors, other than the
65 Florida Opportunity Fund, in an alternative investment vehicle
66 or portfolio company.

67 2. "Proprietary confidential business information" does
68 not include:

69 a. The name, address, and vintage year of an alternative
70 investment vehicle or Florida Opportunity Fund and the identity
71 of the principals involved in the management of the alternative
72 investment vehicle or Florida Opportunity Fund.

73 b. The dollar amount of the commitment made by the Florida
74 Opportunity Fund to each alternative investment vehicle since
75 inception, if any.

76 c. The dollar amount and date of cash contributions made
77 by the Florida Opportunity Fund to each alternative investment
78 vehicle since inception, if any.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

79 d. The dollar amount, on a fiscal-year-end basis, of cash
80 or other fungible distributions received by the Florida
81 Opportunity Fund from each alternative investment vehicle.

82 e. The dollar amount, on a fiscal-year-end basis, of cash
83 or other fungible distributions received by the Florida
84 Opportunity Fund plus the remaining value of alternative-vehicle
85 assets that are attributable to the Florida Opportunity Fund's
86 investment in each alternative investment vehicle.

87 f. The net internal rate of return of each alternative
88 investment vehicle since inception.

89 g. The investment multiple of each alternative investment
90 vehicle since inception.

91 h. The dollar amount of the total management fees and
92 costs paid on an annual fiscal-year-end basis by the Florida
93 Opportunity Fund to each alternative investment vehicle.

94 i. The dollar amount of cash profit received by the
95 Florida Opportunity Fund from each alternative investment
96 vehicle on a fiscal-year-end basis.

97 (g) "Proprietor" means an alternative investment vehicle,
98 a portfolio company in which the alternative investment vehicle
99 or Florida Opportunity Fund is invested, or an outside
100 consultant, including the respective authorized officers,
101 employees, agents, or successors in interest, that controls or
102 owns information provided to the Florida Opportunity Fund.

103 (2) PUBLIC RECORDS EXEMPTION.--

104 (a) The following records held by the Florida Opportunity
105 Fund are confidential and exempt from s. 119.07(1) and s. 24(a),
106 Art. I of the State Constitution:

107 1. Materials that relate to methods of manufacture or
108 production, potential trade secrets, or patentable material

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

109 received, generated, ascertained, or discovered during the
110 course of research or through research projects conducted by
111 universities and other publicly supported organizations in this
112 state.

113 2. Information that would identify an investor or
114 potential investor, who desires to remain anonymous, in projects
115 reviewed by the fund.

116 3. Any information received from a person or another state
117 or nation or the Federal Government which is otherwise
118 confidential or exempt pursuant to the laws of that state or
119 nation or pursuant to federal law.

120 4. Proprietary confidential business information regarding
121 alternative investments for 10 years after the termination of
122 the alternative investment.

123 (b) At the time any record made confidential and exempt by
124 this subsection, or portion thereof, is legally available or
125 subject to public disclosure for any other reason, that record,
126 or portion thereof, shall no longer be confidential and exempt
127 and shall be made available for inspection and copying.

128 (3) PUBLIC MEETINGS EXEMPTION.--

129 (a) That portion of a meeting of the board of directors of
130 the Florida Opportunity Fund at which information is discussed
131 which is confidential and exempt under subsection (2) is exempt
132 from s. 286.011 and s. 24(b), Art. I of the State Constitution.

133 (b) Any exempt portion of a meeting shall be recorded and
134 transcribed. The board shall record the times of commencement
135 and termination of the meeting, all discussion and proceedings,
136 the names of all persons present at any time, and the names of
137 all persons speaking. An exempt portion of any meeting may not
138 be off the record.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

139 (c) A transcript and minutes of exempt portions of
140 meetings are confidential and exempt from s. 119.07(1) and s.
141 24(a), Art. I of the State Constitution.

142 (4) REQUEST TO INSPECT OR COPY A RECORD.--

143 (a) Records made confidential and exempt by this section
144 may be released, upon written request, to a governmental entity
145 in the performance of its official duties and responsibilities.

146 (b) Notwithstanding the provisions of subsection (2)(a), a
147 request to inspect or copy a public record that contains
148 proprietary confidential business information shall be granted
149 if the proprietor of the information fails, within a reasonable
150 period of time after the request is received by the Florida
151 Opportunity Fund, to verify the following to the fund through a
152 written declaration in the manner provided by s. 92.525:

153 1. That the requested record contains proprietary
154 confidential business information and the specific location of
155 such information within the record;

156 2. If the proprietary confidential business information is
157 a trade secret, a verification that it is a trade secret as
158 defined in s. 688.002;

159 3. That the proprietary confidential business information
160 is intended to be and is treated by the proprietor as private,
161 is the subject of efforts of the proprietor to maintain its
162 privacy, and is not readily ascertainable or publicly available
163 from any other source; and

164 4. That the disclosure of the proprietary confidential
165 business information to the public would harm the business
166 operations of the proprietor.

167 (c)1. Any person may petition a court of competent
168 jurisdiction for an order for the public release of those

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

169 portions of any record made confidential and exempt by
170 subsection (2).

171 2. Any action under this subsection must be brought in
172 Orange County, Florida, and the petition or other initial
173 pleading shall be served on the fund, whichever is applicable,
174 and, if determinable upon diligent inquiry, on the proprietor of
175 the information sought to be released.

176 3. In any order for the public release of a record under
177 this subsection, the court shall make a finding that:

178 a. The record or portion thereof is not a trade secret as
179 defined in s. 688.002;

180 b. A compelling public interest is served by the release
181 of the record or portions thereof which exceed the public
182 necessity for maintaining the confidentiality of such record;
183 and

184 c. The release of the record will not cause damage to or
185 adversely affect the interests of the proprietor of the released
186 information, other private persons or business entities, the
187 fund, or any trust fund, the assets of which are invested by the
188 Florida Opportunity Fund.

189 (5) PENALTIES.--Any person who willfully and knowingly
190 violates this section commits a misdemeanor of the first degree,
191 punishable as provided in s. 775.082 or s. 775.083.

192 (6) OPEN GOVERNMENT SUNSET REVIEW.--This section is
193 subject to the Open Government Sunset Review Act in accordance
194 with s. 119.15 and shall stand repealed on October 2, 2012,
195 unless reviewed and saved from repeal through reenactment by the
196 Legislature.

197 Section 2. The Legislature finds that it is a public
198 necessity that certain information held by the Florida

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

199 Opportunity Fund be made confidential and exempt from s.
200 119.07(1), Florida Statutes, and s. 24(a), Art. I of the State
201 Constitution. Materials that relate to methods of manufacture or
202 production, potential trade secrets, or patentable materials
203 received, generated, ascertained, or discovered during the
204 course of research must be confidential and exempt because the
205 disclosure of such information would create an unfair
206 competitive advantage for persons receiving such information.
207 Disclosure of proprietary confidential business information to
208 the public would harm the business operations of the proprietor.
209 The Legislature further finds that information received by the
210 fund from a person from another state or nation or the Federal
211 Government which is otherwise exempt or confidential pursuant to
212 the laws of that state or nation or pursuant to federal law
213 should remain exempt or confidential because the highly
214 confidential nature of research necessitates that it be
215 protected. Without the exemptions provided by this act, the
216 disclosure of confidential and exempt information would
217 jeopardize the effective and efficient administration of this
218 program. In addition, the Legislature further finds that the
219 identity of an investor or prospective investor who wishes to
220 remain anonymous should be confidential and exempt from public
221 disclosure. This exemption is necessary because the disclosure
222 of investor identities may adversely impact the ability of the
223 fund to attract investors who desire anonymity. The Legislature
224 also finds that it is a public necessity that proprietary
225 confidential business information held by the fund regarding
226 alternative investments be held confidential and exempt for 10
227 years after the termination of the alternative investment.
228 Disclosing proprietary confidential business information used in

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

229 determining how private equity investments are made or managed
230 by private partnerships investing assets on behalf of the fund
231 would negatively affect the business interests of private
232 partnerships that rely heavily on their information advantage to
233 generate investment returns, and competitor partnerships could
234 gain an unfair competitive advantage if provided access to such
235 information. The release of proprietary confidential business
236 information revealing how alternative investments are made could
237 result in inadequate returns and ultimately frustrate attainment
238 of the investment objective of the fund. It is the Legislature's
239 intent to allow the public access to sufficient information in
240 order to be informed regarding the alternative investments of
241 the fund and to balance the public's right to information
242 against the right of business entities to be protected from
243 harmful disclosure of proprietary confidential business
244 information, the disclosure of which would injure them in the
245 marketplace. The Legislature further finds that it is a public
246 necessity that portions of meetings of the board of directors of
247 the fund at which records made confidential and exempt by this
248 act are discussed be made exempt from public meetings
249 requirements in order to allow the corporation to maintain the
250 confidential and exempt status of this information. Public
251 oversight is preserved by requiring a transcript of any portion
252 of a closed meeting of these boards.

253 Section 3. This act shall take effect July 1, 2007, if
254 House Bill 83 or similar legislation is adopted in the same
255 legislative session or an extension thereof and becomes law.
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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

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

260 Remove the entire title and insert:

261 A bill to be entitled

262 An act relating to public records and meetings; creating s.
263 288.9626, F.S.; providing definitions; providing an exemption
264 from public records requirements for certain information held by
265 the Florida Opportunity Fund; providing exceptions to the
266 exemption; providing an exemption from public meetings
267 requirements for portions of meetings of the board of directors
268 of the Florida Opportunity Fund at which confidential and exempt
269 records are discussed; providing penalties; providing for future
270 legislative review and repeal; providing a statement of public
271 necessity; providing a contingent effective date.

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council
4/17/2007 9:00:00AM

Location: 404 HOB

HB 213 : Electronic Voting System Paper Records

<input checked="" type="checkbox"/> Favorable with Council Substitute	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon	X				
Susan Bucher	X				
Edward Bullard	X				
Larry Cretul	X				
Joyce Cusack	X				
Don Davis			X		
Mike Davis	X				
Keith Fitzgerald	X				
Richard Glorioso	X				
Doug Holder	X				
Dick Kravitz	X				
Peter Nehr	X				
Pat Patterson	X				
Betty Reed	X				
Dean Cannon (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Appearances:

Electronic Voting System Paper Records
 Kurt S. Browning (Lobbyist) (State Employee) - Proponent
 Department of State
 500 S. Bronough
 Tallahassee FL 32399
 Phone: 850 245-6500

Electronic Voting System Paper Records
 Ben Wilcox (Lobbyist) - Proponent
 Common Cause of FL
 1720 S. Gadsden St.
 Tallahassee FL 32301
 Phone: 850 222-3883

Electronic Voting System Paper Records
 Dan McCrea (General Public) - Opponent
 Voter Action
 6200 SW 63 Ct
 S. Miami FL 33143
 Phone: 305 984-2900

Committee meeting was reported out: Tuesday, April 17, 2007 2:25:55PM

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council

4/17/2007 9:00:00AM

Location: 404 HOB

Electronic Voting System Paper Records
Bill Cowles (General Public) - Information Only
Supervisor of Elections
119 W. Kaley Street
Orlando FL 32806
Phone: 407 836-2070

Electronic Voting System Paper Records
Marilynn Wills (General Public) - Proponent
League of Women Voters of FL
2326 Kilkenny Dr. West
Tallahassee FL 32309
Phone: 850 893-4104

Entertainment Industry Economic Development
Sally Benjamin (General Public) - Opponent
Self and Tallahassee Council of the Blind
1531 Dempsey mayo Rd.
Tallahassee FL 32308
Phone: 850 422-7752

Electronic Voting System Paper Records
Jennifer Edward (General Public) - Information Only
Collier County Supervisor of Elections
3301 Tamiami Trail
Naples FL 34112
Phone: 239 774-8450

Electronic Voting System Paper Records
Lida Rodriguez-Taseff (General Public) - Proponent
Miami-Dade Elections Reform Coalition
200 S. Biscayne, Ste. 3400
Miami FL 33131
Phone: 305 960-2242

Electronic Voting System Paper Records
Kindra Muntz (General Public) - Opponent
Sarasota Alliance for Fair Elections (SAFE)
5869 Venisoth Road
Venice FL 34293
Phone: 942 497-1764

Committee meeting was reported out: Tuesday, April 17, 2007 2:25:55PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

Bill No. 213

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
 ADOPTED AS AMENDED _____ (Y/N)
 ADOPTED W/O OBJECTION (Y/N) 4/17/07
 FAILED TO ADOPT _____ (Y/N)
 WITHDRAWN _____ (Y/N)
 OTHER _____

1 Council/Committee hearing bill: Economic Expansion and
 2 Infrastructure Council
 3 Representative Hukill offered the following:
 4

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:
 7 Section 1. This act may be cited as the "Truth in
 8 Elections Act".

9 Section 2. Subsection (1) of section 101.151, Florida
 10 Statutes, is amended to read:

11 101.151 Specifications for ballots.-

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

16 (b) Supervisors of elections may employ ballot-on-demand
 17 technology to print individual marksense ballots for early
 18 voting and election-day voting, including provisional and
 19 absentee ballots.

20 Section 3. Section 101.56075, Florida Statutes, is created
 21 to read:

22 101.56075 Voting methods.-

Questions:
 Rep. Bucher . Rep. Patterson
 Rep. M. Davis
 Rep. Fitzgerald
 Rep. Ballard
 Rep. Krantz

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

23 (1) Except as provided in subsection (2), all voting shall
24 be conducted by marksense ballot utilizing a marking device for
25 the purpose of designating ballot selections.

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

30 Section 4. Subsection (3) and subparagraph(4)(a)1. of
31 section 101.5612, Florida Statutes, are amended to read:

32 101.55612 Testing of tabulating equipment.—

33 (3) For electronic or electromechanical voting systems
34 configured to tabulate absentee ballots at a central or regional
35 site, the public testing shall be conducted by processing a
36 preaudited group of ballots so produced as to record a
37 predetermined number of valid votes for each candidate and on
38 each measure and to include one or more ballots for each office
39 which have activated voting positions in excess of the number
40 allowed by law in order to test the ability of the automatic
41 tabulating equipment to reject such votes. If a county intends
42 to use ballot-on-demand equipment in an election, it must also
43 process ballots that have been printed with such equipment. If
44 any error is detected, the cause therefor shall be corrected and
45 an errorless count shall be made before the automatic tabulating
46 equipment is approved. The test shall be repeated and errorless
47 results achieved immediately before the start of the official
48 count of the ballots and again after the completion of the
49 official count. The programs and ballots used for testing shall
50 be sealed and retained under the custody of the county
51 canvassing board.

52 (4)(a)1. For electronic or electromechanical voting
53 systems configured to include electronic or electromechanical

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

54 tabulation devices which are distributed to the precincts, all
55 or a sample of the devices to be used in the election shall be
56 publicly tested. If a sample is to be tested, the sample shall
57 consist of a random selection of at least 5 percent of the
58 devices for an optical scan system or 2 percent of the devices
59 for a touchscreen system or 10 of the devices for either system,
60 as applicable, whichever is greater. The test shall be conducted
61 by processing a group of ballots, causing the device to output
62 results for the ballots processed, and comparing the output of
63 results to the results expected for the ballots processed. If a
64 county intends to use ballot-on-demand equipment in an election,
65 it must also process ballots that have been printed with such
66 equipment. The group of ballots shall be produced so as to
67 record a predetermined number of valid votes for each candidate
68 and on each measure and to include for each office one or more
69 ballots which have activated voting positions in excess of the
70 number allowed by law in order to test the ability of the
71 tabulating device to reject such votes.

72 Section 5. Section 101.591, Florida Statutes, is amended
73 to read:

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

76 101.591 Voting system audit.—

77 (1) If the second set of unofficial returns filed pursuant
78 to s. 102.141 reflects that a candidate for any office in that
79 county was defeated or eliminated by one-half of a percent or
80 less of the votes cast for such office, that a candidate for
81 retention to a judicial office was retained or not retained by
82 one-half of a percent or less of the votes cast on the question
83 of retention, or that a measure appearing on the ballot was
84 approved or rejected by one-half of a percent or less of the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

85 votes cast on such measure in that county, each county
86 canvassing board or local board responsible for certifying the
87 election shall order an audit of the voting system used in the
88 election.

89 (b) The audit conducted pursuant to this subsection shall
90 consist of an evaluation of the voting system used in four
91 percent of the precincts chosen at random by the county
92 canvassing board or local board responsible for certifying the
93 election to provide reasonable assurance that the system is
94 properly controlled, can accurately count votes, provides
95 adequate safeguards against unauthorized manipulation and fraud,
96 and complies with the requirements of law and rules of the
97 Department of State. If four percent of the precincts is less
98 than one entire precinct, the audit shall be conducted in one
99 precinct chosen at random by the county canvassing board or the
100 local board responsible for certifying the election. Such
101 precincts shall be selected at a publicly-noticed meeting.

102 (2) The board shall post a notice of the audit, including
103 the date, time, place, in four conspicuous places in the county
104 and on the web site of any affected county supervisor of
105 elections.

106 (3) The audit must be completed and the results made
107 public no later than 11:59 p.m. on the 9th day following
108 certification of the election by the county canvassing board or
109 the local board responsible for certifying the election.

110 (4) Within 15 days after completing the audit, the county
111 canvassing board or the board responsible for certifying the
112 election shall provide a report with the results of the audit to
113 the Department of State in a standard format prescribed by the
114 department.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

115 (5) The Department of State shall adopt rules prescribing
116 detailed audit procedures for each voting system, which shall be
117 uniform to the extent practicable, along with the standard
118 format to be used for audit reports.

119 Section 6. Section 104.20, Florida Statutes, is amended to
120 read:

121 104.20 Ballot not to be seen, and other offenses.--Any
122 elector who, except as provided by law, allows his or her ballot
123 to be seen by any person; ~~takes or removes, or attempts to take~~
124 ~~or remove, any ballot from the polling place before the close of~~
125 ~~the polls~~; places any mark on his or her ballot by which it may
126 be identified; endeavors to induce any elector to show how he or
127 she voted; aids or attempts to aid any elector unlawfully; or
128 prints or procures to be printed, or has in his or her
129 possession, any copies of any ballot prepared to be voted is
130 guilty of a misdemeanor of the first degree, punishable as
131 provided in s. 775.082 or s. 775.083. Any elector who, except
132 as provided by law, takes or removes, or attempts to take or
133 remove, any ballot from the polling place before the close of
134 the polls is guilty of a felony of the third degree, punishable
135 as provided in s. 775.082, s. 775.083, or s. 775.084.

136 Section 7. The Department of State shall seek funding
137 under the federal Help America Vote Act of 2002 or other federal
138 source to pay for any costs to implement sections 2 and 3 of the
139 bill.

140 Section 8. Sections 2 and 3 shall take effect one year
141 after the legislature appropriates funds it determines
142 appropriate to implement requirements for the voting equipment
143 prescribed in those sections, or in the alternative, legislation
144 requiring implementation solely through the use of local funds.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

145 The remaining sections of the bill are effective on July 1,
146 2007.

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===== 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

An act relating to elections; amending s. 101.151, F.S.;
authorizing the use of ballot-on-demand technology to produce
certain marksense ballots; creating s. 101.56075, F.S.;
requiring all voting to be by marksense ballot; providing an
exemption for voters with disabilities; amending s. 101.56062,
F.S.; amending s. 101.5612, F.S.; providing for testing of
ballots that are pre-printed and printed by ballot-on-demand
technology; amending s. 101.591, F.S.; requiring post-election,
random audits of voting systems; providing general audit
procedures; mandating that audit results be reported to the
Department of State; prescribing requirements for audit reports;
granting rulemaking authority to the department to adopt audit
procedures and a standard reporting form; amending s. 104.20,
F.S.; providing that removal of a ballot from polling
places in certain circumstances is a felony; providing
penalties; providing a contingent effective date.

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION X (Y/N) 4/17/07
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Economic Expansion &
2 Infrastructure Council
3 Representative(s) Patterson offered the following:

4
5 **Amendment to Amendment (1) by Representative Hukill (with**
6 **title amendment)**

7 Between lines 8 and 9, insert:

8 Section 2. Subsection (3) of section 98.075, Florida
9 Statutes, is amended to read:

10 98.075 Registration records maintenance activities;
11 ineligibility determinations.--

12 (3) DECEASED PERSONS.--The department shall identify those
13 registered voters who are deceased by comparing information on
14 the lists of deceased persons received from the Department of
15 Health as provided in s. 98.093. Upon receipt of such
16 information through the statewide voter registration system, the
17 supervisor shall remove the name of the registered voter.

18 Additionally, if the supervisor is presented with a certified
19 copy of a death certificate issued from a bona fide governmental
20 agency the supervisor may remove the name of the deceased voter
21 from the statewide voter registration system.

22 Section 3. Section 100.061, Florida Statutes, is amended
23 to read:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 02 (for drafter's use only)

24 100.061 Primary election.--In each year in which a general
25 election is held, a primary election for nomination of
26 candidates of political parties shall be held on the Tuesday 10
27 9 weeks prior to the general election. The candidate receiving
28 the highest number of votes cast in each contest in the primary
29 election shall be declared nominated for such office. If two or
30 more candidates receive an equal and highest number of votes for
31 the same office, such candidates shall draw lots to determine
32 which candidate is nominated.

33 Section 4. Subsection (6) of section 101.6103,
34 Florida Statutes, is amended to read:

35 101.6103 Mail ballot election procedure.--

36 (6) The canvassing board may begin the canvassing of mail
37 ballots at 7 a.m. on the sixth ~~fourth~~ day before the election,
38 including processing the ballots through the tabulating
39 equipment. However, results may not be released until after 7
40 p.m. on election day. Any canvassing board member or election
41 employee who releases any result before 7 p.m. on election day
42 commits a felony of the third degree, punishable as provided in
43 s. 775.082, s. 775.083, or s. 775.084.

44 Section 5. Paragraphs (a) and (c) of subsection (2)
45 of section 101.68, Florida Statutes, are amended to read:

46 101.68 Canvassing of absentee ballot.--

47 (2)(a) The county canvassing board may begin the
48 canvassing of absentee ballots at 7 a.m. on the sixth ~~fourth~~ day
49 before the election, but not later than noon on the day
50 following the election. In addition, for any county using
51 electronic tabulating equipment, the processing of absentee
52 ballots through such tabulating equipment may begin at 7 a.m. on
53 the sixth ~~fourth~~ day before the election. However,
54 notwithstanding any such authorization to begin canvassing or
55 otherwise processing absentee ballots early, no result shall be

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 02 (for drafter's use only)

56 released until after the closing of the polls in that county on
57 election day. Any supervisor of elections, deputy supervisor of
58 elections, canvassing board member, election board member, or
59 election employee who releases the results of a canvassing or
60 processing of absentee ballots prior to the closing of the polls
61 in that county on election day commits a felony of the third
62 degree, punishable as provided in s. 775.082, s. 775.083, or s.
63 775.084.

64 (c)1. The canvassing board shall, if the supervisor has
65 not already done so, compare the signature of the elector on the
66 voter's certificate with the signature of the elector in the
67 registration books to see that the elector is duly registered in
68 the county and to determine the legality of that absentee
69 ballot. ~~Effective July 1, 2005,~~ The ballot of an elector who
70 casts an absentee ballot shall be counted even if the elector
71 dies on or before election day, as long as, prior to the death
72 of the voter, the ballot was postmarked by the United States
73 Postal Service, date-stamped with a verifiable tracking number
74 by common carrier, or already in the possession of the
75 supervisor of elections. An absentee ballot shall be considered
76 illegal if it does not include the signature of the elector, as
77 shown by the registration records. However, an absentee ballot
78 shall not be considered illegal if the signature of the elector
79 does not cross the seal of the mailing envelope. If the
80 canvassing board determines that any ballot is illegal, a member
81 of the board shall, without opening the envelope, mark across
82 the face of the envelope: "rejected as illegal." The envelope
83 and the ballot contained therein shall be preserved in the
84 manner that official ballots voted are preserved.

85 2. If any elector or candidate present believes that an
86 absentee ballot is illegal due to a defect apparent on the
87 voter's certificate, he or she may, at any time before the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 02 (for drafter's use only)

88 ballot is removed from the envelope, file with the canvassing
89 board a protest against the canvass of that ballot, specifying
90 the precinct, the ballot, and the reason he or she believes the
91 ballot to be illegal. A challenge based upon a defect in the
92 voter's certificate may not be accepted after the ballot has
93 been removed from the mailing envelope.

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

98 Remove line 152 and insert:

99 An act relating to elections; amending s. 98.075, F.S.;
100 revising requirements for supervisors relating to removal of
101 deceased voters' names from the statewide voter registration
102 system; amending s. 100.061, F.S.; revising the date on which
103 the primary election is held; amending s. 101.6103, F.S.;
104 revising the date the canvassing of mail ballots may begin;
105 amending s. 101.68, F.S.; revising the date the canvassing of
106 absentee ballots may begin; removing an obsolete implementation
107 date; amending s. 101.151, F.S.;

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION (Y/N) 4/17/07
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Economic Expansion &
2 Infrastructure Council
3 Representative(s) Fitzgerald offered the following:

4
5 **Amendment to Amendment (1) by Representative Hukill (with**
6 **title amendment)**

7 Between lines 118 and 119, insert:

8 Section 6. Section 101.6102, Florida Statutes, is amended
9 to read:

10 101.6102 Mail ballot elections; limitations.--

11 (1)(a) An election may be conducted by mail ballot if:

12 1. The election is a referendum election at which all or a
13 portion of the qualified electors of one of the following
14 subdivisions of government are the only electors eligible to
15 vote:

16 a. Counties;

17 b. Cities;

18 c. School districts covering no more than one county; or

19 d. Special districts;

20 2. The governing body responsible for calling the election
21 and the supervisor of elections responsible for the conduct of
22 the election authorize the use of mail ballots for the election;
23 and

Amendment No. (for drafter's use only)

24 3. The Secretary of State approves a written plan for the
25 conduct of the election, which shall include a written timetable
26 for the conduct of the election, submitted by the supervisor of
27 elections.

28 (b) ~~In addition,~~ An annexation referendum which includes
29 only qualified electors of one county may also be voted on by
30 mail ballot election.

31 (c) A board of county or city commissioners may declare
32 that a county or city election shall be conducted entirely by
33 mail ballot. The board of county or city commissioners shall
34 make that declaration no later than 90 days before the date of
35 the scheduled election.

36 (2) The following elections may not be conducted by mail
37 ballot:

38 (a) An election at which any candidate is nominated,
39 elected, retained, or recalled, except a county or city election
40 pursuant to paragraph (1)(c); or

41 (b) An election held on the same date as another election,
42 other than a mail ballot election, in which the qualified
43 electors of that political subdivision are eligible to cast
44 ballots.

45 (3) The supervisor of elections shall be responsible for
46 the conduct of any election held under ss. 101.6101-101.6107.

47 (4) The costs of a mail ballot election shall be borne by
48 the jurisdiction initiating the calling of the election, unless
49 otherwise provided by law.

50 (5) Nothing in this section shall be construed to prohibit
51 the use of a mail ballot election in a municipal annexation
52 referendum requiring separate vote of the registered electors of
53 the annexing municipality and of the area proposed to be
54 annexed. If a mail ballot election is authorized for a municipal

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

55 annexation referendum, the provisions of ss. 101.6101-101.6107
56 shall control over any conflicting provisions of s. 171.0413.

57

58

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

60

Remove line 164 and insert:

61

procedures and a standard reporting form; amending s. 101.6102,

62

F.S.; authorizing counties and cities to conduct county

63

elections by mail ballot under certain circumstances; amending

64

s. 104.20,

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N) 4/17/07
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Council/Committee hearing bill: Economic Expansion &
2 Infrastructure
3 Representative(s) Bucher offered the following:
4
5 **Amendment to Amendment (1) by Representative Hukill**
6 Remove line(s) 143 and insert:
7 prescribed in those sections, or in the alternative, counties
8 may proceed to implementation using local funds if a county
9 chooses to do so.

10



FLORIDA STATE ASSOCIATION OF SUPERVISORS OF ELECTIONS

PO Box 350 | Tallahassee, FL 32302

April 10, 2007

Numerous counties throughout Florida currently utilize DRE or touch screen voting equipment very successfully and believe assertions concerning their integrity and performance are incorrect and not founded on fact. Those counties desire to continue to use the DRE machines even if that involves adding VVPAT.

It is the position of the Florida State Association of Supervisors of Elections that the proposal by the Governor's office - optical scanners for election day voting and at early voting sites using ballot on demand technology - while praiseworthy, is not the best solution for Florida as we approach what quite possibly will be the largest election ever administered in this State.

Ballot on demand has seen only isolated usage nationally (a single county in Florida uses this for absentee ballot preparation) and would be inordinately expensive to introduce in the short amount of time that remains between now and the 2008 election cycle. This technology could well have a place in the future of Florida elections; however, any such wholesale change would require time-sensitive implementation and planned budgeting after the technology has been proven elsewhere. Rushing to this technology would once again put Florida in the spotlight if things go wrong, as we fear they could.

The FSASE sees alternatives to the Governor's proposal, if the Legislature mandates changes to current voting equipment provisions. First and foremost, the Association would like to point out that moving to mail ballot elections eliminates all the problems we now face and many others as well -- Everyone votes a paper ballot, early voting is eliminated, no county is faced with buying new voting equipment.

Short of mail ballot elections, the Legislature should fund the purchase of optical scan devices for the counties who are currently using touch screen voting devices for election day voting if the decision is to require optical scan and allow all counties to continue to use their touch screen devices for early voting. Touch screen devices are the only technology currently certified that allows for the reporting of early voting results by precinct, a legislative mandate.

If the Legislature mandates that Florida become the 28th state to introduce VVPAT to the touch screen devices, the Legislature should fund the addition of printers on those machines used for early voting and the machines placed in each election day polling place to comply with the Americans with Disabilities Act.

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council
4/17/2007 9:00:00AM

Location: 404 HOB
HB 259 : Affordable Housing

Favorable with Council Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Gary Aubuchon	X				
Susan Bucher	X				
Edward Bullard	X				
Larry Cretul	X				
Joyce Cusack	X				
Don Davis			X		
Mike Davis	X				
Keith Fitzgerald	X				
Richard Glorioso	X				
Doug Holder	X				
Dick Kravitz	X				
Peter Nehr	X				
Pat Patterson			X		
Betty Reed	X				
Dean Cannon (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Appearances:

An act relating to growth management
 Nancy Stewart-WAIVED TIME (Lobbyist) - Proponent
 FMO - Federation of Manufactured Home Owners
 1566 Village Square Blvd.
 Tallahassee FL 32309
 Phone: 850 385-7805

Affordable Housing
 Lori Killinger-WAIVED TIME (Lobbyist) - Proponent
 FL Manufactured Housing Assn.
 2958 Wellington circle
 Tallahassee FL 32309
 Phone: 850 907-9111

Committee meeting was reported out: Tuesday, April 17, 2007 2:25:55PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 03 (for drafter's use only)

Bill No. 0259

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N) 4/17/09
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Economic Expansion &
 2 Infrastructure Council
 3 Representative(s) Attkisson offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (d) of subsection (1) of section
 8 723.061, Florida Statutes, is amended to read:

9 723.061 Eviction; grounds, proceedings.--

10 (1) A mobile home park owner may evict a mobile home
 11 owner, a mobile home tenant, a mobile home occupant, or a mobile
 12 home only on one or more of the grounds provided in this
 13 section.

14 (d) Change in use of the land comprising the mobile home
 15 park, or the portion thereof from which mobile homes are to be
 16 evicted, from mobile home lot rentals to some other use,
 17 provided all tenants affected are given at least 6 months'
 18 notice of the projected change of use and of their need to
 19 secure other accommodations. The notice shall include in a font
 20 no smaller than the body of the notice: YOU MAY BE ENTITLED TO
 21 COMPENSATION FROM THE FLORIDA MOBILE HOME RELOCATION TRUST FUND,
 22 ADMINISTERED BY THE FLORIDA MOBILE HOME RELOCATION CORPORATION

Comments/Debate:
 Rep Bucher
 Rep. M. Davis

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

23 (FMHRC); FMHRC CONTACT INFORMATION IS AVAILABLE FROM THE FLORIDA
24 DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION. The park
25 owner may not give a notice of increase in lot rental amount
26 within 90 days before giving notice of a change in use.

27 Section 2. Subsection (1) of section 723.06116, Florida
28 Statutes, is amended, and subsection (4) is added to that
29 section, to read:

30 723.06116 Payments to the Florida Mobile Home Relocation
31 Corporation.--

32 (1) If a mobile home owner is required to move due to a
33 change in use of the land comprising a mobile home park as set
34 forth in s. 723.061(1)(d), the mobile home park owner shall,
35 upon such change in use, pay to the Florida Mobile Home
36 Relocation Corporation for deposit in the Florida Mobile Home
37 Relocation Trust Fund \$2,750 for each single-section mobile home
38 and \$3,750 for each multisection mobile home for which a mobile
39 home owner has made application for payment of moving expenses.
40 The mobile home park owner shall make the payments required by
41 this section and by s. 723.0612(7) to the corporation within 30
42 days after receipt from the corporation of the invoice for
43 payment. Failure to make such payment within the required time
44 period shall result in a late fee being imposed.

45 (a) If payment is not submitted within 30 days after
46 receipt of the invoice, a 10-percent late fee shall be assessed.

47 (b) If payment is not submitted within 60 days after
48 receipt of the invoice, a 15-percent late fee shall be assessed.

49 (c) If payment is not submitted within 90 days after
50 receipt of the invoice, a 20-percent late fee shall be assessed.

51 (d) Any payment received 120 days or more after receipt of
52 the invoice shall include a 25-percent late fee.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

53 (4) In any action brought by the corporation to collect
54 payments assessed under this chapter, the corporation may file
55 and maintain such action in Leon County. If the corporation is a
56 party in any other action, venue for such action shall be in
57 Leon County.

58 Section 3. Subsection (9) of section 723.0612, Florida
59 Statutes, is amended, and subsection (12) is added to that
60 section, to read:

61 723.0612 Change in use; relocation expenses; payments by
62 park owner.--

63 (9) Any person whose application for funding pursuant to
64 subsection (1) or subsection (7) is approved for payment by the
65 corporation shall be barred from asserting any claim or cause of
66 action under this chapter directly relating to or arising out of
67 the change in use of the mobile home park against the
68 corporation, the park owner, or the park owner's successors in
69 interest. No application for funding pursuant to subsection (1)
70 or subsection (7) shall be approved by the corporation if the
71 applicant has ~~either~~ filed a claim or cause of action, is
72 actively pursuing a claim or cause of action, has settled a
73 claim or cause of action, or has a judgment against the
74 corporation, the park owner, or the park owner's successors in
75 interest under this chapter directly relating to or arising out
76 of the change in use of the mobile home park, unless such claim
77 or cause of action is dismissed with prejudice.

78 (12) An application to the corporation for compensation
79 under subsection (1) or subsection (7) must be received within 1
80 year after the expiration of the eviction period as established
81 in the notice required under s. 723.061(1)(d). If the applicant
82 files a claim or cause of action that disqualifies the applicant
83 under subsection (9) and the claim is subsequently dismissed,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

84 the application must be received within 6 months following
85 filing of the dismissal with prejudice as required under
86 subsection (9). However, such an applicant must apply within 2
87 years after the expiration of the eviction period as established
88 in the notice required under s. 723.061(1)(d).

89 Section 4. This act shall take effect upon becoming a law.

90

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

92 Remove the entire title and insert:

93 A bill to be entitled

94 An act relating to the mobile home relocation corporation;
95 amending s. 723.061, F.S.; providing notice requirements
96 to certain mobile home lot tenants regarding entitlement
97 to compensation from the Florida Mobile Home Relocation
98 Trust Fund; amending s. 723.06116, F.S.; providing for
99 late fees if a mobile home park owner does not make
100 payments to the Florida Mobile Home Relocation Corporation
101 within the required time period; authorizing the
102 corporation to file and maintain certain actions to
103 collect payments in Leon County; amending s. 723.0612,
104 F.S.; prohibiting approval of certain applications for
105 funding submitted by persons who have settled certain
106 claims or causes of action; providing certain time periods
107 within which an application for funding for relocation
108 expenses must be submitted to the corporation; providing
109 an effective date.

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council
4/17/2007 9:00:00AM

Location: 404 HOB

HB 445 : Tax on Sales, Use, and Other Transactions

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon	X				
Susan Bucher		X			
Edward Bullard	X				
Larry Cretul	X				
Joyce Cusack	X				
Don Davis			X		
Mike Davis	X				
Keith Fitzgerald		X			
Richard Glorioso	X				
Doug Holder	X				
Dick Kravitz	X				
Peter Nehr	X				
Pat Patterson	X				
Betty Reed	X				
Dean Cannon (Chair)			X		
Total Yeas: 11		Total Nays: 2			

Appearances:

Tax on Sales, Use & Other Transactions
 Steve Santo-WAIVED TIME (Lobbyist) - Proponent
 AvantAir
 4311 General Howard Drive
 Clearwater FL 33762
 Phone: 727 539-0071

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION (Y/N) 4/17/07
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Economic Expansion &
2 Infrastructure Council
3 Representatives Altman offered the following:

Amendment to Amendment by Representative Altman

Remove line 17 and insert:

8 Subpart K, C.F.R., except the program must include a minimum of
9 25 aircraft owned or leased by the business or affiliated group
10 providing the program.
11

Questions:
Rep. Bucher
Rep. Fitzgerald
Rep. Reed
Rep. Holder

Debate:
Rep. Bucher
Rep. Holder
Rep. Fitzgerald
Rep. Aubuchon
Rep. Glorioso

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) 4/17/09
OTHER _____

1 Council/Committee hearing bill: Economic Expansion &
2 Infrastructure Council
3 Representative Frishe offered the following:
4

5 **Amendment to Amendment (1) by Representative Altman (with**
6 **directory and title amendments)**

7 On line 51 insert:

8 (20) MOLDS USED IN MANUFACTURING FDA-APPROVED COMPONENTS.—

9 (a) Molds used in this state in injection molding machines,
10 into which liquid silicone rubber is injected at high pressure,
11 to shape components used in FDA-approved infant and medical
12 products are exempt from the taxes imposed by this chapter.

13 (b) A person who claims the exemption provided in this
14 subsection shall furnish the seller with a certificate stating
15 that the item or items for which an exemption is claimed will be
16 used as required by this subsection.

17 (c) In lieu of furnishing a certificate, a purchaser
18 claiming the exemption provided in this subsection may furnish
19 the seller with a copy of the purchaser's direct pay permit and
20 shall maintain all documentation necessary to prove the exempt
21 status of the purchases.
22
23

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 03 (for drafter's use only)

24 ===== D I R E C T O R Y A M E N D M E N T =====

25 Remove line 18 and insert:

26 Section 2. Subsections (19) and (20) are added to section
27 212.08,

28
29 ===== T I T L E A M E N D M E N T =====

30 Remove line 64 and insert:

31 fractional ownership interest pursuant to such a program;
32 exempting certain silicone rubber custom molds manufactured and
33 used in this state for the purpose of manufacturing medical
34 devices; providing for certification of the exemption; providing
35 the subsection shall be strictly construed and enforced;

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council
4/17/2007 9:00:00AM

Location: 404 HOB

HB 499 : Bridge Designations

Favorable with Council Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Gary Aubuchon	X				
Susan Bucher	X				
Edward Bullard	X				
Larry Cretul	X				
Joyce Cusack	X				
Don Davis			X		
Mike Davis	X				
Keith Fitzgerald	X				
Richard Glorioso	X				
Doug Holder	X				
Dick Kravitz	X				
Peter Nehr	X				
Pat Patterson	X				
Betty Reed			X		
Dean Cannon (Chair)			X		
Total Yeas: 12		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 17, 2007 2:25:55PM

HOUSE AMENDMENT FOR COUNCIL PURPOSES

Amendment No. 5

Bill No. 499

COUNCIL/COMMITTEE ACTION

ADOPTED (Y/N)
 ADOPTED AS AMENDED (Y/N)
 ADOPTED W/O OBJECTION (Y/N) 4/17/07
 FAILED TO ADOPT (Y/N)
 WITHDRAWN (Y/N)
 OTHER _____

1 Council hearing bill: Economic Expansion & Infrastructure
 2 Representative Baxley offered the following:

3

4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Judge William T. Swigert Bridge designated;
 7 Department of Transportation to erect suitable markers.--

8 (1) The bridge over the railroad tracks on State Road/U.S.
 9 Route 27/301/441, State Road 25 between N.W. 3rd Street and N.W.
 10 8th Street in the City of Ocala in Marion County is designated
 11 as "Judge William T. Swigert Bridge."

12 (2) The Department of Transportation is directed to erect
 13 suitable markers designating Judge William T. Swigert Bridge as
 14 described in subsection (1).

15 Section 2. John F. Cosgrove Highway designated; Department
 16 of Transportation to erect suitable markers.--

17 (1) That portion of State Road 821, the Florida Turnpike
 18 Homestead Extension, between exit 16 at S.W. 152nd Street and
 19 exit 11 at S.W. 216th Street in Miami-Dade County is designated
 20 as the "John F. Cosgrove Highway."

HOUSE AMENDMENT FOR COUNCIL PURPOSES

Amendment No. 5

21 (2) The Department of Transportation is directed to erect
22 suitable markers designating the John F. Cosgrove Highway as
23 described in subsection (1).

24 Section 3. Arnold M. Velazquez Boulevard designated;
25 Department of Transportation to erect suitable markers.--

26 (1) That portion of Flagler Avenue N.W. between 72nd Avenue
27 and 67th Avenue in Miami-Dade County is designated as "Arnold M.
28 Velazquez Boulevard."

29 (2) The Department of Transportation is directed to erect
30 suitable markers designating Arnold M. Velazquez Boulevard as
31 described in subsection (1).

32 Section 4. Marilyn Culp Way designated; Department of
33 Transportation to erect suitable markers.--

34 (1) That portion of Coral Way between S.W. 31st Avenue and
35 S.W. 25th Avenue in Miami-Dade County is designated as "Marilyn
36 Culp Way."

37 (2) The Department of Transportation is directed to erect
38 suitable markers designating Marilyn Culp Way as described in
39 subsection (1).

40 Section 5. Dr. Leonard Cherdack Memorial Highway
41 designated; Department of Transportation to erect suitable
42 markers.--

43 (1) That portion of Kendall Drive between 107th Avenue and
44 87th Avenue in Miami-Dade County is designated as "Dr. Leonard
45 Cherdack Memorial Highway."

46 (2) The Department of Transportation is directed to erect
47 suitable markers designating the Dr. Leonard Cherdack Memorial
48 Highway as described in subsection (1).

49 Section 6. Athalie Range Boulevard designated; Department
50 of Transportation to erect suitable markers.--

HOUSE AMENDMENT FOR COUNCIL PURPOSES

Amendment No. 5

51 (1) The portion of Biscayne Boulevard/U.S. 1/State Road 5,
52 between N.E. 54th Street and N.E. 96th Street in Miami-Dade
53 County is designated as the "Athalie Range Boulevard."

54 (2) The Department of Transportation is directed to erect
55 suitable markers designating the Athalie Range Boulevard as
56 described in subsection (1).

57 Section 7. Kevin John Fischer Memorial Highway designated;
58 Department of Transportation to erect suitable markers.--

59 (1) That portion of Interstate 95 between State Road 400
60 and State Road 600 in Volusia County is designated as "Kevin
61 John Fischer Memorial Highway."

62 (2) The Department of Transportation is directed to erect
63 suitable markers designating Kevin John Fischer Memorial Highway
64 as described in subsection (1).

65 Section 8. Curtis Golden Boulevard designated; Department
66 of Transportation to erect suitable markers.--

67 (1) That portion of State Road 191 from the intersection of
68 Garcon Point Road and Forsythe Street in the City of Bagdad
69 south to the intersection of Avalon Boulevard/State Road 281 in
70 Santa Rosa County is designated as "Curtis Golden Boulevard."

71 (2) The Department of Transportation is directed to erect
72 suitable markers designating Curtis Golden Boulevard as
73 described in subsection (1).

74 Section 9. Ed Holt Boulevard designated; Department of
75 Transportation to erect suitable markers.--

76 (1) That portion of State Road 15/115 between Phoenix
77 Avenue and Boulevard Street in Duval County is designated as "Ed
78 Holt Boulevard."

79 (2) The Department of Transportation is directed to erect
80 suitable markers designating Ed Holt Boulevard as described in
81 subsection (1).

HOUSE AMENDMENT FOR COUNCIL PURPOSES

Amendment No. 5

82 Section 10. Moses Baker Boulevard designated; Department of
83 Transportation to erect suitable markers.--

84 (1) That portion of U.S. 1/SR 15/115 between North Myrtle
85 Avenue and Fairfax Street in Duval County is designated as
86 "Moses Baker Boulevard."

87 (2) The Department of Transportation is directed to erect
88 suitable markers designating Moses Baker Boulevard as described
89 in subsection (1).

90 Section 11. C.D. Kinsey Street designated; Department of
91 Transportation to erect suitable markers.--

92 (1) That portion of Beaver Street between Stockton Street
93 and Edgewood Avenue in Duval County is designated as "C.D.
94 Kinsey Street."

95 (2) The Department of Transportation is directed to erect
96 suitable markers designating C.D. Kinsey Street as described in
97 subsection (1).

98 Section 12. Lawrence Callahan Highway designated;
99 Department of Transportation to erect suitable markers.--

100 (1) That portion of U.S. Highway 1 between Redpoll Avenue
101 and Soutel Drive/CR 115A in Duval County is designated as
102 "Lawrence Callahan Highway."

103 (2) The Department of Transportation is directed to erect
104 suitable markers designating Lawrence Callahan Highway as
105 described in subsection (1).

106 Section 13. Bernard Wilkes Highway designated; Department
107 of Transportation to erect suitable markers.--

108 (1) That portion of U.S. Highway 1 between Richardson Road
109 and Soutel Drive/CR 115A in Duval County is designated as
110 "Bernard Wilkes Highway."

HOUSE AMENDMENT FOR COUNCIL PURPOSES

Amendment No. 5

111 (2) The Department of Transportation is directed to erect
112 suitable markers designating Bernard Wilkes Highway as described
113 in subsection (1).

114 Section 14. Sarah Hayes Rice Road designated; Department of
115 Transportation to erect suitable markers.--

116 (1) That portion of Lem Turner Road between Rowe Avenue and
117 I-95 in Duval County is designated as "Sarah Hayes Rice Road."

118 (2) The Department of Transportation is directed to erect
119 suitable markers designating Sarah Hayes Rice Road as described
120 in subsection (1).

121 Section 15. James Weldon Johnson Memorial Highway
122 designated; Department of Transportation to erect suitable
123 markers.--

124 (1) That portion of I-95 Southbound from Dunn Avenue to the
125 I-10 interchange and I-10 Eastbound from Lane Avenue to I-95 in
126 Duval County is designated as the "James Weldon Johnson Memorial
127 Highway."

128 (2) The Department of Transportation is directed to erect
129 suitable markers designating the James Weldon Johnson Memorial
130 Highway as described in subsection (1).

131 Section 16. Sigmund Zilber Memorial Highway designated;
132 Department of Transportation to erect suitable markers.--

133 (1) That portion of U.S. Highway 1 (Biscayne Blvd.) between
134 135th St. and 151st St., in Miami-Dade County is designated as
135 "Sigmund Zilber Memorial Highway."

136 (2) The Department of Transportation is directed to erect
137 suitable markers designating the Sigmund Zilber Memorial Highway
138 as described in subsection (1).

139 Section 17. Rick Ricciardelli Bridge designated; Department
140 of Transportation to erect suitable markers.--

HOUSE AMENDMENT FOR COUNCIL PURPOSES

Amendment No. 5

141 (1) The bridge across Memorial Canal on NE 125th Street
142 near Griffing Boulevard in the City of North Miami is designated
143 as the "Rick Ricciardelli Bridge."

144 (2) The Department of Transportation is directed to erect
145 suitable markers designating the Rick Ricciardelli Bridge as
146 described in subsection (1).

147 Section 18. Carlin White Bridge designated; Department of
148 Transportation to erect suitable markers.--

149 (1) The U.S. Hwy. 1 bridge that crosses the Loxahatchee
150 River at the inlet in the City of Jupiter/Tequesta in Palm Beach
151 County is designated as "Carlin White Bridge."

152 (2) The Department of Transportation is directed to erect
153 suitable markers designating the Carlin White Bridge as
154 described in subsection (1).

155 Section 19. Senator Richard H. Langley Memorial Interchange
156 designated; Department of Transportation to erect suitable
157 markers.--

158 (1) The interchange of the Florida Turnpike and State Road
159 50 West near the Town of Oakland in Orange County is designated
160 as "Senator Richard H. Langley Memorial Interchange."

161 (2) The Department of Transportation is directed to erect
162 suitable markers designating the Senator Richard H. Langley
163 Memorial Interchange as described in subsection (1).

164 Section 20. The David Bogan Bridge designated; Department
165 of Transportation to erect suitable markers.--

166 (1) The bridge on I-10/SR 8 that crosses the Escambia Bay
167 in Escambia County is designated as "The David Bogan Bridge."

168 (2) The Department of Transportation is directed to erect
169 suitable markers designating The David Bogan Bridge as described
170 in subsection (1).

HOUSE AMENDMENT FOR COUNCIL PURPOSES

Amendment No. 5

171 Section 21. Raul L. Martinez/Jose' Abreu Highway
172 designated; Department of Transportation to erect suitable
173 markers.--

174 (1) That portion of U.S. 27/SR 25 (Okeechobee Road) between
175 West 12th Street and West 19th Street in Miami-Dade County is
176 designated as "Raul L. Martinez/Jose' Abreu Highway."

177 (2) The Department of Transportation is directed to erect
178 suitable markers designating the Raul L. Martinez/Jose' Abreu
179 Highway as described in subsection (1).

180 Section 22. Robert L. Blum Bridge designated; Department of
181 Transportation to erect suitable markers.--

182 (1) The bridge over Indian Creek on West 41st Street in
183 the City of Miami Beach in Miami-Dade County is designated as
184 "Robert L. Blum Bridge."

185 (2) The Department of Transportation is directed to erect
186 suitable markers designating Robert L. Blum Bridge as described
187 in subsection (1).

188 Section 23. George W. Harris, Jr. Boulevard designated;
189 Department of Transportation to erect suitable markers.--

190 (1) That portion of U.S. Highway 98/State Road 35/700 in
191 Polk County between Main Street in Bartow and Main Street in
192 Lakeland is designated as "George W. Harris, Jr. Boulevard."

193 (2) The Department of Transportation is directed to erect
194 suitable markers designating George W. Harris, Jr. Boulevard as
195 described in subsection (1).

196 Section 24. Angel Manuel De La Portilla Way designated;
197 Department of Transportation to erect suitable markers.--

198 (1) That portion of S.W. 12th Avenue between Coral Way and
199 S.W. 8th Street in Miami-Dade County is designated as "Angel
200 Manuel De La Portilla Way."

HOUSE AMENDMENT FOR COUNCIL PURPOSES

Amendment No. 5

201 (2) The Department of Transportation is directed to erect
202 suitable markers designating Angel Manuel De La Portilla Way as
203 described in subsection (1).

204 Section 25. Dennis Pastrana Avenue designated; Department
205 of Transportation to erect suitable markers.--

206 (1) That portion of N.W. 21st Avenue between N.W. 20th
207 Street and N.W. 23rd Street in Miami-Dade County is designated
208 as "Dennis Pastrana Avenue."

209 (2) The Department of Transportation is directed to erect
210 suitable markers designating Dennis Pastrana Avenue as described
211 in subsection (1).

212 Section 26. Luis Conte Aguero Way designated; Department
213 of Transportation to erect suitable markers.--

214 (1) That portion of 27th Avenue between Coral Way and S.W.
215 8th Street in Miami-Dade County is designated as "Luis Conte
216 Aguero Way."

217 (2) The Department of Transportation is directed to erect
218 suitable markers designating Luis Conte Aguero Way as described
219 in subsection (1).

220 Section 27. Estrella Rubio Way designated; Department of
221 Transportation to erect suitable markers.--

222 (1) That portion of LeJeune Road/S.W. 42nd Avenue between
223 S.W. 8th Street and Coral Way in Miami-Dade County is designated
224 as "Estrella Rubio Way."

225 (2) The Department of Transportation is directed to erect
226 suitable markers designating Estrella Rubio Way as described in
227 subsection (1).

228 Section 28. Rafael Diaz Balart Road designated; Department
229 of Transportation to erect suitable markers.--

HOUSE AMENDMENT FOR COUNCIL PURPOSES

Amendment No. 5

230 (1) That portion of LeJeune Road/S.W. 42nd Avenue between
231 Flagler Street and S.W. 8th Street in Miami-Dade County is
232 designated as "Rafael Diaz Balart Road."

233 (2) The Department of Transportation is directed to erect
234 suitable markers designating Rafael Diaz Balart Road as
235 described in subsection (1).

236 Section 29. Ambassador Armando Valladares Drive
237 designated; Department of Transportation to erect suitable
238 markers.--

239 (1) That portion of N. Kendall Drive between S.W. 117th
240 Avenue and S.W. 127th Avenue in Miami-Dade County is designated
241 as "Ambassador Armando Valladares Drive."

242 (2) The Department of Transportation is directed to erect
243 suitable markers designating Ambassador Armando Valladares Drive
244 as described in subsection (1).

245 Section 30. Fred Havenick Way designated; Department of
246 Transportation to erect suitable markers.--

247 (1) That portion of N.W. 2nd Terrace between N.W. 37th
248 Avenue and N.W. 38th Court in Miami-Dade County is designated as
249 "Fred Havenick Way."

250 (2) The Department of Transportation is directed to erect
251 suitable markers designating Fred Havenick Way as described in
252 subsection (1).

253 Section 31. Aristides Sastre honored; Department of
254 Transportation to erect suitable markers.--

255 (1) The corner of W. Flagler Street, State Road 968, and
256 Le June Road, State Road 953, in Miami-Dade County is dedicated
257 to the memory of Aristides Sastre.

258 (2) The Department of Transportation is directed to erect
259 suitable markers in honor of Aristides Sastre as described in
260 subsection (1).

HOUSE AMENDMENT FOR COUNCIL PURPOSES

Amendment No. 5

261 Section 32. Isadore Hecht Street designated; Department of
262 Transportation to erect suitable markers.--

263 (1) That portion of N.W. 7th Street between N.W. 37th
264 Avenue and N.W. 38th Court in Miami-Dade County is designated as
265 "Isadore Hecht Street."

266 (2) The Department of Transportation is directed to erect
267 suitable markers designating Isadore Hecht Street as described
268 in subsection (1).

269

270 Section 33. This act shall take effect July 1, 2007.

271

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

273 Remove the entire title and insert:

274

A bill to be entitled

275

An act relating to highway designations; designating

276

Judge William T. Swigert Bridge in Marion County;

277

designating John F. Cosgrove Highway, Arnold M.

278

Velazquez Boulevard, Marilyn Culp Way, Dr. Leonard

279

Cherdack Memorial Highway, Athalie Range Boulevard,

280

Sigmund Zilber Memorial Highway, and Raul L.

281

Martinez/Jose' Abreu Highway in Miami-Dade County;

282

designating the Rick Ricciardelli Bridge in the City

283

of North Miami; designating Kevin John Fischer

284

Memorial Highway in Volusia County; designating Curtis

285

Golden Boulevard in Santa Rosa County; designating

286

Carlin White Bridge in Palm Beach County; designating

287

The David Bogan Bridge in Escambia County; designating

288

Senator Richard H. Langley Memorial Interchange in

289

Orange County; designating Ed Holt Boulevard, Moses

290

Baker Boulevard, C.D. Kinsey Street, Lawrence Callahan

291

Highway, Bernard Wilkes Highway, Sarah Hayes Rice

HOUSE AMENDMENT FOR COUNCIL PURPOSES

Amendment No. 5

292 Road, and the James Weldon Johnson Memorial Highway in
293 Duval County; designating Robert L. Blum Bridge in
294 Miami-Dade County; designating George W. Harris, Jr.
295 Boulevard in Polk County; designating Angel Manuel De
296 La Portilla Way, Dennis Pastrana Avenue, Luis Conte
297 Agüero Way, Estrella Rubio Way, Rafael Diaz Balart
298 Road, Ambassador Armando Valladares Drive, Fred
299 Havenick Way, and Isadore Hecht Street and erecting
300 markers in memory of Aristides Sastre in Miami-Dade
301 County; directing the Department of Transportation to
302 erect suitable markers; providing an effective date.

303

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council

4/17/2007 9:00:00AM

Location: 404 HOB

HB 513 : Tampa-Hillsborough County Expressway Authority

Temporarily Deferred

Committee meeting was reported out: Tuesday, April 17, 2007 2:25:55PM

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council
4/17/2007 9:00:00AM

Location: 404 HOB

HB 589 : Florida Building Code

Not Considered

Committee meeting was reported out: Tuesday, April 17, 2007 2:25:55PM

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council

4/17/2007 9:00:00AM

Location: 404 HOB

HB 959 : South Florida Regional Transportation Authority

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon	X				
Susan Bucher	X				
Edward Bullard	X				
Larry Cretul	X				
Joyce Cusack	X				
Don Davis			X		
Mike Davis	X				
Keith Fitzgerald	X				
Richard Glorioso	X				
Doug Holder	X				
Dick Kravitz	X				
Peter Nehr	X				
Pat Patterson	X				
Betty Reed			X		
Dean Cannon (Chair)	X				
Total Yeas: 13 Total Nays: 0					

Appearances:

South Florida Regional Transportation Authority
 Dave Ericks-WAIVED TIME (Lobbyist) - Proponent
 S. FL Regional Transportation Authority
 NO ADDRESS GIVEN

South Florida Regional Transportation Authority
 Ward Blakely-WAIVED TIME (Lobbyist) - Proponent
 Jacksonville Transportation Authority
 200 W. College Avenue
 Tallahassee FL 32301
 Phone: 850 681-6400

Committee meeting was reported out: Tuesday, April 17, 2007 2:25:55PM

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council

4/17/2007 9:00:00AM

Location: 404 HOB

HB 961 : Pub. Rec./Land Acquisition by South Florida Regional Transportation Authority

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Gary Aubuchon	X				
Susan Bucher	X				
Edward Bullard	X				
Larry Cretul	X				
Joyce Cusack	X				
Don Davis			X		
Mike Davis	X				
Keith Fitzgerald	X				
Richard Glorioso	X				
Doug Holder	X				
Dick Kravitz	X				
Peter Nehr	X				
Pat Patterson	X				
Betty Reed	X				
Dean Cannon (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 17, 2007 2:25:55PM

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council

4/17/2007 9:00:00AM

Location: 404 HOB

HB 1273 : Accessible Parking Spaces

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon	X				
Susan Bucher	X				
Edward Bullard	X				
Larry Cretul	X				
Joyce Cusack	X				
Don Davis			X		
Mike Davis	X				
Keith Fitzgerald	X				
Richard Glorioso	X				
Doug Holder	X				
Dick Kravitz			X		
Peter Nehr	X				
Pat Patterson	X				
Betty Reed	X				
Dean Cannon (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Appearances:

Accessible Parking Spaces

Barbara Cain (State Employee) - Opponent
 Americans with Disabilities Act Working Group
 4030 Esplanade Way, 315 C
 Tallahassee, FL 32399
 Phone: 850 922-4103

Accessible Parking Spaces

Robert C. Davis (General Public) - Proponent
 14951 Walden Springs Way # 702
 Jacksonville FL 32258
 Phone: 904 359-8333

Accessible Parking Spaces

Gary Joseph (General Public) - Proponent
 Self
 3851 Sheffield Place
 Jacksonville FL 32207
 Phone: 904 398-1694

Accessible Parking Spaces

Raymond Joseph-WAIVED TIME (General Public) - Proponent
 Self
 3786 Cathedral Cove Rd.
 Jacksonville FL32308 32217
 Phone: 904 731-0854

Committee meeting was reported out: Tuesday, April 17, 2007 2:25:55PM

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council
4/17/2007 9:00:00AM

Location: 404 HOB

HB 1487 : Insurance Premium and Corporate Income Tax Credits

Not Considered

Committee meeting was reported out: Tuesday, April 17, 2007 2:25:55PM

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council
4/17/2007 9:00:00AM

Location: 404 HOB

HB 1491 : Community Development Districts

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon	X				
Susan Bucher	X				
Edward Bullard	X				
Larry Cretul	X				
Joyce Cusack	X				
Don Davis			X		
Mike Davis	X				
Keith Fitzgerald	X				
Richard Glorioso	X				
Doug Holder	X				
Dick Kravitz	X				
Peter Nehr	X				
Pat Patterson	X				
Betty Reed	X				
Dean Cannon (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Appearances:

Community Development Districts
 Cheryl Stuart-WAIVED TIME (Lobbyist) - Proponent
 Assn. of FL Community Developers
 123 S. Calhoun St.
 Tallahassee FL 32312
 Phone: 850 222-7500

Committee meeting was reported out: Tuesday, April 17, 2007 2:25:55PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 04 (for drafter's use only)

Bill No. 1491

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N) 4/17/07
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Council/Committee hearing bill: Economic Expansion &
 2 Infrastructure Council
 3 Representative Attkisson offered the following:
 4

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (6), paragraph (p) of subsection
 8 (7), and subsections (20) and (21) of section 190.003, Florida
 9 Statutes, are amended to read:

10 190.003 Definitions.--As used in this chapter, the term:

11 (6) "Community development district" means a local unit of
 12 special-purpose government which is created pursuant to this act
 13 and limited to the performance of those specialized functions
 14 authorized by this act; ~~the boundaries of which are contained~~
 15 ~~wholly within a single county;~~ the governing head of which is a
 16 body created, organized, and constituted and authorized to
 17 function specifically as prescribed in this act for the purpose
 18 of the delivery of urban community development services; and the
 19 formation, powers, governing body, operation, duration,
 20 accountability, requirements for disclosure, and termination of
 21 which are as required by general law.

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22 (7) "Cost," when used with reference to any project,
23 includes, but is not limited to:

24 (p) Payments, contributions, dedications, fair share or
25 concurrency obligations, and any other exactions required as a
26 condition to receive any government approval or permit necessary
27 to accomplish any district purpose.

28 (20) "Water management and control facilities" means any
29 lakes, canals, ditches, reservoirs, dams, levees, sluiceways,
30 floodways, curbs, gutters, pumping stations, or any other works,
31 structures, or facilities for the conservation, control,
32 development, utilization, and disposal of water, and any
33 purposes appurtenant, necessary, or incidental thereto. The term
34 "water management and control facilities" includes all real and
35 personal property and any interest therein, rights, easements,
36 and franchises of any nature relating to any such water
37 management and control facilities or necessary or convenient for
38 the acquisition, construction, reconstruction, operation, or
39 maintenance thereof.

40 (21) "Water system" means any plant, system, facility, or
41 property and additions, extensions, and improvements thereto at
42 any future time constructed or acquired as part thereof, useful
43 or necessary or having the present capacity for future use in
44 connection with the development of sources, treatment, or
45 purification and distribution of water. Without limiting the
46 generality of the foregoing, the term "water system" includes
47 dams, reservoirs, storage, tanks, mains, lines, valves,
48 hydrants, pumping stations, chilled water distribution systems,
49 laterals, and pipes for the purpose of carrying water to the
50 premises connected with such system, and all rights, easements,
51 and franchises of any nature relating to any such system and
52 necessary or convenient for the operation thereof.

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53 Section 2. Paragraphs (b), (c), and (f) of subsection (1)
54 and paragraphs (d) and (e) of subsection (2) of section 190.005,
55 Florida Statutes, are amended to read:

56 190.005 Establishment of district.--

57 (1) The exclusive and uniform method for the establishment
58 of a community development district with a size of 1,000 acres
59 or more shall be pursuant to a rule, adopted under chapter 120
60 by the Florida Land and Water Adjudicatory Commission, granting
61 a petition for the establishment of a community development
62 district.

63 (b) Prior to filing the petition, the petitioner shall:

64 1. Pay a filing fee of \$15,000 to the county, if located
65 within an unincorporated area, or to the municipality, if
66 located within an incorporated area, and to each municipality
67 the boundaries of which are contiguous with, or contain all or a
68 portion of the land within, the external boundaries of the
69 district.

70 2. Submit a copy of the petition to the county, if located
71 within an unincorporated area, or to the municipality, if
72 located within an incorporated area, and to each municipality
73 the boundaries of which are contiguous with, or contain all or a
74 portion of, the land within the external boundaries of the
75 district.

76 3. If land to be included within a district is located
77 partially within the unincorporated area of one or more counties
78 and partially within a municipality or within two or more
79 municipalities, pay a \$15,000 filing fee to each entity.
80 Districts established across county boundaries shall be required
81 to maintain records, hold meetings and hearings, and publish
82 notices only in the county where the majority of the acreage
83 within the district lies.

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84 (c) Such county and each such municipality required by law
85 to receive a petition may conduct a public hearing to consider
86 the relationship of the petition to the factors specified in
87 paragraph (e). The public hearing shall be concluded within 45
88 days after the date the petition is filed unless an extension of
89 time is requested by the petitioner and granted by the county or
90 municipality. The county or municipality holding such public
91 hearing may by resolution express its support of, or objection
92 to the granting of, the petition by the Florida Land and Water
93 Adjudicatory Commission. A resolution must base any objection to
94 the granting of the petition upon the factors specified in
95 paragraph (e). Such county or municipality may present its
96 resolution of support or objection at the Florida Land and Water
97 Adjudicatory Commission hearing and shall be afforded an
98 opportunity to present relevant information in support of its
99 resolution.

100 (f) The Florida Land and Water Adjudicatory Commission
101 shall not adopt any rule which would expand, modify, or delete
102 any provision of the uniform community development district
103 charter as set forth in ss. 190.006-190.041, except as provided
104 in s. 190.012. A rule establishing a community development
105 district shall only contain the following:

106 1. A metes and bounds description of ~~Describe~~ the external
107 boundaries of the district and any real property within the
108 external boundaries of the district which is to be excluded.

109 2. The names of ~~Name~~ five persons designated to be the
110 initial members of the board of supervisors.

111 3. The name of the district.

112 (2) The exclusive and uniform method for the establishment
113 of a community development district of less than 1,000 acres in
114 size shall be pursuant to an ordinance adopted by the county

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115 commission of the county having jurisdiction over the majority
116 of land in the area in which the district is to be located
117 granting a petition for the establishment of a community
118 development district as follows:

119 (d) The county commission shall not adopt any ordinance
120 which would expand, modify, or delete any provision of the
121 uniform community development district charter as set forth in
122 ss. 190.006-190.041. An ordinance establishing a community
123 development district shall only include the matters provided for
124 in paragraph (1)(f) unless the commission consents to any of the
125 optional powers under s. 190.012(2) at the request of the
126 petitioner.

127 (e) If all of the land in the area for the proposed
128 district is within the territorial jurisdiction of a municipal
129 corporation, then the petition requesting establishment of a
130 community development district under this act shall be filed by
131 the petitioner with that particular municipal corporation. In
132 such event, the duties of the county, hereinabove described, in
133 action upon the petition shall be the duties of the municipal
134 corporation. If any of the land area of a proposed district is
135 within the land area of a municipality, the county commission
136 may not create the district without municipal approval. If all
137 of the land in the area for the proposed district, even if less
138 1,000 acres, is within the territorial jurisdiction of two or
139 more municipalities, the petition shall be filed with the
140 Florida Land and Water Adjudicatory Commission and proceed in
141 accordance with subsection (1).

142 Section 3. Paragraph (b) of subsection (2) and paragraph
143 (b) of subsection (3) of section 190.006, Florida Statutes, are
144 amended to read:

145 190.006 Board of supervisors; members and meetings.--

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146 (2)
147 (b) At such meeting, each landowner shall be entitled to
148 cast one vote per acre of land owned by him or her and located
149 within the district for each person to be elected. A landowner
150 may vote in person or by proxy in writing. Each proxy must be
151 signed by one of the legal owners of the property for which the
152 vote is cast and must contain the typed or printed name of the
153 individual who signed the proxy; the street address, legal
154 description of the property, or tax parcel identification
155 number; and the number of authorized votes. If the proxy
156 authorizes more than one vote, each property must be listed and
157 the number of acres of each property must be included. The
158 signature on a proxy need not be notarized. A fraction of an
159 acre shall be treated as 1 acre, entitling the landowner to one
160 vote with respect thereto. For purposes of determining voting
161 interests, platted lots shall be counted individually and
162 rounded up to the nearest whole acre. The acreage of platted
163 lots shall not be aggregated for determining the number of
164 voting units held by a landowner or a landowner's proxy. The two
165 candidates receiving the highest number of votes shall be
166 elected for a period of 4 years, and the three candidates
167 receiving the next largest number of votes shall be elected for
168 a period of 2 years, with the term of office for each successful
169 candidate commencing upon election. The members of the first
170 board elected by landowners shall serve their respective 4-year
171 or 2-year terms; however, the next election by landowners shall
172 be held on the first Tuesday in November. Thereafter, there
173 shall be an election of supervisors for the district every 2
174 years in November on a date established by the board and noticed
175 pursuant to paragraph (a). The second and subsequent landowners'
176 election shall be announced at a public meeting of the board at

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177 least 90 days prior to the date of the landowners' meeting and
178 shall also be noticed pursuant to paragraph (a). Instructions on
179 how all landowners may participate in the election, along with
180 sample proxies, shall be provided during the board meeting that
181 announces the landowners' meeting. The two candidates receiving
182 the highest number of votes shall be elected to serve for a 4-
183 year period, and the remaining candidate elected shall serve for
184 a 2-year period.

185 (3)

186 (b) Elections of board members by qualified electors held
187 pursuant to this subsection shall be nonpartisan and shall be
188 conducted in the manner prescribed by law for holding general
189 elections. The district shall publish a notice of the qualifying
190 period set by the supervisor of elections for each election at
191 least two weeks prior to the start of the qualifying period.
192 Board members shall assume the office on the second Tuesday
193 following their election. If no elector qualifies for a seat to
194 be filled in an election, a vacancy in that seat shall be
195 declared by the board effective on the second Tuesday following
196 the election. Within 90 days thereafter, the board shall appoint
197 a qualified elector to fill the vacancy. Until such appointment,
198 the incumbent board member in that seat shall remain in office.

199 Section 4. Effective October 1, 2007, subsection (1) of
200 section 190.007, Florida Statutes, is amended to read:

201 190.007 Board of supervisors; general duties.--

202 (1) The board shall employ, and fix the compensation of, a
203 district manager. The district manager shall have charge and
204 supervision of the works of the district and shall be
205 responsible for preserving and maintaining any improvement or
206 facility constructed or erected pursuant to the provisions of
207 this act, for maintaining and operating the equipment owned by

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208 the district, and for performing such other duties as may be
209 prescribed by the board. It shall not be a conflict of interest
210 under chapter 112 for a board member or the district manager or
211 another employee of the district to be a stockholder, officer,
212 or employee of a landowner or of an entity affiliated with a
213 landowner. The district manager may hire or otherwise employ and
214 terminate the employment of such other persons, including,
215 without limitation, professional, supervisory, and clerical
216 employees, as may be necessary and authorized by the board. The
217 compensation and other conditions of employment of the officers
218 and employees of the district shall be as provided by the board.

219 Section 5. Paragraph (a) of subsection (2) of section
220 190.008, Florida Statutes, is amended to read:

221 190.008 Budget; reports and reviews.--

222 (2) (a) On or before each June July 15, the district
223 manager shall prepare a proposed budget for the ensuing fiscal
224 year to be submitted to the board for board approval. The
225 proposed budget shall include at the direction of the board an
226 estimate of all necessary expenditures of the district for the
227 ensuing fiscal year and an estimate of income to the district
228 from the taxes, and assessments, and other revenues provided in
229 this act. The board shall consider the proposed budget item by
230 item and may either approve the budget as proposed by the
231 district manager or modify the same in part or in whole. The
232 board shall indicate its approval of the budget by resolution,
233 which resolution shall provide for a hearing on the budget as
234 approved. Notice of the hearing on the budget shall be published
235 in a newspaper of general circulation in the area of the
236 district once a week for 2 consecutive weeks, except that the
237 first publication shall be not fewer than 15 days prior to the
238 date of the hearing. The notice shall further contain a

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239 designation of the day, time, and place of the public hearing.
240 At the time and place designated in the notice, the board shall
241 hear all objections to the budget as proposed and may make such
242 changes as the board deems necessary. At the conclusion of the
243 budget hearing, the board shall, by resolution, adopt the budget
244 as finally approved by the board. The budget shall be adopted
245 prior to October 1 of each year.

246 Section 6. Subsection (1) of section 190.009, Florida
247 Statutes, is amended to read:

248 190.009 Disclosure of public financing.--

249 (1) The district shall take affirmative steps to provide
250 for the full disclosure of information relating to the public
251 financing and maintenance of improvements to real property
252 undertaken by the district. Such information shall be made
253 available to all existing residents, and to all prospective
254 residents, of the district. The district shall furnish each
255 developer of a residential development within the district with
256 sufficient copies of that information to provide each
257 prospective initial purchaser of property in that development
258 with a copy, and any developer of a residential development
259 within the district, when required by law to provide a public
260 offering statement, shall include a copy of such information
261 relating to the public financing and maintenance of improvements
262 in the public offering statement. The district shall file the
263 disclosure documents required by this subsection and any
264 amendments thereto in the property records of each county in
265 which the district is located.

266 Section 7. Subsection (14) of section 190.011, Florida
267 Statutes, is amended to read:

268 190.011 General powers.--The district shall have, and the
269 board may exercise, the following powers:

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270 (14) To determine, order, levy, impose, collect, and
271 enforce special assessments pursuant to this act and chapter
272 170. Such special assessments may, in the discretion of the
273 district, be collected and enforced pursuant to the provisions
274 of ss. 197.3631, 197.3632, and 197.3635, ~~or~~ chapter 170, or
275 chapter 173.

276 Section 8. Paragraph (d) of subsection (1), subsection
277 (2), and paragraphs (a) and (b) of subsection (4) of section
278 190.012, Florida Statutes, are amended, and paragraph (h) is
279 added to subsection (1) of that section, to read:

280 190.012 Special powers; public improvements and community
281 facilities.--The district shall have, and the board may
282 exercise, subject to the regulatory jurisdiction and permitting
283 authority of all applicable governmental bodies, agencies, and
284 special districts having authority with respect to any area
285 included therein, any or all of the following special powers
286 relating to public improvements and community facilities
287 authorized by this act:

288 (1) To finance, fund, plan, establish, acquire, construct
289 or reconstruct, enlarge or extend, equip, operate, and maintain
290 systems, facilities, and basic infrastructures for the
291 following:

292 (d)1. District roads equal to or exceeding the applicable
293 specifications of the county in which such district roads are
294 located, roads and improvements to existing public roads that
295 are owned by or conveyed to the local general-purpose
296 government, the state, or the Federal Government, street lights,
297 alleys, landscaping, hardscaping, and the undergrounding of
298 electric utility lines. The district may convey undergrounding
299 of electric utility lines to the retail electric utility
300 provider within the district and street lights.

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301 2. Buses, trolleys, transit shelters, ridesharing
302 facilities and services, parking improvements, and related
303 signage.

304 (h) Any other project, facility, or service required by a
305 development approval, interlocal agreement, zoning condition, or
306 permit issued by a governmental authority with jurisdiction in
307 the district.

308 ~~(2) After the board has obtained the consent of the local~~
309 ~~general-purpose government within the jurisdiction of which a~~
310 ~~power specified in this subsection is to be exercised consents~~
311 ~~to the exercise of such power by the district, the district~~
312 ~~shall have the power to plan, establish, acquire, construct or~~
313 ~~reconstruct, enlarge or extend, equip, operate, and maintain~~
314 additional systems and facilities for:

315 (a) Parks and facilities for indoor and outdoor
316 recreational, cultural, and educational uses.

317 (b) Fire prevention and control, including fire stations,
318 water mains and plugs, fire trucks, and other vehicles and
319 equipment.

320 (c) School buildings and related structures and site
321 improvements, which may be leased, sold, or donated to the
322 school district, for use in the educational system when
323 authorized by the district school board.

324 (d) Security, including, but not limited to, guardhouses,
325 fences and gates, electronic intrusion-detection systems, and
326 patrol cars, when authorized by proper governmental agencies;
327 except that the district may not exercise any police power, but
328 may contract with the appropriate local general-purpose
329 government agencies for an increased level of such services
330 within the district boundaries.

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331 (e) Control and elimination of mosquitoes and other
332 arthropods of public health importance.

333 (f) Waste collection and disposal.

334 (4)(a) To adopt rules necessary for the district to
335 enforce certain deed restrictions pertaining to the use and
336 operation of real property within the district and outside the
337 district if pursuant to an interlocal agreement under chapter
338 163. For the purpose of this subsection, "deed restrictions" are
339 those covenants, conditions, and restrictions contained in any
340 applicable declarations of covenants and restrictions that
341 govern the use and operation of real property within the
342 district and, for which covenants, conditions, and restrictions,
343 there is no homeowners' association or property owner's
344 association having respective enforcement powers. The district
345 may adopt by rule all or certain portions of the deed
346 restrictions that:

347 1. Relate to limitations or prohibitions that apply only
348 to external structures and are deemed by the district to be
349 generally beneficial for the district's landowners and for which
350 enforcement by the district is appropriate, as determined by the
351 district's board of supervisors; or

352 2. Are consistent with the requirements of a development
353 order or regulatory agency permit.

354 (b) The board may vote to adopt such rules only when all
355 of the following conditions exist:

356 1. The district's geographic area contains no homeowners'
357 associations as defined in s. 720.301(9);

358 2. The district was in existence on the effective date of
359 this subsection, or is located within a development that
360 consists of multiple developments of regional impact and a
361 Florida Quality Development;

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362 3. For residential districts, the majority of the board
363 has been elected by qualified electors pursuant to the
364 provisions of s. 190.006; and

365 4. The declarant in any applicable declarations of
366 covenants and restrictions has provided the board with a written
367 agreement that such rules may be adopted. A memorandum of the
368 agreement shall be recorded in the public records.

369 Section 9. Section 190.014, Florida Statutes, is amended
370 to read:

371 190.014 Issuance of bond anticipation notes.--In addition
372 to the other powers provided for in this act, and not in
373 limitation thereof, the district shall have the power, at any
374 time, and from time to time after the issuance of any bonds of
375 the district shall have been authorized, to borrow money for the
376 purposes for which such bonds are to be issued in anticipation
377 of the receipt of the proceeds of the sale of such bonds and to
378 issue bond anticipation notes in a principal sum not in excess
379 of the authorized maximum amount of such bond issue. Such notes
380 shall be in such denomination or denominations, bear interest at
381 such rate as the board may determine in compliance with s.
382 215.84, mature at such time or times not later than 5 years from
383 the date of issuance, and be in such form and executed in such
384 manner as the board shall prescribe. Such notes may be sold at
385 either public or private sale or, if such notes shall be renewal
386 notes, may be exchanged for notes then outstanding on such terms
387 as the board shall determine. Such notes shall be paid from the
388 proceeds of such bonds when issued. The board may, in its
389 discretion, in lieu of retiring the notes by means of bonds,
390 retire them by means of current revenues or from any taxes or
391 assessments levied for the payment of such bonds; but in such
392 event a like amount of the bonds authorized shall not be issued.

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393 Non-ad valorem assessments levied to pay interest on bond
394 anticipation notes shall not constitute an installment of
395 assessments under s. 190.022.

396 Section 10. Subsections (2), (3), and (9) of section
397 190.021, Florida Statutes, are amended to read:

398 190.021 Taxes; non-ad valorem assessments.--

399 (2) BENEFIT SPECIAL ASSESSMENTS.--The board shall annually
400 determine, order, and levy the annual installment of the total
401 benefit special assessments for bonds issued and related
402 expenses to finance district facilities and projects which are
403 levied under this act. These assessments may be due and
404 collected during each year that county taxes are due and
405 collected, in which case such annual installment and levy shall
406 be evidenced to and certified to the property appraiser by the
407 board not later than August 31 of each year, and such assessment
408 shall be entered by the property appraiser on the county tax
409 rolls, and shall be collected and enforced by the tax collector
410 in the same manner and at the same time as county taxes, and the
411 proceeds thereof shall be paid to the district. However, this
412 subsection shall not prohibit the district in its discretion
413 from using the method prescribed in either s. 197.363 or s.
414 197.3632 for collecting and enforcing these assessments. Notice
415 of the proposed amount of the assessment pursuant to s. 200.069
416 that includes the date and time of the hearing may be used in
417 lieu of the notice provisions of s. 197.3632(4)(b). These
418 benefit special assessments shall be a lien on the property
419 against which assessed until paid and shall be enforceable in
420 like manner as county taxes. The amount of the assessment for
421 the exercise of the district's powers under ss. 190.011 and
422 190.012 shall be determined by the board based upon a report of
423 the district's engineer and assessed by the board upon such

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424 lands, which may be part or all of the lands within the district
425 benefited by the improvement, apportioned between benefited
426 lands in proportion to the benefits received by each tract of
427 land.

428 (3) MAINTENANCE SPECIAL ASSESSMENTS.--To maintain and
429 preserve the facilities and projects of the district, the board
430 may levy a maintenance special assessment. This assessment may
431 be evidenced to and certified to the property appraiser by the
432 board of supervisors not later than August 31 of each year and
433 shall be entered by the property appraiser on the county tax
434 rolls and shall be collected and enforced by the tax collector
435 in the same manner and at the same time as county taxes, and the
436 proceeds therefrom shall be paid to the district. However, this
437 subsection shall not prohibit the district in its discretion
438 from using the method prescribed in either s. 197.363 or s.
439 197.3632 for collecting and enforcing these assessments. Notice
440 of the proposed amount of the assessment pursuant to s. 200.069
441 that includes the date and time of the hearing may be used in
442 lieu of the notice provisions of s. 197.3632(4)(b). These
443 maintenance special assessments shall be a lien on the property
444 against which assessed until paid and shall be enforceable in
445 like manner as county taxes. The amount of the maintenance
446 special assessment for the exercise of the district's powers
447 under ss. 190.011 and 190.012 shall be determined by the board
448 based upon a report of the district's engineer and assessed by
449 the board upon such lands, which may be all of the lands within
450 the district benefited by the maintenance thereof, apportioned
451 between the benefited lands in proportion to the benefits
452 received by each tract of land.

453 (9) ASSESSMENTS CONSTITUTE LIENS; COLLECTION.--Benefit
454 special assessments and maintenance special assessments

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455 authorized by this section, and special assessments authorized
456 by s. 190.022 and chapter 170, shall constitute a lien on the
457 property against which assessed from the date of imposition
458 thereof until paid, coequal with the lien of state, county,
459 municipal, and school board taxes. These non-ad valorem
460 assessments may be collected, at the district's discretion, by
461 the tax collector pursuant to the provisions of s. 197.363 or s.
462 197.3632, or in accordance with other collection measures
463 provided by law.

464 Section 11. Section 190.026, Florida Statutes, is amended
465 to read:

466 190.026 Foreclosure of liens.--Any lien in favor of the
467 district arising under this act may be foreclosed by the
468 district by foreclosure proceedings in the name of the district
469 in a court of competent jurisdiction as provided by general law
470 in like manner as is provided in chapter 170 or chapter 173 and
471 amendments thereto; the provisions of those chapters that
472 ~~chapter~~ shall be applicable to such proceedings with the same
473 force and effect as if those provisions were expressly set forth
474 in this act. Any act required or authorized to be done by or on
475 behalf of a municipality in foreclosure proceedings under
476 chapter 170 or chapter 173 may be performed by such officer or
477 agent of the district as the board of supervisors may designate.
478 Such foreclosure proceedings may be brought at any time after
479 the expiration of 1 year from the date any tax, or installment
480 thereof, becomes delinquent; however no lien shall be foreclosed
481 against any political subdivision or agency of the state. Other
482 legal remedies shall remain available.

483 Section 12. Subsections (1) and (3) of section 190.033,
484 Florida Statutes, are amended to read:

485 190.033 Bids required.--

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486 (1) No contract shall be let by the board for any goods,
487 supplies, or materials to be purchased when the amount thereof
488 to be paid by the district shall exceed the amount provided in
489 s. 287.017 for category four, unless notice of bids or other
490 competitive solicitation, including requests for proposals or
491 qualifications, is shall be advertised once in a newspaper in
492 general circulation in the county and in the district. Any board
493 seeking to construct or improve a public building, structure, or
494 other public works shall comply with the bidding procedures of
495 s. 255.20 and other applicable general law. In each case, the
496 bid of the lowest responsive and responsible bidder shall be
497 accepted unless all bids are rejected because the bids are too
498 high, or the board determines it is in the best interests of the
499 district to reject all bids. In each case in which requests for
500 proposals, qualifications, or other competitive solicitations
501 are used, the district shall determine which response is most
502 advantageous for the district and award the contract to that
503 proposer. The board may require the bidders or proposers to
504 furnish bond with a responsible surety to be approved by the
505 board. If the district does not receive a response to its
506 competitive solicitation, the district may proceed to purchase
507 such goods, supplies, materials, or construction services in the
508 manner it deems in the best interests of the district. Nothing
509 in this section shall prevent the board from undertaking and
510 performing the construction, operation, and maintenance of any
511 project or facility authorized by this act by the employment of
512 labor, material, and machinery.

513 (3) Contracts for maintenance services for any district
514 facility or project shall be subject to competitive solicitation
515 ~~bidding~~ requirements when the amount thereof to be paid by the
516 district exceeds the amount provided in s. 287.017 for category

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517 four. The district shall adopt rules, policies, or procedures
518 establishing competitive solicitation bidding procedures for
519 maintenance services. Contracts for other services shall not be
520 subject to competitive solicitation bidding unless the district
521 adopts a rule, policy, or procedure applying competitive
522 solicitation bidding procedures to said contracts.

523 Section 13. Subsection (1) of section 190.046, Florida
524 Statutes, is amended to read:

525 190.046 Termination, contraction, or expansion of
526 district.--

527 (1) The board may petition to contract or expand the
528 boundaries of a community development district in the following
529 manner:

530 (a) The petition shall contain the same information
531 required by s. 190.005(1)(a)1. and 8. In addition, if the
532 petitioner seeks to expand the district, the petition shall
533 describe the proposed timetable for construction of any district
534 services to the area, the estimated cost of constructing the
535 proposed services, and the designation of the future general
536 distribution, location, and extent of public and private uses of
537 land proposed for the area by the future land use plan element
538 of the adopted local government local comprehensive plan. If the
539 petitioner seeks to contract the district, the petition shall
540 describe what services and facilities are currently provided by
541 the district to the area being removed, and the designation of
542 the future general distribution, location, and extent of public
543 and private uses of land proposed for the area by the future
544 land element of the adopted local government comprehensive plan.

545 (b) For those districts initially established by county
546 ordinance, the petition for ordinance amendment shall be filed
547 with the county commission. If the land to be included or

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548 excluded is, in whole or in part, within the boundaries of a
549 municipality, then the county commission shall not amend the
550 ordinance without municipal approval. A public hearing shall be
551 held in the same manner and with the same public notice as other
552 ordinance amendments. The county commission shall consider the
553 record of the public hearing and the factors set forth in s.
554 190.005(1)(e) in making its determination to grant or deny the
555 petition for ordinance amendment.

556 (c) For those districts initially established by municipal
557 ordinance pursuant to s. 190.005(2)(e), the municipality shall
558 assume the duties of the county commission set forth in
559 paragraph (b); however, if any of the land to be included or
560 excluded, in whole or in part, is outside the boundaries of the
561 municipality, then the municipality shall not amend its
562 ordinance without county commission approval.

563 (d)1. For those districts initially established by
564 administrative rule pursuant to s. 190.005(1), the petition
565 shall be filed with the Florida Land and Water Adjudicatory
566 Commission.

567 2. Prior to filing the petition, the petitioner shall pay
568 a filing fee of \$1,500 to the county, if the district or the
569 land to be added to or deleted from the district is located
570 within an unincorporated area, or to the municipality, if the
571 district or the land to be added to or deleted from the district
572 is located within an incorporated area, and to each municipality
573 the boundaries of which are contiguous with or contain all or a
574 portion of the land to be added to or deleted from the external
575 boundaries of within the district. The petitioner shall submit a
576 copy of the petition to the same entities entitled to receive
577 the filing fee or the proposed amendment, and submit a copy of
578 the petition to the county and to each such municipality. In

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579 addition, if the district is not the petitioner, the petitioner
580 shall file the petition with the district board of supervisors.

581 3. Each The county and each municipality shall have the
582 option of holding a public hearing as provided by s.
583 190.005(1)(c). However, such public hearing shall be limited to
584 consideration of the contents of the petition and whether the
585 petition for amendment should be supported by the county or
586 municipality.

587 4. The district board of supervisors shall, in lieu of a
588 hearing officer, hold the local public hearing provided for by
589 s. 190.005(1)(d). This local public hearing shall be noticed in
590 the same manner as provided in s. 190.005(1)(d). Within 45 days
591 of the conclusion of the hearing, the district board of
592 supervisors shall transmit to the Florida Land and Water
593 Adjudicatory Commission the full record of the local hearing,
594 the transcript of the hearing, any resolutions adopted by the
595 local general-purpose governments, and its recommendation
596 whether to grant the petition for amendment. The commission
597 shall then proceed in accordance with s. 190.005(1)(e).

598 5. A rule amending a district boundary shall describe the
599 land to be added or deleted.

600 ~~(e) In all cases, written consent of all the landowners~~
601 ~~whose land is to be added to or deleted from the district shall~~
602 ~~be required. The filing of the petition for expansion or~~
603 ~~contraction by the district board of supervisors shall~~
604 ~~constitute consent of the landowners within the district other~~
605 ~~than of landowners whose land is proposed to be added to or~~
606 ~~removed from the district.~~

607 (e)-(f)1. During the existence of a district initially
608 established by administrative rule, the process petitions to
609 amend the boundaries of the district pursuant to paragraphs (a)-

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610 (d) (a)-(e) shall not exceed be limited to a cumulative net
611 total of no more than 10 percent of the land in the initial
612 district, and in no event exceed shall all such petitions to
613 amend the boundaries ever encompass more than a total of 250
614 acres on a cumulative net basis.

615 2. During the existence of a district For districts
616 initially established by county or municipal ordinance, the
617 limitation provided by this paragraph shall not exceed be a
618 cumulative net total of no more than 50 percent of the land in
619 the initial district, and in no event exceed shall all such
620 petitions to amend the boundaries ever encompass more than a
621 total of 500 acres on a cumulative basis.

622 3. Boundary expansions for districts initially established
623 by county or municipal ordinance shall follow the procedure set
624 forth in paragraph (b) or paragraph (c).

625 (f)-(g) Petitions to amend the boundaries of the district
626 which exceed the amount of land specified in paragraph (e) (f)
627 shall be considered petitions to establish a new district, and
628 shall follow all of the procedures specified in s.

629 190.005(1)(a)1., 5., 6., 7., and 8., and shall follow the
630 process set forth in s. 190.005 for establishment of a new
631 district. However, the resulting administrative rule or
632 ordinance shall only have the effect of amending the boundary of
633 the district and shall not serve to establish a new district or
634 cause a new 6-year or 10-year period to begin pursuant to s.
635 190.006(3)(a)2.

636 (g) In all cases of any petition to amend the boundaries
637 of the district, the filing of the petition for expansion or
638 contraction by the district board of supervisors shall
639 constitute consent of the landowners within the district, with
640 the exception of those landowners whose land is to be added to

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641 or deleted from the district. In all cases of any petition to
642 amend the boundaries of the district, the written consent of
643 those landowners whose land is to be added to or deleted from
644 the district shall be required.

645 Section 14. Subsection (1) of section 190.047, Florida
646 Statutes, is amended to read:

647 190.047 Incorporation or annexation of district.--

648 (1) Upon attaining the population standards for
649 incorporation contained in s. 165.061 and as determined by the
650 Department of Community Affairs, any district wholly contained
651 within the unincorporated area of a county that also meets the
652 other requirements for incorporation contained in s. 165.061
653 shall hold a referendum at a general election on the question of
654 whether to incorporate. However, any district contiguous to the
655 boundary of a municipality may be annexed to such municipality
656 pursuant to the provisions of chapter 171.

657 Section 15. Except as otherwise expressly provided in this
658 act, this act shall take effect July 1, 2007.

659

660

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

662 Remove the entire title and insert:

663 A bill to be entitled

664 An act relating to community development districts;
665 amending s. 190.003, F.S.; revising definitions relating
666 to community development districts; amending s. 190.005,
667 F.S.; specifying petition and filing fee requirements for
668 the establishment of districts; specifying requirements
669 for the adoption of certain rules by the Florida Land and
670 Water Adjudicatory Commission; providing requirements for
671 the establishment of districts located in multiple

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672 municipalities; amending s. 190.006, F.S.; revising
673 provisions for determining certain voting units for
674 landowners within a district; requiring districts to
675 publish notice of qualifying periods for elections;
676 providing procedures for filling district board vacancies;
677 authorizing the board to appoint qualified electors to the
678 board under certain circumstances; amending s. 190.007,
679 F.S.; specifying that certain affiliations are not a
680 conflict of interest for district board members, managers,
681 and employees; amending s. 190.008, F.S.; revising
682 timeframes and requirements for the preparation of
683 proposed district budgets; amending s. 190.009, F.S.;
684 requiring the district to file disclosure documents and
685 amendments relating to the public financing and
686 maintenance of certain property in the property records of
687 each county in which the district is located; amending s.
688 190.011, F.S.; revising statutory authorization for the
689 enforcement of district assessments; amending s. 190.012,
690 F.S.; revising district regulatory jurisdiction and
691 permitting authority for certain public improvements and
692 community facilities; authorizing the district to convey
693 certain activities to utility providers; authorizing the
694 district to adopt rules for enforcement of deed
695 restrictions outside the district pursuant to an
696 interlocal agreement; revising the requirements for the
697 adoption of such rules; amending s. 190.014, F.S.;
698 specifying that non-ad valorem assessments levied to pay
699 interest on bond anticipation notes do not qualify as
700 assessment installments; amending s. 190.021, F.S.;
701 authorizing the use of combined notice of proposed
702 assessments under certain circumstances; providing that

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703 assessments authorized under ch. 170, F.S., constitute
704 liens and are subject to certain collection procedures;
705 amending s. 190.026, F.S.; providing that foreclosure
706 proceedings authorized under ch. 170, F.S., apply to
707 certain district proceedings; amending s. 190.033, F.S.;
708 providing for competitive solicitation; authorizing the
709 district to proceed with purchasing under certain
710 circumstances; amending s. 190.046, F.S.; revising
711 provisions for termination, contraction, or expansion of
712 districts; specifying payment of certain fees to counties
713 and municipalities; providing limitations for the
714 amendment of certain district boundaries; requiring the
715 written consent of certain landowners; amending s.
716 190.047, F.S.; specifying the determination of population
717 standards by the Department of Community Affairs for the
718 purposes of incorporation or annexation of districts;
719 requiring unincorporated areas to meet certain criteria
720 for incorporation; requiring certain referenda to be held
721 at general elections; providing effective dates.

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council
4/17/2007 9:00:00AM

Location: 404 HOB

HB 1521 : Commercialization of Products, Patents, and Processes Resulting from Publicly Supported Research

Not Considered

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council
4/17/2007 9:00:00AM

Location: 404 HOB

HB 1523 : Public Rec. & Meetings/Sure Ventures Commercialization, Inc.

Not Considered

Committee meeting was reported out: Tuesday, April 17, 2007 2:25:55PM