



Policy and Budget Council

April 13, 2007
10:00 a.m.
212 Knott Building

ACTION Packet

COUNCIL MEETING REPORT

Policy & Budget Council

4/13/2007 10:00:00AM

Location: 212 Knott Building

Summary:

Policy & Budget Council

Friday April 13, 2007 10:00 am

CS/HB 35	Favorable	Yeas: 26	Nays: 0
CS/HB 67	Favorable	Yeas: 28	Nays: 0
CS/HB 215	Favorable	Yeas: 29	Nays: 0
HB 227	Favorable	Yeas: 26	Nays: 0
CS/HB 261	Favorable with Council Substitute	Yeas: 25	Nays: 2
CS/HB 287	Favorable	Yeas: 28	Nays: 0
HB 367	(NOT RECEIVED)		
CS/HB 411	Favorable	Yeas: 25	Nays: 0
CS/HB 465	Favorable	Yeas: 15	Nays: 9
CS/HB 491	Favorable	Yeas: 28	Nays: 0
HB 515	Favorable	Yeas: 28	Nays: 0
CS/HB 545	Favorable with Council Substitute	Yeas: 29	Nays: 0
CS/HB 593	Favorable with Council Substitute	Yeas: 27	Nays: 0
CS/HB 721	Favorable	Yeas: 24	Nays: 6
CS/HB 985	Favorable with Council Substitute	Yeas: 16	Nays: 10
Amendment 06	Adopted as Amended	Yeas: 15	Nays: 11

Committee meeting was reported out: Friday, April 13, 2007 7:37:25PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/13/2007 10:00:00AM

Location: 212 Knott Building

CS/HB 995	Favorable with Council Substitute	Yeas: 29	Nays: 0
CS/HB 1065	Favorable	Yeas: 26	Nays: 3
HB 1079	Favorable with Council Substitute	Yeas: 16	Nays: 6
CS/HB 1097	Favorable	Yeas: 25	Nays: 0
CS/HB 1107	Favorable	Yeas: 21	Nays: 2
CS/HB 1315	Favorable	Yeas: 25	Nays: 0
CS/HB 1503	Favorable	Yeas: 26	Nays: 0
HJR 7095	Favorable with Council Substitute	Yeas: 24	Nays: 0
HB 7147	Favorable with Council Substitute	Yeas: 28	Nays: 0
HB 7149	Favorable with Council Substitute	Yeas: 28	Nays: 0
HB 7151	Favorable with Council Substitute	Yeas: 25	Nays: 0
HB 7155	Favorable with Council Substitute	Yeas: 28	Nays: 0
PCB PBC 07-04	Favorable With Amendments	Yeas: 12	Nays: 10

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Policy & Budget Council

4/13/2007 10:00:00AM

Location: 212 Knott Building

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Ray Sansom (Chair)	X		
Kevin Ambler	X		
Frank Attkisson	X		
Loranne Ausley	X		
Aaron Bean	X		
Dorothy Bendross-Mindingall	X		
Ellyn Setnor Bogdanoff	X		
Marsha Bowen	X		
Mary Brandenburg	X		
Donald Brown	X		
Dean Cannon	X		
Joyce Cusack	X		
Charles Dean			X
Bill Galvano	X		
Andy Gardiner	X		
Michael Grant	X		
Adam Hasner	X		
Will Kendrick			X
Dick Kravitz	X		
Stan Mayfield			X
Matthew Meadows	X		
Joe Pickens	X		
Ron Reagan	X		
Curtis Richardson	X		
David Rivera	X		
Yolly Roberson	X		
Dennis Ross	X		
Ron Saunders	X		
John Seiler	X		
Priscilla Taylor	X		
Anthony Traviesa	X		
Baxter Troutman	X		
Shelley Vana	X		
Juan Zapata	X		
Totals:	31	0	3

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COUNCIL MEETING REPORT

Policy & Budget Council

4/13/2007 10:00:00AM

Location: 212 Knott Building

CS/HB 35 : Educational Opportunities for Dependent Children of Servicemembers or Civilian Personnel Classified as Prisoners of War or Missing in Action

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown	X				
Dean Cannon	X				
Joyce Cusack	X				
Charles Dean			X		
Bill Galvano	X				
Andy Gardiner			X		
Michael Grant	X				
Adam Hasner	X				
Will Kendrick			X		
Dick Kravitz	X				
Stan Mayfield			X		
Matthew Meadows			X		
Joe Pickens			X		
Ron Reagan			X		
Curtis Richardson	X				
David Rivera	X				
Yolly Roberson	X				
Dennis Ross	X				
Ron Saunders	X				
John Seiler	X				
Priscilla Taylor	X				
Anthony Traviesa	X				
Baxter Troutman			X		
Shelley Vana	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 26					
		Total Nays: 0			

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COUNCIL MEETING REPORT

Policy & Budget Council

4/13/2007 10:00:00AM

Location: 212 Knott Building

CS/HB 67 : State Motor Fuel Taxes

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown	X				
Dean Cannon	X				
Joyce Cusack	X				
Charles Dean			X		
Bill Galvano	X				
Andy Gardiner	X				
Michael Grant	X				
Adam Hasner	X				
Will Kendrick			X		
Dick Kravitz	X				
Stan Mayfield			X		
Matthew Meadows	X				
Joe Pickens			X		
Ron Reagan			X		
Curtis Richardson	X				
David Rivera	X				
Yolly Roberson	X				
Dennis Ross	X				
Ron Saunders	X				
John Seiler	X				
Priscilla Taylor	X				
Anthony Traviesa	X				
Baxter Troutman			X		
Shelley Vana	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 28		Total Nays: 0			

Appearances:

Jose L. Gonzalez (Lobbyist) - Proponent
 Associated Industries of Florida
 516 North Adams Street
 Tallahassee Florida 32312
 Phone: 850-224-7173

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COUNCIL MEETING REPORT

Policy & Budget Council

4/13/2007 10:00:00AM

Location: 212 Knott Building

Ron Laface, Sr. (Lobbyist) - Proponent

Air Transport Association

101 East College Avenue

Tallahassee Florida 32308

Phone: 850-222-6391

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COUNCIL MEETING REPORT

Policy & Budget Council

4/13/2007 10:00:00AM

Location: 212 Knott Building

CS/HB 215 : Tax on Sales, Use, and Other Transactions

<input checked="" type="checkbox"/> Favorable	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown	X				
Dean Cannon	X				
Joyce Cusack	X				
Charles Dean			X		
Bill Galvano	X				
Andy Gardiner	X				
Michael Grant	X				
Adam Hasner	X				
Will Kendrick			X		
Dick Kravitz	X				
Stan Mayfield			X		
Matthew Meadows	X				
Joe Pickens	X				
Ron Reagan			X		
Curtis Richardson	X				
David Rivera	X				
Yolly Roberson	X				
Dennis Ross	X				
Ron Saunders	X				
John Seiler	X				
Priscilla Taylor	X				
Anthony Traviesa	X				
Baxter Troutman			X		
Shelley Vana	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 29		Total Nays: 0			

Appearances:

Jose Gonzalez (Lobbyist) - Proponent
 Associated Industries of Florida
 516 North Adams Street
 Tallahassee Florida 32312
 Phone: 850-224-7173

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COUNCIL MEETING REPORT

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Location: 212 Knott Building

HB 227 : Florida Gulf Coast University

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown	X				
Dean Cannon	X				
Joyce Cusack	X				
Charles Dean			X		
Bill Galvano	X				
Andy Gardiner			X		
Michael Grant	X				
Adam Hasner	X				
Will Kendrick			X		
Dick Kravitz	X				
Stan Mayfield			X		
Matthew Meadows			X		
Joe Pickens			X		
Ron Reagan			X		
Curtis Richardson	X				
David Rivera	X				
Yolly Roberson	X				
Dennis Ross	X				
Ron Saunders	X				
John Seiler	X				
Priscilla Taylor	X				
Anthony Traviesa	X				
Baxter Troutman			X		
Shelley Vana	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 26		Total Nays: 0			

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COUNCIL MEETING REPORT

Policy & Budget Council

4/13/2007 10:00:00AM

Location: 212 Knott Building

CS/HB 261 : Just Valuation of Property

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown			X		
Dean Cannon	X				
Joyce Cusack	X				
Charles Dean			X		
Bill Galvano				X	
Andy Gardiner	X				
Michael Grant	X				
Adam Hasner	X				
Will Kendrick			X		
Dick Kravitz	X				
Stan Mayfield			X		
Matthew Meadows	X				
Joe Pickens			X		
Ron Reagan	X				
Curtis Richardson		X			
David Rivera	X				
Yolly Roberson	X				
Dennis Ross	X				
Ron Saunders	X				
John Seiler		X			
Priscilla Taylor	X				
Anthony Traviesa	X				
Baxter Troutman			X		
Shelley Vana	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 25		Total Nays: 2			

Appearances:

John Rothell (Lobbyist) - Proponent
 Florida Association of Realtors
 200 South Monroe Street
 Tallahassee Florida 32301
 Phone: 850-224-1400

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COUNCIL MEETING REPORT

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4/13/2007 10:00:00AM

Location: 212 Knott Building

Jose' L. Gonzalez (Lobbyist) - Proponent

AIF

516 North Adams Street

Tallahassee Florida 32312

Phone: 850-224-7173

Nancy Stephens (Lobbyist) - Proponent

Manufactures Association of Florida

Tallahassee Florida

Phone: 850-402-2954

Committee meeting was reported out: Friday, April 13, 2007 7:37:25PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **CS/HB 261**

COUNCIL/COMMITTEE ACTION

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

①

1 Council/Committee hearing bill: Policy and Budget Council
2 Representative(s) Lopez-Cantera, Attkisson and Saunders offered
3 the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7
8 Section 1. Effective upon this act becoming a law and
9 applicable to assessments beginning January 1, 2008, section
10 193.011, Florida Statutes, is amended to read:

11 193.011 Factors to consider in deriving just valuation.--

12 (1) In arriving at just valuation as required under s. 4,
13 Art. VII of the State Constitution, the property appraiser shall
14 take into consideration the following factors:

15 (a) ~~(1)~~ The present cash value of the property, which is
16 the amount a willing purchaser would pay a willing seller,
17 exclusive of reasonable fees and costs of purchase in cash or
18 the immediate equivalent thereof in a transaction at arm's
19 length;

20 (b) ~~(2)~~ The highest and best use to which the property can
21 be expected to be put in the immediate future and the present
22 use of the property, taking into consideration any applicable

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

23 judicial limitation, local or state land use regulation, or
24 historic preservation ordinance, and any zoning changes and
25 permits necessary to achieve highest and best use, and
26 considering any moratorium imposed by executive order, law,
27 ordinance, regulation, resolution, or proclamation adopted by
28 any governmental body or agency or the Governor when the
29 moratorium or judicial limitation prohibits or restricts the
30 development or improvement of property as otherwise authorized
31 by applicable law. The applicable governmental body or agency or
32 the Governor shall notify the property appraiser in writing of
33 any executive order, ordinance, regulation, resolution, or
34 proclamation it adopts imposing any such limitation, regulation,
35 or moratorium;

36 (c)~~(3)~~ The location of said property;

37 (d)~~(4)~~ The quantity or size of said property;

38 (e)~~(5)~~ The cost of said property and the present
39 replacement value of any improvements thereon;

40 (f)~~(6)~~ The condition of said property. When determining
41 the condition of the property the property appraiser must
42 consider physical deterioration, functional obsolescence, and
43 external obsolescence;

44 (g)~~(7)~~ The income from said property; and

45 (h)~~(8)~~ The net proceeds of the sale of the property, as
46 received by the seller, after deduction of all of the usual and
47 reasonable fees and costs of the sale, including the costs and
48 expenses of financing, and allowance for unconventional or
49 atypical terms of financing arrangements, and including the
50 costs of removal of tangible personal property. When the net
51 proceeds of the sale of any property are utilized, directly or
52 indirectly, in the determination of just valuation of realty of
53 the sold parcel or any other parcel under the provisions of this

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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54 section, the property appraiser, for the purposes of such
55 determination, shall exclude any portion of such net proceeds
56 attributable to payments for household furnishings or other
57 items of personal property.

58 (2) Notwithstanding the requirement that property
59 appraisers consider all of the factors enumerated in subsection
60 (1) in arriving at just valuation, property appraisers shall
61 consider only the market rent from income-producing property in
62 the case of all residential rental property and all commercial
63 property that is leased to more than one legal entity, each of
64 which conducts a separate business activity on the property.
65 For purposes of this subsection "market rent" is the most likely
66 rent that an income-producing property would command if offered
67 for lease in the open market.

68 Section 2. Section 193.016, Florida Statutes, is amended
69 to read:

70 193.016 Property appraiser's assessment; effect of
71 determinations by value adjustment board.--If the property
72 appraiser's assessment of the same ~~items of tangible personal~~
73 property in the previous year was adjusted by the value
74 adjustment board and the decision of the board to reduce the
75 assessment was not successfully appealed by the property
76 appraiser, the property appraiser shall consider the reduced
77 value values determined by the value adjustment board in
78 assessing the ~~those items of tangible personal~~ property. If the
79 property appraiser adjusts upward the reduced value values
80 previously determined by the value adjustment board, the
81 property appraiser shall assert additional basic and underlying
82 facts not properly considered by the value adjustment board as
83 the basis for the increased valuation notwithstanding the prior
84 adjustment by the board.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

85 Section 3. Section 193.018, Florida Statutes, is created
86 to read:

87 193.018 Assessment of deed-restricted property.--

88 (1) The owner of residential rental property, multiunit
89 commercial rental property, property used as a marina, or
90 property rented for use by mobile homes may enter into a deed-
91 restriction agreement with the county to maintain the property
92 at its current use for a period of at least 5 years.

93 (2) The property appraiser shall consider the deed-
94 restriction agreement in determining the just value of the
95 property.

96 (3) If, prior to the expiration of the deed-restriction
97 agreement, the property is not used for the purposes set forth
98 in the deed-restriction agreement, the deed-restriction
99 agreement shall be terminated and the property owner shall pay
100 to the county an amount equal to the additional taxes that would
101 have been paid in prior years had the deed-restriction agreement
102 not been in effect, plus 12 percent interest.

103 Section 4. Paragraph (d) of subsection (3) and subsection
104 (4) of section 194.011, Florida Statutes, are amended to read:

105 194.011 Assessment notice; objections to assessments.--

106 (3) A petition to the value adjustment board must be in
107 substantially the form prescribed by the department.
108 Notwithstanding s. 195.022, a county officer may not refuse to
109 accept a form provided by the department for this purpose if the
110 taxpayer chooses to use it. A petition to the value adjustment
111 board shall describe the property by parcel number and shall be
112 filed as follows:

113 (d) The petition may be filed, as to valuation issues, at
114 any time during the taxable year on or before the 25th day
115 following the mailing of notice by the property appraiser as

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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116 provided in subsection (1). If the actual receipt of the notice
117 is disputed, the burden of proof shall be on the property
118 appraiser to establish receipt by clear and convincing evidence.

119 With respect to an issue involving the denial of an exemption,
120 an agricultural or high-water recharge classification
121 application, an application for classification as historic
122 property used for commercial or certain nonprofit purposes, or a
123 deferral, the petition must be filed at any time during the
124 taxable year on or before the 30th day following the mailing of
125 the notice by the property appraiser under s. 193.461, s.
126 193.503, s. 193.625, or s. 196.193 or notice by the tax
127 collector under s. 197.253.

128 (4) (a) At least 15 days before the hearing, the petitioner
129 shall provide to the property appraiser a list of evidence to be
130 presented at the hearing, together with copies of all
131 documentation to be considered by the value adjustment board and
132 a summary of evidence to be presented by witnesses.

133 (b) At least 15 ~~No later than 7~~ days before the hearing,
134 ~~if the petitioner has provided the information required under~~
135 ~~paragraph (a), and if requested in writing by the petitioner,~~
136 the property appraiser shall provide to the petitioner a list of
137 evidence to be presented at the hearing, together with copies of
138 all documentation to be considered by the value adjustment board
139 and a summary of evidence to be presented by witnesses. The
140 evidence list must contain the property record card if provided
141 by the clerk. Failure of the property appraiser to timely comply
142 with the requirements of this paragraph shall result in a
143 rescheduling of the hearing.

144 Section 4. Subsection (2) of section 194.013, Florida
145 Statutes, is amended to read:

146 194.013 Filing fees for petitions; disposition; waiver.--

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

147 (2) The value adjustment board shall waive the filing fee
148 with respect to a petition filed by a taxpayer who is eligible
149 to receive one or more of the exemptions under s. 6(c), (f), or
150 (g), Art. VII of the State Constitution, regardless of whether
151 the taxpayer's local government grants the additional local
152 homestead exemptions. The filing fee also shall be waived for a
153 taxpayer who demonstrates at the time of filing, by an
154 appropriate certificate or other documentation issued by the
155 Department of Children and Family Services and submitted with
156 the petition, that the petitioner is then an eligible recipient
157 of temporary assistance under chapter 414.

158 Section 5. Section 194.015, Florida Statutes, is amended
159 to read:

160 194.015 Value adjustment board.--

161 (1) There is hereby created a value adjustment board for
162 each county, which shall consist of five members.

163 (2)(a)1. Three members shall be appointed by of the
164 governing body of the county, as follows:

165 a. One member must own a homestead property within the
166 county.

167 b. One member must own a business that occupies commercial
168 space located within the county.

169 c. An appointee may not be a member or an employee of any
170 taxing authority.

171 2. ~~as elected from the membership of the board of said~~
172 ~~governing body,~~ One of such appointees whom shall be elected
173 chairperson.

174 (b) ~~and~~ Two members shall be appointed by of the school
175 board, as follows:

176 1. One member must own a business that occupies commercial
177 space located within the school district.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

178 2. One member must be eligible to receive one or more of
179 the exemptions under s. 6(c), (f), or (g), Art. VII of the State
180 Constitution, regardless of whether the taxpayer's local
181 government grants the additional local homestead exemptions.

182 3. An appointee may not be a member or an employee of any
183 taxing authority as elected from the membership of the school
184 board. The members of the board may be temporarily replaced by
185 other members of the respective boards on appointment by their
186 respective chairpersons.

187 (3) Any three members shall constitute a quorum of the
188 board, except that each quorum must include at least one member
189 of said governing board and at least one member of the school
190 board, and no meeting of the board shall take place unless a
191 quorum is present.

192 (4) Members of the board may receive such per diem
193 compensation as is allowed by law for state employees if both
194 bodies elect to allow such compensation.

195 (5) The clerk of the governing body of the county shall be
196 the clerk of the value adjustment board.

197 (6) (a) The office of the county attorney may be counsel to
198 the board unless the county attorney represents the property
199 appraiser, in which instance the board shall appoint private
200 counsel who has practiced law for over 5 years and who shall
201 receive such compensation as may be established by the board.

202 (b) Meetings ~~No meeting~~ of the board may not shall take
203 place unless counsel to the board is present. However, counsel
204 for the property appraiser shall not be required when the county
205 attorney represents only the board at the board hearings, even
206 though the county attorney may represent the property appraiser
207 in other matters or at a different time.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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208 (7) Two-fifths of the expenses of the board shall be borne
209 by the district school board and three-fifths by the district
210 county commission.

211 Section 6. Subsection (2) of section 194.032, Florida
212 Statutes, is amended to read:

213 194.032 Hearing purposes; timetable.--

214 (2) The clerk of the governing body of the county shall
215 prepare a schedule of appearances before the board based on
216 petitions timely filed with him or her. The clerk shall notify
217 each petitioner of the scheduled time of his or her appearance
218 no less than 25 calendar days prior to the day of such scheduled
219 appearance. Upon receipt of this notification, the petitioner
220 shall have the right to reschedule the hearing an unlimited
221 number of times for the failure of the property appraiser to
222 comply with the requirements of s. 194.011(4)(b). The petitioner
223 shall also have the right to reschedule the hearing a single
224 time by submitting to the clerk of the governing body of the
225 county a written request to reschedule, no less than 5 calendar
226 days before the day of the originally scheduled hearing.
227 Additional rescheduling of the hearing may be granted to the
228 taxpayer upon receipt of an affidavit from a physician which
229 states a medical reason as to why the petitioner needs to
230 reschedule the hearing. A copy of the property record card
231 containing relevant information used in computing the taxpayer's
232 current assessment shall be included with such notice, if said
233 card was requested by the taxpayer. Such request shall be made
234 by checking an appropriate box on the petition form. No
235 petitioner shall be required to wait for more than 4 hours from
236 the scheduled time; and, if his or her petition is not heard in
237 that time, the petitioner may, at his or her option, report to
238 the chairperson of the meeting that he or she intends to leave;

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239 and, if he or she is not heard immediately, the petitioner's
240 hearing shall be rescheduled for a time reserved exclusively for
241 the petitioner ~~administrative remedies will be deemed to be~~
242 ~~exhausted, and he or she may seek further relief as he or she~~
243 ~~deems appropriate.~~ Failure on three occasions with respect to
244 any single tax year to convene at the scheduled time of meetings
245 of the board shall constitute grounds for removal from office by
246 the Governor for neglect of duties.

247 Section 7. Subsection (2) of section 194.034, Florida
248 Statutes, is amended to read:

249 194.034 Hearing procedures; rules.--

250 (2) In each case, except when a complaint is withdrawn by
251 the petitioner or is acknowledged as correct by the property
252 appraiser, the value adjustment board shall render a written
253 decision. All such decisions shall be issued within 20 calendar
254 days of the last day the board is in session under s. 194.032.
255 The decision of the board shall contain findings of fact and
256 conclusions of law and shall include reasons for upholding or
257 overturning the determination of the property appraiser. If the
258 determination of the property appraiser is overturned, the board
259 shall order the refunding of the filing fee required by s.
260 194.013. When a special magistrate has been appointed, the
261 recommendations of the special magistrate shall be considered by
262 the board. The clerk, upon issuance of the decisions, shall, on
263 a form provided by the Department of Revenue, notify by first-
264 class mail each taxpayer, the property appraiser, and the
265 department of the decision of the board.

266 Section 8. Subsection (3) is added to section 194.192,
267 Florida Statutes, to read:

268 194.192 Costs; interest on unpaid taxes; penalty; attorney
269 fees.--

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270 (3) If the court finds that the amount owed by the
271 taxpayer is less than the amount of tax paid, the court shall
272 enter judgment against the appraiser for the difference and for
273 interest on the difference at the rate of 12 percent per year
274 from the date of payment. If the final assessment established by
275 the court is lower than the value assessed by the property
276 appraiser by more than 10 percent, the court shall assess and
277 award reasonable attorney fees to the taxpayer.

278 Section 9. Section 194.301, Florida Statutes, is amended
279 to read:

280 194.301 Presumption of correctness.--In any administrative
281 ~~or judicial~~ action in which a taxpayer challenges an ad valorem
282 tax assessment of value, the property appraiser shall have the
283 burden of proving by clear and convincing evidence that the
284 assessment is correct. In any judicial action, the burden of
285 proof shall be upon the party initiating the action ~~appraiser's~~
286 ~~assessment shall be presumed correct. This presumption of~~
287 ~~correctness is lost if the taxpayer shows by a preponderance of~~
288 ~~the evidence that either the property appraiser has failed to~~
289 ~~consider properly the criteria in s. 193.011 or if the property~~
290 ~~appraiser's assessment is arbitrarily based on appraisal~~
291 ~~practices which are different from the appraisal practices~~
292 ~~generally applied by the property appraiser to comparable~~
293 ~~property within the same class and within the same county. If~~
294 ~~the presumption of correctness is lost, the taxpayer shall have~~
295 ~~the burden of proving by a preponderance of the evidence that~~
296 ~~the appraiser's assessment is in excess of just value. If the~~
297 ~~presumption of correctness is retained, the taxpayer shall have~~
298 ~~the burden of proving by clear and convincing evidence that the~~
299 ~~appraiser's assessment is in excess of just value. In no case~~
300 ~~shall the taxpayer have the burden of proving that the property~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

301 ~~appraiser's assessment is not supported by any reasonable~~
302 ~~hypothesis of a legal assessment. If the property appraiser's~~
303 ~~assessment is determined to be erroneous, the Value Adjustment~~
304 ~~Board or the court can establish the assessment if there exists~~
305 ~~competent, substantial evidence in the record, which~~
306 ~~cumulatively meets the requirements of s. 193.011. If the record~~
307 ~~lacks competent, substantial evidence meeting the just value~~
308 ~~criteria of s. 193.011, the matter shall be remanded to the~~
309 ~~property appraiser with appropriate directions from the Value~~
310 ~~Adjustment Board or the court.~~

311 Section 10. This act shall take effect upon becoming a
312 law.

313
314
315 ===== T I T L E A M E N D M E N T =====

316 Remove the entire title and insert:

317 A bill to be entitled

318 An act relating to just valuation of property; amending s.
319 193.011, F.S.; revising the condition of property just
320 valuation factor; requiring property appraisers to use
321 only market rent in arriving at just value of certain
322 income-producing properties; providing for consideration
323 of zoning changes and permits; including cost of removal
324 tangible property as a consideration; amending s. 193.016,
325 F.S.; providing for consideration for value adjustment
326 board decisions for all properties; creating s. 193.018,
327 F.S.; authorizing owners of certain properties to enter
328 into deed-restriction agreements with counties for certain
329 purposes; requiring property appraisers to consider deed-
330 restriction agreements in determining just value;
331 providing for payment of back taxes plus interest if the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

332 deed-restriction agreement is terminated early; amending
333 s. 194.011, F.S.; requiring property appraisers to
334 establish receipt of disputed receipt of assessment
335 notices; revising provisions relating to provision of
336 evidence by petitioners and property appraisers; amending
337 s. 194.013, F.S.; requiring value adjustment boards to
338 waive a petition filing fee for taxpayers eligible for
339 certain constitutional exemptions; amending s. 194.015,
340 F.S.; revising the membership of value adjustment boards,
341 appointment criteria, and quorum requirements; amending s.
342 194.032, F.S.; providing for criteria for rescheduling
343 certain hearings under certain circumstances; amending s.
344 194.034, F.S.; requiring value adjustment boards to order
345 refund of certain filing fees if a determination of a
346 property appraiser is overturned; amending s. 194.192,
347 F.S.; providing for judgments against property appraisers
348 under certain circumstances; providing for assessment and
349 award of attorney fees to taxpayers under certain
350 circumstances; amending s. 194.301, F.S.; requiring
351 property appraisers to provide evidence of correctness of
352 assessments in certain actions; deleting provisions
353 providing a presumption of correctness of property
354 appraiser's assessments and imposing requirements on
355 taxpayers to prove assessments excessive; providing an
356 effective date.

357

Adopted



Council/Committee/Subcommittee on

Policy + Budget

Date 4/13/07

W/O A

AA-1



Action _____

HOUSE AMENDMENT FOR DRAFTING PURPOSES ONLY

(may be used in Council/Committee/Subcommittee, but not on House Floor)

Amendment No. 24

Bill No. CS/HB 261

(For filing with the Clerk, Council, Committee and Member Amendments must be prepared by House Bill Drafting Services (Rule 12.1))

Representative(s)/The Council/Committee/Subcommittee on SAUNDERS

offered the following amendment: TO AMENDMENT 1

Amendment

on page 4, line(s) 89, ^{REMOVE}

AND INSERT:

COMMERCIAL RENTAL PROPERTY, PROPERTY
USED AS A MARINA, WATERFRONT PROPERTY
USED EXCLUSIVELY FOR COMMERCIAL FISHING
PURPOSES, OR



Committee on

Policy + Budget

Date

9/17

Adopted

AA-1



W/O A

Action

HOUSE AMENDMENT FOR DRAFTING PURPOSES ONLY

(may be used in Committee, but not on House Floor)

Amendment No. _____

Bill No. *CS/AB 261*

(For filing with the Clerk, Committee and Member Amendments **must** be prepared on computer)

Representative(s)/The Committee on

ATT KISSON, SEITZ, LOPEZ - Cantina

offered the following amendment:

TO AMENDMENT 1

Amendment

on page _____, lines *Remove* 113 - 127



Committee on

Adopted

Policy & Budget

Date

4/13/07

HA-1
(3)

(scribble)

Action

HOUSE AMENDMENT FOR DRAFTING PURPOSES ONLY

(may be used in Committee, but not on House Floor)

Amendment No. 4

Bill No. CS/HB 261

(For filing with the Clerk, Committee and Member Amendments **must** be prepared on computer)

Representative(s)/The Committee on Lopez-Cantera

offered the following amendment: TO AMENDMENT 1

Amendment

on page _____, line REMOVE 234,

and INSERT:

PETITIONER shall be required to wait
FOR MORE THAN 24 hours FROM



Committee on

Adopted
Policy and Budget

Date

4/13/07

AA-1
(4)



Action _____

HOUSE AMENDMENT FOR DRAFTING PURPOSES ONLY

(may be used in Committee, but not on House Floor)

Amendment No. 5

Bill No. CS261

(For filing with the Clerk, Committee and Member Amendments **must** be prepared on computer)

Representative(s)/The Committee on SEILER

offered the following amendment: TO AMENDMENT 1

Amendment

on page _____, line Remove lines 220-222,

and INSERT:

shall have the right to reschedule the hearing for the failure of the property appraiser to comply with the requirements of s. 194.011(4)(b). The hearing shall be rescheduled no sooner than 15 days after the property appraiser complies with the requirements of s. 194.011(4)(b).

The petitioner

COUNCIL MEETING REPORT

Policy & Budget Council

4/13/2007 10:00:00AM

Location: 212 Knott Building

CS/HB 287 : First Generation Matching Grant Programs

<input checked="" type="checkbox"/> Favorable	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson			X		
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown	X				
Dean Cannon	X				
Joyce Cusack	X				
Charles Dean			X		
Bill Galvano	X				
Andy Gardiner	X				
Michael Grant	X				
Adam Hasner	X				
Will Kendrick			X		
Dick Kravitz	X				
Stan Mayfield			X		
Matthew Meadows	X				
Joe Pickens	X				
Ron Reagan			X		
Curtis Richardson	X				
David Rivera	X				
Yolly Roberson	X				
Dennis Ross	X				
Ron Saunders	X				
John Seiler	X				
Priscilla Taylor	X				
Anthony Traviesa	X				
Baxter Troutman			X		
Shelley Vana	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 28		Total Nays: 0			

Committee meeting was reported out: Friday, April 13, 2007 7:37:25PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/13/2007 10:00:00AM

Location: 212 Knott Building

CS/HB 411 : Limited Insurance Licenses

<input checked="" type="checkbox"/> Favorable	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler			X		
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown	X				
Dean Cannon	X				
Joyce Cusack	X				
Charles Dean			X		
Bill Galvano	X				
Andy Gardiner			X		
Michael Grant	X				
Adam Hasner	X				
Will Kendrick			X		
Dick Kravitz	X				
Stan Mayfield			X		
Matthew Meadows			X		
Joe Pickens			X		
Ron Reagan			X		
Curtis Richardson	X				
David Rivera	X				
Yolly Roberson	X				
Dennis Ross	X				
Ron Saunders	X				
John Seiler	X				
Priscilla Taylor	X				
Anthony Traviesa	X				
Baxter Troutman			X		
Shelley Vana	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 25		Total Nays: 0			

Appearances:

Tim Schuenwalche (Lobbyist) - Proponent
 ARAA
 1203 Governor's Square Blvd. #500
 Tallahassee Florida 32301
 Phone: 850-694-2400

Committee meeting was reported out: Friday, April 13, 2007 7:37:25PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/13/2007 10:00:00AM

Location: 212 Knott Building

Leslie Dughi - Proponent
Enterprise Rent A Car
101 East College Avenue
Tallahassee Florida 32301
Phone: 850-222-6391

Brian Bibean (Lobbyist) - Proponent
American Resort Development Association
123 South Calhoun Street
Tallahassee Florida 32301
Phone: 850-222-7500

Committee meeting was reported out: Friday, April 13, 2007 7:37:25PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/13/2007 10:00:00AM

Location: 212 Knott Building

CS/HB 465 : Corporate Income Tax Credit Scholarship Program

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley		X			
Aaron Bean	X				
Dorothy Bendross-Mindingall		X			
Ellyn Setnor Bogdanoff			X		
Marsha Bowen			X		
Mary Brandenburg		X			
Donald Brown	X				
Dean Cannon	X				
Joyce Cusack		X			
Charles Dean			X		
Bill Galvano			X		
Andy Gardiner	X				
Michael Grant	X				
Adam Hasner	X				
Will Kendrick			X		
Dick Kravitz	X				
Stan Mayfield			X		
Matthew Meadows			X		
Joe Pickens			X		
Ron Reagan	X				
Curtis Richardson		X			
David Rivera			X		
Yolly Roberson		X			
Dennis Ross	X				
Ron Saunders	X				
John Seiler		X			
Priscilla Taylor		X			
Anthony Traviesa	X				
Baxter Troutman			X		
Shelley Vana		X			
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 15		Total Nays: 9			

Appearances:

Ron Meyer (Lobbyist) - Opponent
 Florida Education Association
 P.O. Box 1457
 Tallahassee Florida 32302
 Phone: 850-878-5212

Committee meeting was reported out: Friday, April 13, 2007 7:37:25PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/13/2007 10:00:00AM

Location: 212 Knott Building
CS/HB 491 : Tuition Waivers

<input checked="" type="checkbox"/> Favorable	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown	X				
Dean Cannon			X		
Joyce Cusack	X				
Charles Dean			X		
Bill Galvano	X				
Andy Gardiner	X				
Michael Grant	X				
Adam Hasner	X				
Will Kendrick			X		
Dick Kravitz	X				
Stan Mayfield			X		
Matthew Meadows	X				
Joe Pickens	X				
Ron Reagan			X		
Curtis Richardson	X				
David Rivera	X				
Yolly Roberson	X				
Dennis Ross	X				
Ron Saunders	X				
John Seiler	X				
Priscilla Taylor	X				
Anthony Traviesa	X				
Baxter Troutman			X		
Shelley Vana	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 28		Total Nays: 0			

Committee meeting was reported out: Friday, April 13, 2007 7:37:25PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/13/2007 10:00:00AM

Location: 212 Knott Building

HB 515 : University of West Florida

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown	X				
Dean Cannon	X				
Joyce Cusack	X				
Charles Dean			X		
Bill Galvano	X				
Andy Gardiner	X				
Michael Grant	X				
Adam Hasner	X				
Will Kendrick			X		
Dick Kravitz			X		
Stan Mayfield			X		
Matthew Meadows	X				
Joe Pickens	X				
Ron Reagan			X		
Curtis Richardson	X				
David Rivera	X				
Yolly Roberson	X				
Dennis Ross	X				
Ron Saunders	X				
John Seiler	X				
Priscilla Taylor	X				
Anthony Traviesa	X				
Baxter Troutman			X		
Shelley Vana	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 28		Total Nays: 0			

Appearances:

David Mann (Lobbyist) - Proponent
 University of West Florida
 11000 University Parkway
 Pensacola Florida 32514
 Phone: 850-450-4027

Committee meeting was reported out: Friday, April 13, 2007 7:37:25PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/13/2007 10:00:00AM

Location: 212 Knott Building
CS/HB 545 : Motor Vehicles

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown	X				
Dean Cannon	X				
Joyce Cusack	X				
Charles Dean			X		
Bill Galvano	X				
Andy Gardiner	X				
Michael Grant	X				
Adam Hasner	X				
Will Kendrick			X		
Dick Kravitz	X				
Stan Mayfield			X		
Matthew Meadows	X				
Joe Pickens	X				
Ron Reagan			X		
Curtis Richardson	X				
David Rivera	X				
Yolly Roberson	X				
Dennis Ross	X				
Ron Saunders	X				
John Seiler	X				
Priscilla Taylor	X				
Anthony Traviesa	X				
Baxter Troutman			X		
Shelley Vana	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 29		Total Nays: 0			

Committee meeting was reported out: Friday, April 13, 2007 7:37:25PM

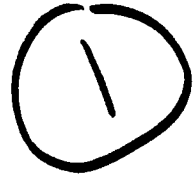
HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. CS/HB 545

COUNCIL/COMMITTEE ACTION

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



1 Council hearing bill: Policy and Budget Council
 2 Representative Patterson offered the following:

Amendment

Remove line(s) 53 - 60 and insert:

3
 4
 5
 6 assigned to such vehicles shall run in a separate series,
 7 commencing with "Custom Vehicle 1" or "Street Rod 1,"
 8 respectively, and the plates shall be of a distinguishing color
 9 and design.

10 (5) (a) A vehicle registered under this section is exempt
 11 from any law or local ordinance that requires periodic vehicle
 12 inspections or the use and inspection of emission controls.

13 (b) Such vehicle may also be
 14

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COUNCIL MEETING REPORT

Policy & Budget Council

4/13/2007 10:00:00AM

Location: 212 Knott Building

CS/HB 593 : Relief/Minouche Noel, Jean Noel & Flora Noel/DOH

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown	X				
Dean Cannon	X				
Joyce Cusack	X				
Charles Dean			X		
Bill Galvano	X				
Andy Gardiner	X				
Michael Grant	X				
Adam Hasner	X				
Will Kendrick			X		
Dick Kravitz	X				
Stan Mayfield			X		
Matthew Meadows			X		
Joe Pickens			X		
Ron Reagan			X		
Curtis Richardson	X				
David Rivera	X				
Yolly Roberson	X				
Dennis Ross	X				
Ron Saunders	X				
John Seiler	X				
Priscilla Taylor	X				
Anthony Traviesa	X				
Baxter Troutman			X		
Shelley Vana	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 27		Total Nays: 0			

Committee meeting was reported out: Friday, April 13, 2007 7:37:25PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. CS/HB 593

COUNCIL/COMMITTEE ACTION

ADOPTED (Y/N)

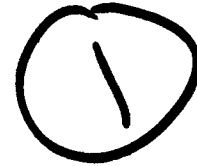
ADOPTED AS AMENDED (Y/N)

ADOPTED W/O OBJECTION (Y/N)

FAILED TO ADOPT (Y/N)

WITHDRAWN (Y/N)

OTHER



1 Council/Committee hearing bill: Policy & Budget Council
 2 Representative *Rivera* offered the following:

Amendment (with title amendment)

Remove lines 47 - 72, and insert:

8 of Health and Rehabilitative Services, the sum of \$6,500,000 to
 9 be paid to Minouche Noel as relief for injuries and damages
 10 sustained. After payment of fees and costs as provided in
 11 Section 6 of this act, outstanding medical liens, and other
 12 immediate needs, the remaining funds shall be placed into a
 13 special needs trust created for the use and benefit of Minouche
 14 Noel. Any funds remaining in the special needs trust upon the
 15 death of Minouche Noel, after the payment of any outstanding
 16 Medicaid liens, shall revert to the General Revenue Fund of the
 17 State of Florida.

18 Section 3. There is appropriated from the General Revenue
 19 Fund to the Department of Health, as successor to the Department
 20 of Health and Rehabilitative Services, the sum of \$2,000,000 for

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

21 the relief of Jean and Flora Noel, individually, as relief for
22 injuries and damages sustained.

23 Section 4. The Chief Financial Officer is directed to draw
24 a warrant in favor of Minouche Noel in the sum of \$6,500,000
25 upon funds in the State Treasury to the credit of the Department
26 of Health, and the Chief Financial Officer is directed to pay
27 the same out of such funds in the State Treasury not otherwise
28 appropriated.

29 Section 5. The Chief Financial Officer is directed to draw
30 a warrant in favor of Jean and Flora Noel in the sum of
31 \$2,000,000 upon funds in the State Treasury to the credit of the
32 Department of Health, and the Chief Financial Officer is
33 directed to pay the same out of such funds in the State Treasury
34 not otherwise appropriated.

35 Section 6. Payment for attorneys fees and costs incurred
36 by the claimant's attorney(s) shall not exceed \$1,074,667.
37 Payment for the professional services and costs of lobbyist(s)
38 advocating for passage of this claim shall not exceed \$85,000.

39
40
41

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

43 Remove line 9 and insert:
44 providing for reversion of funds to the state; providing for
45 payment of professional services and costs incurred by attorneys
46 and lobbyists; providing

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COUNCIL MEETING REPORT

Policy & Budget Council

4/13/2007 10:00:00AM

Location: 212 Knott Building

CS/HB 721 : Tax on Sales, Use, and Other Transactions

<input checked="" type="checkbox"/> Favorable	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley			X		
Aaron Bean	X				
Dorothy Bendross-Mindingall		X			
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg		X			
Donald Brown	X				
Dean Cannon	X				
Joyce Cusack		X			
Charles Dean	X				
Bill Galvano	X				
Andy Gardiner	X				
Michael Grant	X				
Adam Hasner	X				
Will Kendrick			X		
Dick Kravitz	X				
Stan Mayfield			X		
Matthew Meadows	X				
Joe Pickens	X				
Ron Reagan			X		
Curtis Richardson	X				
David Rivera	X				
Yolly Roberson	X				
Dennis Ross	X				
Ron Saunders	X				
John Seiler		X			
Priscilla Taylor		X			
Anthony Traviesa	X				
Baxter Troutman	X				
Shelley Vana		X			
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 24		Total Nays: 6			

Appearances:

Ed Woodruff (Lobbyist) - Proponent
 St. Petersburg College
 13805 - 58th Street North
 Largo Florida 13489
 Phone: 727341-3135

Committee meeting was reported out: Friday, April 13, 2007 7:37:25PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/13/2007 10:00:00AM

Location: 212 Knott Building

Jim Ervin (Lobbyist) - Proponent

Follett Higher Education Group

315 South Calhoun Street

Tallahassee Florida

Phone: 850-425-5649

Susah Lehr (Lobbyist) - Proponent

Florida Community College Jacksonville

501 West State Street

Jacksonville Florida 32210

Phone: 904-537-7195

Committee meeting was reported out: Friday, April 13, 2007 7:37:25PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/13/2007 10:00:00AM

Location: 212 Knott Building

CS/HB 985 : Transportation and Infrastructure

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley		X			
Aaron Bean	X				
Dorothy Bendross-Mindingall		X			
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown			X		
Dean Cannon	X				
Joyce Cusack		X			
Charles Dean			X		
Bill Galvano			X		
Andy Gardiner	X				
Michael Grant	X				
Adam Hasner	X				
Will Kendrick			X		
Dick Kravitz	X				
Stan Mayfield			X		
Matthew Meadows		X			
Joe Pickens			X		
Ron Reagan	X				
Curtis Richardson		X			
David Rivera			X		
Yolly Roberson		X			
Dennis Ross	X				
Ron Saunders		X			
John Seiler		X			
Priscilla Taylor		X			
Anthony Traviesa	X				
Baxter Troutman			X		
Shelley Vana		X			
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 16		Total Nays: 10			

CS/HB 985 Amendments

Amendment 06 - Vote on 06 as amended

Adopted as Amended

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				

Committee meeting was reported out: Friday, April 13, 2007 7:37:25PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/13/2007 10:00:00AM

Location: 212 Knott Building

Loranne Ausley		X	
Aaron Bean	X		
Dorothy Bendross-Mindingall		X	
Ellyn Setnor Bogdanoff	X		
Marsha Bowen	X		
Mary Brandenburg		X	
Donald Brown			X
Dean Cannon	X		
Joyce Cusack		X	
Charles Dean			X
Bill Galvano			X
Andy Gardiner	X		
Michael Grant	X		
Adam Hasner	X		
Will Kendrick			X
Dick Kravitz	X		
Stan Mayfield			X
Matthew Meadows		X	
Joe Pickens			X
Ron Reagan	X		
Curtis Richardson		X	
David Rivera			X
Yolly Roberson		X	
Dennis Ross	X		
Ron Saunders		X	
John Seiler		X	
Priscilla Taylor		X	
Anthony Traviesa	X		
Baxter Troutman			X
Shelley Vana		X	
Juan Zapata	X		
Ray Sansom (Chair)	X		
Total Yays: 15		Total Nays: 11	

Appearances:

Linda Fuchs (State Employee) - Proponent
Dept. of Management Services
4050 Esplanade Way
Tallahassee Florida 32399
Phone: 850-488-628

Jill Gran (Lobbyist) - Proponent
Hopping Green & Sams
123 South Calhoun Street
Tallahassee Florida 32303
Phone: 850-222-7500

Committee meeting was reported out: Friday, April 13, 2007 7:37:25PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/13/2007 10:00:00AM

Location: 212 Knott Building

Howard Glassman (Lobbyist) - Proponent
Florida MPO Advisory Council
605 Suwannee Street
Tallahassee Florida 32399
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Committee meeting was reported out: Friday, April 13, 2007 7:37:25PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 0985

COUNCIL/COMMITTEE ACTION

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

1

1 Council/Committee hearing bill: Policy & Budget Council
 2 Representative(s) Hasner offered the following:

Amendment (with title amendment)

BETWEEN
 5 ~~Remove~~ line(s) 2529 and 2530 insert:

6 Section 43. Section 318.18, Florida Statutes, is amended
 7 to read:

8 318.18 Amount of ~~civil~~ penalties.--The penalties required
 9 for a noncriminal disposition pursuant to s. 318.14 or a
 10 criminal offense listed in s. 318.17 are as follows:

11 (1) Fifteen dollars for:

12 (a) All infractions of pedestrian regulations.

13 (b) All infractions of s. 316.2065, unless otherwise
 14 specified.

15 (c) Other violations of chapter 316 by persons 14 years of
 16 age or under who are operating bicycles, regardless of the
 17 noncriminal traffic infraction's classification.

18 (2) Thirty dollars for all nonmoving traffic violations
 19 and:

20 (a) For all violations of s. 322.19.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

21 (b) For all violations of ss. 320.0605, 320.07(1),
22 322.065, and 322.15(1). Any person who is cited for a violation
23 of s. 320.07(1) shall be charged a delinquent fee pursuant to s.
24 320.07(4).

25 1. If a person who is cited for a violation of s. 320.0605
26 or s. 320.07 can show proof of having a valid registration at
27 the time of arrest, the clerk of the court may dismiss the case
28 and may assess a dismissal fee of up to \$7.50. A person who
29 finds it impossible or impractical to obtain a valid
30 registration certificate must submit an affidavit detailing the
31 reasons for the impossibility or impracticality. The reasons may
32 include, but are not limited to, the fact that the vehicle was
33 sold, stolen, or destroyed; that the state in which the vehicle
34 is registered does not issue a certificate of registration; or
35 that the vehicle is owned by another person.

36 2. If a person who is cited for a violation of s. 322.03,
37 s. 322.065, or s. 322.15 can show a driver's license issued to
38 him or her and valid at the time of arrest, the clerk of the
39 court may dismiss the case and may assess a dismissal fee of up
40 to \$7.50.

41 3. If a person who is cited for a violation of s. 316.646
42 can show proof of security as required by s. 627.733, issued to
43 the person and valid at the time of arrest, the clerk of the
44 court may dismiss the case and may assess a dismissal fee of up
45 to \$7.50. A person who finds it impossible or impractical to
46 obtain proof of security must submit an affidavit detailing the
47 reasons for the impracticality. The reasons may include, but are
48 not limited to, the fact that the vehicle has since been sold,
49 stolen, or destroyed; that the owner or registrant of the
50 vehicle is not required by s. 627.733 to maintain personal

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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51 injury protection insurance; or that the vehicle is owned by
52 another person.

53 (c) For all violations of ss. 316.2935 and 316.610.
54 However, for a violation of s. 316.2935 or s. 316.610, if the
55 person committing the violation corrects the defect and obtains
56 proof of such timely repair by an affidavit of compliance
57 executed by the law enforcement agency within 30 days from the
58 date upon which the traffic citation was issued, and pays \$4 to
59 the law enforcement agency, thereby completing the affidavit of
60 compliance, then upon presentation of said affidavit by the
61 defendant to the clerk within the 30-day time period set forth
62 under s. 318.14(4), the fine must be reduced to \$7.50, which the
63 clerk of the court shall retain.

64 (d) For all violations of s. 316.126(1)(b), unless
65 otherwise specified.

66 (3)(a) Except as otherwise provided in this section, \$60
67 for all moving violations not requiring a mandatory appearance.

68 (b) For moving violations involving unlawful speed, the
69 fines are as follows:

70	
71	For speed exceeding the limit by: Fine:
72	1-5 m.p.h. Warning
73	6-9 m.p.h. \$ 25
74	10-14 m.p.h. \$100
75	15-19 m.p.h. \$125
76	20-29 m.p.h. \$150
77	30 m.p.h. and above. \$250

78 (c) Notwithstanding paragraph (b), a person cited for
79 exceeding the speed limit by up to 5 m.p.h. in a legally posted
80 school zone will be fined \$50. A person exceeding the speed

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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81 | limit in a school zone shall pay a fine double the amount listed
82 | in paragraph (b).

83 | (d) A person cited for exceeding the speed limit in a
84 | posted construction zone, which posting must include
85 | notification of the speed limit and the doubling of fines, shall
86 | pay a fine double the amount listed in paragraph (b). The fine
87 | shall be doubled for construction zone violations only if
88 | construction personnel are present or operating equipment on the
89 | road or immediately adjacent to the road under construction.

90 | (e) A person cited for exceeding the speed limit in an
91 | enhanced penalty zone shall pay a fine amount of \$50 plus the
92 | amount listed in paragraph (b). Notwithstanding paragraph (b), a
93 | person cited for exceeding the speed limit by up to 5 m.p.h. in
94 | a legally posted enhanced penalty zone shall pay a fine amount
95 | of \$50.

96 | (f) If a violation of s. 316.1301 or s. 316.1303 results
97 | in an injury to the pedestrian or damage to the property of the
98 | pedestrian, an additional fine of up to \$250 shall be paid. This
99 | amount must be distributed pursuant to s. 318.21.

100 | (g) A person cited for exceeding the speed limit within a
101 | zone posted for any electronic or manual toll collection
102 | facility shall pay a fine double the amount listed in paragraph
103 | (b). However, no person cited for exceeding the speed limit in
104 | any toll collection zone shall be subject to a doubled fine
105 | unless the governmental entity or authority controlling the toll
106 | collection zone first installs a traffic control device
107 | providing warning that speeding fines are doubled. Any such
108 | traffic control device must meet the requirements of the uniform
109 | system of traffic control devices.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

110 (h) A person cited for a second or subsequent conviction
111 of speed exceeding the limit by 30 miles per hour and above
112 within a 12-month period shall pay a fine that is double the
113 amount listed in paragraph (b). For purposes of this paragraph,
114 the term "conviction" means a finding of guilt as a result of a
115 jury verdict, nonjury trial, or entry of a plea of guilty.
116 Moneys received from the increased fine imposed by this
117 paragraph shall be remitted to the Department of Revenue and
118 deposited into the Department of Health Administrative Trust
119 Fund to provide financial support to certified trauma centers to
120 assure the availability and accessibility of trauma services
121 throughout the state. Funds deposited into the Administrative
122 Trust Fund under this section shall be allocated as follows:

123 1. Fifty percent shall be allocated equally among all
124 Level I, Level II, and pediatric trauma centers in recognition
125 of readiness costs for maintaining trauma services.

126 2. Fifty percent shall be allocated among Level I, Level
127 II, and pediatric trauma centers based on each center's relative
128 volume of trauma cases as reported in the Department of Health
129 Trauma Registry.

130 (4) The penalty imposed under s. 316.545 shall be
131 determined by the officer in accordance with the provisions of
132 ss. 316.535 and 316.545.

133 (5) (a) One hundred dollars for a violation of s.
134 316.172(1)(a), failure to stop for a school bus. If, at a
135 hearing, the alleged offender is found to have committed this
136 offense, the court shall impose a minimum civil penalty of \$100.
137 In addition to this penalty, for a second or subsequent offense
138 within a period of 5 years, the department shall suspend the

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

139 driver's license of the person for not less than 90 days and not
140 more than 6 months.

141 (b) Two hundred dollars for a violation of s.
142 316.172(1)(b), passing a school bus on the side that children
143 enter and exit when the school bus displays a stop signal. If,
144 at a hearing, the alleged offender is found to have committed
145 this offense, the court shall impose a minimum civil penalty of
146 \$200. In addition to this penalty, for a second or subsequent
147 offense within a period of 5 years, the department shall suspend
148 the driver's license of the person for not less than 180 days
149 and not more than 1 year.

150 (6) One hundred dollars or the fine amount designated by
151 county ordinance, plus court costs for illegally parking, under
152 s. 316.1955, in a parking space provided for people who have
153 disabilities. However, this fine will be waived if a person
154 provides to the law enforcement agency that issued the citation
155 for such a violation proof that the person committing the
156 violation has a valid parking permit or license plate issued
157 pursuant to s. 316.1958, s. 320.0842, s. 320.0843, s. 320.0845,
158 or s. 320.0848 or a signed affidavit that the owner of the
159 disabled parking permit or license plate was present at the time
160 the violation occurred, and that such a parking permit or
161 license plate was valid at the time the violation occurred. The
162 law enforcement officer, upon determining that all required
163 documentation has been submitted verifying that the required
164 parking permit or license plate was valid at the time of the
165 violation, must sign an affidavit of compliance. Upon provision
166 of the affidavit of compliance and payment of a dismissal fee of
167 up to \$7.50 to the clerk of the circuit court, the clerk shall
168 dismiss the citation.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

169 (7) One hundred dollars for a violation of s. 316.1001.
170 However, a person may elect to pay \$30 to the clerk of the
171 court, in which case adjudication is withheld, and no points are
172 assessed under s. 322.27. Upon receipt of the fine, the clerk of
173 the court must retain \$5 for administrative purposes and must
174 forward the \$25 to the governmental entity that issued the
175 citation. Any funds received by a governmental entity for this
176 violation may be used for any lawful purpose related to the
177 operation or maintenance of a toll facility.

178 (8) (a) Any person who fails to comply with the court's
179 requirements or who fails to pay the civil penalties specified
180 in this section within the 30-day period provided for in s.
181 318.14 must pay an additional civil penalty of \$12, \$2.50 of
182 which must be remitted to the Department of Revenue for deposit
183 in the General Revenue Fund, and \$9.50 of which must be remitted
184 to the Department of Revenue for deposit in the Highway Safety
185 Operating Trust Fund. The department shall contract with the
186 Florida Association of Court Clerks, Inc., to design, establish,
187 operate, upgrade, and maintain an automated statewide Uniform
188 Traffic Citation Accounting System to be operated by the clerks
189 of the court which shall include, but not be limited to, the
190 accounting for traffic infractions by type, a record of the
191 disposition of the citations, and an accounting system for the
192 fines assessed and the subsequent fine amounts paid to the
193 clerks of the court. On or before December 1, 2001, the clerks
194 of the court must provide the information required by this
195 chapter to be transmitted to the department by electronic
196 transmission pursuant to the contract.

197 (b) Any person who fails to comply with the court's
198 requirements as to civil penalties specified in this section due

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

199 to demonstrable financial hardship shall be authorized to
200 satisfy such civil penalties by public works or community
201 service. Each hour of such service shall be applied, at the rate
202 of the minimum wage, toward payment of the person's civil
203 penalties; provided, however, that if the person has a trade or
204 profession for which there is a community service need and
205 application, the rate for each hour of such service shall be the
206 average standard wage for such trade or profession. Any person
207 who fails to comply with the court's requirements as to such
208 civil penalties who does not demonstrate financial hardship may
209 also, at the discretion of the court, be authorized to satisfy
210 such civil penalties by public works or community service in the
211 same manner.

212 (c) If the noncriminal infraction has caused or resulted
213 in the death of another, the person who committed the infraction
214 may perform 120 community service hours under s. 316.027(4), in
215 addition to any other penalties.

216 (9) One hundred dollars for a violation of s. 316.1575.

217 (10) Twenty-five dollars for a violation of s. 316.2074.

218 (11)(a) In addition to the stated fine, court costs must
219 be paid in the following amounts and shall be deposited by the
220 clerk into the fine and forfeiture fund established pursuant to
221 s. 142.01:

222
223 For pedestrian infractions \$ 3.

224 For nonmoving traffic infractions \$ 16.

225 For moving traffic infractions \$ 30.

226 (b) In addition to the court cost required under paragraph
227 (a), up to \$3 for each infraction shall be collected and
228 distributed by the clerk in those counties that have been

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

229 authorized to establish a criminal justice selection center or a
230 criminal justice access and assessment center pursuant to the
231 following special acts of the Legislature:

- 232 1. Chapter 87-423, Laws of Florida, for Brevard County.
- 233 2. Chapter 89-521, Laws of Florida, for Bay County.
- 234 3. Chapter 94-444, Laws of Florida, for Alachua County.
- 235 4. Chapter 97-333, Laws of Florida, for Pinellas County.

236
237 Funds collected by the clerk pursuant to this paragraph shall be
238 distributed to the centers authorized by those special acts.

239 (c) In addition to the court cost required under paragraph
240 (a), a \$2.50 court cost must be paid for each infraction to be
241 distributed by the clerk to the county to help pay for criminal
242 justice education and training programs pursuant to s. 938.15.
243 Funds from the distribution to the county not directed by the
244 county to fund these centers or programs shall be retained by
245 the clerk and used for funding the court-related services of the
246 clerk.

247 (d) In addition to the court cost required under paragraph
248 (a), a \$3 court cost must be paid for each infraction to be
249 distributed as provided in s. 938.01 and a \$2 court cost as
250 provided in s. 938.15 when assessed by a municipality or county.

251 (12) Two hundred dollars for a violation of s. 316.520(1)
252 or (2). If, at a hearing, the alleged offender is found to have
253 committed this offense, the court shall impose a minimum civil
254 penalty of \$200. For a second or subsequent adjudication within
255 a period of 5 years, the department shall suspend the driver's
256 license of the person for not less than 1 year and not more than
257 2 years.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

258 (13) In addition to any penalties imposed for noncriminal
259 traffic infractions pursuant to this chapter or imposed for
260 criminal violations listed in s. 318.17, a board of county
261 commissioners or any unit of local government which is
262 consolidated as provided by s. 9, Art. VIII of the State
263 Constitution of 1885, as preserved by s. 6(e), Art. VIII of the
264 Constitution of 1968:

265 (a) May impose by ordinance a surcharge of up to \$15 for
266 any infraction or violation to fund state court facilities. The
267 court shall not waive this surcharge. Up to 25 percent of the
268 revenue from such surcharge may be used to support local law
269 libraries provided that the county or unit of local government
270 provides a level of service equal to that provided prior to July
271 1, 2004, which shall include the continuation of library
272 facilities located in or near the county courthouse or annexes.

273 (b) That imposed increased fees or service charges by
274 ordinance under s. 28.2401, s. 28.241, or s. 34.041 for the
275 purpose of securing payment of the principal and interest on
276 bonds issued by the county before July 1, 2003, to finance state
277 court facilities, may impose by ordinance a surcharge for any
278 infraction or violation for the exclusive purpose of securing
279 payment of the principal and interest on bonds issued by the
280 county before July 1, 2003, to fund state court facilities until
281 the date of stated maturity. The court shall not waive this
282 surcharge. Such surcharge may not exceed an amount per violation
283 calculated as the quotient of the maximum annual payment of the
284 principal and interest on the bonds as of July 1, 2003, divided
285 by the number of traffic citations for county fiscal year 2002-
286 2003 certified as paid by the clerk of the court of the county.
287 Such quotient shall be rounded up to the next highest dollar

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

288 amount. The bonds may be refunded only if savings will be
289 realized on payments of debt service and the refunding bonds are
290 scheduled to mature on the same date or before the bonds being
291 refunded.

292
293 A county may not impose both of the surcharges authorized under
294 paragraphs (a) and (b) concurrently. The clerk of court shall
295 report, no later than 30 days after the end of the quarter, the
296 amount of funds collected under this subsection during each
297 quarter of the fiscal year. The clerk shall submit the report,
298 in a format developed by the Office of State Courts
299 Administrator, to the chief judge of the circuit, the Governor,
300 the President of the Senate, and the Speaker of the House of
301 Representatives.

302 (14) In addition to any penalties imposed for noncriminal
303 traffic infractions under this chapter or imposed for criminal
304 violations listed in s. 318.17, any unit of local government
305 that is consolidated as provided by s. 9, Art. VIII of the State
306 Constitution of 1885, as preserved by s. 6(e), Art. VIII of the
307 State Constitution of 1968, and that is granted the authority in
308 the State Constitution to exercise all the powers of a municipal
309 corporation, and any unit of local government operating under a
310 home rule charter adopted pursuant to ss. 10, 11, and 24, Art.
311 VIII of the State Constitution of 1885, as preserved by s. 6(e),
312 Art. VIII of the State Constitution of 1968, that is granted the
313 authority in the State Constitution to exercise all the powers
314 conferred now or hereafter by general law upon municipalities,
315 may impose by ordinance a surcharge of up to \$15 for any
316 infraction or violation. Revenue from the surcharge shall be
317 transferred to such unit of local government for the purpose of

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

318 replacing fine revenue deposited into the clerk's fine and
319 forfeiture fund under s. 142.01. The court may not waive this
320 surcharge. Proceeds from the imposition of the surcharge
321 authorized in this subsection shall not be used for the purpose
322 of securing payment of the principal and interest on bonds. This
323 subsection, and any surcharge imposed pursuant to this
324 subsection, shall stand repealed September 30, 2007.

325 (15) One hundred twenty-five dollars for a violation of s.
326 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
327 stop at a traffic signal. Sixty dollars shall be distributed as
328 provided in s. 318.21, and the remaining \$65 shall be remitted
329 to the Department of Revenue for deposit into the Administrative
330 Trust Fund of the Department of Health.

331 (16) One hundred dollars for a violation of s. 316.622(3)
332 or (4), for a vehicle that fails to display a sticker
333 authorizing it to transport migrant or seasonal farm workers or
334 fails to display standardized notification instructions
335 requiring passengers to fasten their seat belts. Two hundred
336 dollars for a violation of s. 316.622(1) or (2), for operating a
337 farm labor vehicle that fails to conform to vehicle safety
338 standards or lacks seat belt assemblies at each passenger
339 position.

340 (17) In addition to any penalties imposed, a surcharge of
341 \$3 must be paid for all criminal offenses listed in s. 318.17
342 and for all noncriminal moving traffic violations under chapter
343 316. Revenue from the surcharge shall be remitted to the
344 Department of Revenue and deposited quarterly into the State
345 Agency Law Enforcement Radio System Trust Fund of the Department
346 of Management Services for the state agency law enforcement

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

347 radio system, as described in s. 282.1095. This subsection
348 expires July 1, 2012.

349 Section 44. Subsection (17) is added to section 318.21,
350 Florida Statutes, to read:

351 318.21 Disposition of civil penalties by county courts.--
352 All civil penalties received by a county court pursuant to the
353 provisions of this chapter shall be distributed and paid monthly
354 as follows:

355 (17) Notwithstanding subsections (1) and (2), the proceeds
356 from the surcharge imposed under s. 318.18(16) shall be
357 distributed as provided in that subsection. This subsection
358 expires July 1, 2012.

359
360 ===== T I T L E A M E N D M E N T =====

361 Remove line(s) 189 and insert:
362 transportation safety purposes; amending s. 318.18, F.S. ;
363 revising penalty provisions to provide for certain
364 criminal penalties; imposing a surcharge to be paid for
365 specified traffic-related criminal offenses and all moving
366 traffic violations; providing for distribution of the
367 proceeds of the surcharge to be used for the state agency
368 law enforcement radio system; providing for future
369 expiration; amending s. 318.21, F.S.; revising
370 distribution provisions to provide for distribution of the
371 surcharge; providing for future expiration; providing an
372 effective

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1) (for drafter's use only)

Bill No. CS/HB 985

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)

ADOPTED AS AMENDED _____ (Y/N)

ADOPTED W/O OBJECTION (Y/N)

FAILED TO ADOPT _____ (Y/N)

WITHDRAWN _____ (Y/N)

OTHER _____

2

1 Council/Committee hearing bill: Policy and Budget Council

2 Representative Brown offered the following:

3

4 **Amendment**

5 Remove line 2195 and insert:

6 act, and shall not preclude the reappointment of any existing
7 members.

8

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 0985

COUNCIL/COMMITTEE ACTION

ADOPTED (Y/N)

ADOPTED AS AMENDED (Y/N)

ADOPTED W/O OBJECTION (Y/N)

FAILED TO ADOPT (Y/N)

WITHDRAWN (Y/N)

OTHER

3

1 Council/Committee hearing bill: Policy & Budget Council
 2 Representative(s) Glorioso offered the following:

Amendment (with directory and title amendments)

Remove lines 216-232

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

Remove lines 194-195 and insert:

Section 1. Paragraph (h) of subsection (2) of section
20.23, Florida Statutes, is

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

Remove lines 6-7 and insert:

the Senior Management Service;

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 0985

COUNCIL/COMMITTEE ACTION

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

4

1 Council/Committee hearing bill: Policy & Budget Council
 2 Representative(s) Glorioso offered the following:

Amendment (with title amendment)

Between lines 2168 and 2169, insert:

Section 32. Subsection (2) of section 341.071, Florida Statutes, is amended to read:

341.071 Transit productivity and performance measures; reports.--

(2) Each public transit provider shall establish productivity and performance measures, which must be approved by the department and which must be selected from measures developed pursuant to s. 341.041(3). Each provider shall by January 31 of each year report annually to the department relative to these measures. In approving these measures, the department shall give consideration to the goals and objectives of each system, the needs of the local area, and the role for public transit in the local area. The report shall also specifically address potential enhancements to productivity and performance which would have the effect of increasing farebox recovery ratio.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

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

Remove lines 151 and insert:

be in a state of emergency; providing criteria; amending s.
341.071, F.S.; requiring certain public transit providers to
annually report potential productivity and performance
enhancements; amending

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 0985

COUNCIL/COMMITTEE ACTION

ADOPTED (Y/N)

ADOPTED AS AMENDED (Y/N)

ADOPTED W/O OBJECTION (Y/N)

~~FAILED TO ADOPT~~ (Y/N)

WITHDRAWN (Y/N)

OTHER

Withdrawn

5

1 Council/Committee hearing bill: Policy & Budget Council
 2 Representative(s) Glorioso offered the following:

Amendment (with title amendment)

Between lines 2529 and 2530, insert:

Section 43. Construction aggregate materials.--

7 (1) DEFINITIONS.--"Construction aggregate materials" means
 8 crushed stone, limestone, dolomite, limerock, shell rock,
 9 cemented coquina, sand for use as a component of mortars,
 10 concrete, bituminous mixtures, or underdrain filters, and other
 11 mined resources providing the basic material for concrete,
 12 asphalt, and road base.

13 (2) LEGISLATIVE INTENT.--The Legislature finds that there
 14 is a strategic and critical need for an available supply of
 15 construction aggregate materials within the state and that a
 16 disruption of the supply would cause a significant detriment to
 17 the state's construction industry, transportation system, and
 18 overall health, safety, and welfare.

19 (3) LOCAL GOVERNMENT DECISIONMAKING.--No local government
 20 shall approve or deny a proposed land use zoning change,
 21 comprehensive plan amendment, land use permit, ordinance, or

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

22 order regarding construction aggregate materials without
23 considering any information provided by the Department of
24 Transportation regarding the effect such change, amendment,
25 permit decision, ordinance, or order would have on the
26 availability, transportation, and potential extraction of
27 construction aggregate materials on the local area, the region,
28 and the state. The failure of the Department of Transportation
29 to provide this information shall not be a basis for delay or
30 invalidation of the local government action. No local government
31 may impose a moratorium, or combination of moratoria, of more
32 than 12 months' duration on the mining or extraction of
33 construction aggregate materials, commencing on the date the
34 vote was taken to impose the moratorium. January 1, 2007, will
35 serve as the commencement of the 12-month period for moratoria
36 already in place as of July 1, 2007.

37 (4) EXPEDITED PERMITTING.--Due to the state's critical
38 infrastructure needs and the potential shortfall in available
39 construction aggregate materials, limerock environmental
40 resource permitting and reclamation applications filed after
41 March 1, 2007, are eligible for the expedited permitting
42 processes contained in s. 403.973, Florida Statutes. Challenges
43 to state agency action in the expedited permitting process for
44 establishment of a limerock mine in this state under s. 403.973,
45 Florida Statutes, are subject to the same requirements as
46 challenges brought under s. 403.973(15)(a), Florida Statutes,
47 except that, notwithstanding s. 120.574, Florida Statutes,
48 summary proceedings must be conducted within 30 days after a
49 party files the motion for summary hearing, regardless of
50 whether the parties agree to the summary proceeding.

51 (5) STRATEGIC AGGREGATES REVIEW TASK FORCE.--

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

52 (a) The Strategic Aggregates Review Task Force is created
53 to evaluate the availability and disposition of construction
54 aggregate materials and related mining and land use practices in
55 this state.

56 (b) The task force shall be appointed by August 1, 2007,
57 and shall be composed of the following 19 members:

58 1. The President of the Senate, the Speaker of the House
59 of Representatives, and the Governor shall each appoint one
60 member from each of the following groups:

61 a. The mining industry.

62 b. The construction industry.

63 c. The transportation industries, including seaports,
64 trucking, railroads, or roadbuilders.

65 d. Elected officials representing counties identified by
66 the Department of Transportation as limestone or sand resource
67 areas. Rural, midsize, and urban counties shall each have one
68 elected official on the task force.

69 e. Environmental advocacy groups.

70 2. The Secretary of Environmental Protection or designee.

71 3. The Secretary of Community Affairs or designee.

72 4. The Secretary of Transportation or designee.

73 5. One member appointed by the Florida League of Cities,
74 Inc.

75 (c) Members of the commission shall serve without
76 compensation. Travel and per diem expenses for members who are
77 not state employees shall be paid by the Department of
78 Transportation in accordance with s. 112.061, Florida Statutes.

79 (d) The Department of Transportation shall organize and
80 provide administrative support for the task force and coordinate
81 with other state agencies and local governments in obtaining and

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

82 providing such data and information as may be needed by the task
83 force to complete its evaluation. The department may conduct any
84 supporting studies as are required to obtain needed information
85 or otherwise assist the task force in its review and
86 deliberations.

87 (e) The Department of Transportation shall collect and
88 provide information to the task force relating to construction
89 aggregate materials and the amount of such materials used by the
90 department on state road infrastructure projects, and shall
91 provide any technical and supporting information relating to the
92 use of such materials as is available to the department.

93 (f) The task force shall report its findings to the
94 Governor, the President of the Senate, and the Speaker of the
95 House of Representatives by February 1, 2008. The report must
96 identify locations with significant concentrations of
97 construction aggregate materials and recommend actions intended
98 to ensure the continued extraction and availability of
99 construction aggregate materials.

100 (g) The task force shall be dissolved on July 1, 2008.

101 Section 44. Section 337.026, Florida Statutes is created
102 to read:

103 337.026 Authority of department to enter into agreements
104 for construction aggregate materials.--

105 (1) The department is authorized to pursue innovative
106 contractual or engineering techniques that will provide the
107 department with reliable and economic supplies of construction
108 aggregate materials that have the intended effect of controlling
109 time and cost increases on construction projects.

110 (2) The department is authorized to enter into agreements
111 with private or public entities. Such agreements may include,

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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112 but are not limited to, department acquisition of materials or
113 resources or long-term leases for a term not to exceed 99 years
114 that will advance the state's transportation needs.

115 (3) To the maximum extent practical, the department must
116 use the existing process to award and administer such innovative
117 contractual or engineering techniques. When specific innovative
118 contractual or engineering techniques are to be used, the
119 department is not required to adhere to those provisions of law
120 that would prevent, preclude, or in any way prohibit the
121 department from using the innovative contractual or engineering
122 technique. However, prior to using an innovative contractual or
123 engineering technique that is inconsistent with another
124 provision of law, the department must document in writing the
125 need for the exception and identify what benefits the traveling
126 public and the affected community are anticipated to receive.

127
128
129 ===== T I T L E A M E N D M E N T =====

130 Remove line 189 and insert:
131 transportation safety purposes; defining the term "construction
132 aggregate materials"; providing legislative intent; prohibiting
133 a local government from approving or denying a land use zoning
134 change, comprehensive plan amendment, land use permit,
135 ordinance, or order regarding construction aggregate materials
136 without considering information provided by the Department of
137 Transportation and considering the effect of such decision;
138 prohibiting an agency from imposing a moratorium on the mining
139 and extraction of construction aggregate materials of longer
140 than a specified period; providing that limerock environmental
141 resource permitting and reclamation applications are eligible to

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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142 be expedited; establishing the Strategic Aggregates Review Task
143 Force; providing for membership, staffing, reporting, and
144 expiration; creating s. 337.026, F.S.; authorizing the
145 Department of Transportation to pursue innovative contractual or
146 engineering techniques relating to construction aggregate
147 materials; authorizing the department to enter into agreements
148 for construction aggregate materials; providing exceptions;
149 providing requirements for such exceptions; providing an
150 effective

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 0985

*Passed
15 yeas
11 nays*

COUNCIL/COMMITTEE ACTION

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

6

Council/Committee hearing bill: Policy & Budget Council
Representative(s) Glorioso offered the following:

Amendment (with directory and title amendments)

Between line(s) 2529 and 2530 and insert:

Section 43. Section 334.30, Florida Statutes, is amended
to read:

334.30 Public-private transportation facilities.--The
Legislature hereby finds and declares that there is a public
need for rapid construction of safe and efficient transportation
facilities for the purpose of travel within the state. It is the
intent of the Legislature to strengthen the state's
transportation system by providing the department with
innovative financing techniques, including, but not limited to,
public-private partnerships, toll facility leases, and user
fees. In response to increased congestion, population, and
market demands, and that it is in the public's interest to
provide for the construction of additional safe, convenient, and
economical transportation facilities.

(1) The department may receive or solicit proposals and,
with legislative approval as evidenced by approval of the

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

22 project in the department's work program, enter into agreements
23 with private entities, or consortia thereof, for the building,
24 operation, ownership, or financing of transportation facilities.
25 The department may advance projects programmed in the adopted 5-
26 year work program or projects greater than \$500 million in the
27 10-year Strategic Intermodal System Plan using funds provided by
28 public-private partnerships or private entities to be reimbursed
29 from department funds for the project as programmed in the
30 adopted work program. The department shall by rule establish an
31 application fee for the submission of unsolicited proposals
32 under this section. The fee must be sufficient to pay the costs
33 of evaluating the proposals. The department may engage the
34 services of private consultants to assist in the evaluation.
35 Before approval, the department must determine that the proposed
36 project:

37 (a) Is in the public's best interest;

38 (b) Would not require state funds to be used unless the
39 project is on the State Highway System; and

40 (c) Would have adequate safeguards in place to ensure that
41 no additional costs or service disruptions would be realized by
42 the traveling public and citizens of the state in the event of
43 default or cancellation of the agreement by the department.

44
45 The department shall ensure that all reasonable costs to the
46 state, related to transportation facilities that are not part of
47 the State Highway System, are borne by the private entity. The
48 department shall also ensure that all reasonable costs to the
49 state and substantially affected local governments and
50 utilities, related to the private transportation facility, are
51 borne by the private entity for transportation facilities that

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

52 are owned by private entities. For projects on the State Highway
53 System, the department may use state resources to participate in
54 funding and financing the project as provided for under the
55 department's enabling legislation.

56 (2) Agreements entered into pursuant to this section may
57 authorize the private entity to impose tolls or fares for the
58 use of the facility. The following provisions shall apply to
59 such agreements: ~~However, the amount and use of toll or fare~~
60 ~~revenues shall be regulated by the department to avoid~~
61 ~~unreasonable costs to users of the facility.~~

62 (a) With the exception of the Florida Turnpike System, the
63 department may lease existing toll facilities through public-
64 private partnerships. If the agreement for leasing an existing
65 toll facility does not include provisions for additional
66 capacity, the project and the provisions of the agreement must
67 be approved by the Legislature. The public-private partnership
68 agreement must ensure that the toll facility is properly
69 operated, maintained, and renewed in accordance with department
70 standards.

71 (b) The department may develop new toll facilities or
72 increase capacity on existing toll facilities through public-
73 private partnerships. The public-private partnership agreement
74 must ensure that the toll facility is properly operated,
75 maintained, and renewed in accordance with department standards.

76 (c) The amount of toll or fare revenues shall be regulated
77 by the department pursuant to s. 338.165(3). The regulations
78 governing the future increase of toll or fare revenues shall be
79 included in the public-private partnership agreement.

80 (d) The department shall include provisions in the public-
81 private partnership agreement that ensure a negotiated portion

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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82 of revenues from tolled projects are returned to the department
83 over the life of the public-private partnership agreement. In
84 the case of a lease of an existing toll facility, the department
85 shall receive a portion of funds upon closing on the agreements
86 and shall also include provisions in the agreement to receive
87 payment of a negotiated portion of revenues over the life of the
88 public-private partnership.

89 (e) The private entity shall provide an investment grade
90 traffic and revenue study prepared by an internationally
91 recognized traffic and revenue expert that is accepted by the
92 national bond rating agencies. The private entity shall also
93 provide a finance plan that identifies the project cost,
94 revenues by source, financing, major assumptions, internal rate
95 of return on private investments, and whether any government
96 funds are assumed to deliver a cost feasible project, and a
97 total cash flow analysis beginning with implementation of the
98 project and extending for the term of the agreement. The amount
99 of the toll or fares included in the provisions of agreements
100 under this section shall be consistent with projections included
101 in the study, plan, and analysis provided under this paragraph.
102 Specific elements to be described shall include, but are not
103 limited to, the following:

104 1. The estimate of ridership and a forecast of annual toll
105 revenues. The method of producing the estimates shall be
106 described in sufficient detail to allow the projections to be
107 verified. Assumptions used in the process shall be clearly
108 indicated.

109 2. Forecasts shall be provided of any additional sources
110 of revenue anticipated from the proposed facility with clearly
111 stated assumptions and data and methods used to develop the

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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112 forecasts. Sources for revenue might include the receipts from
113 advertising, station concessions, royalties, and licenses.

114 3. The amount of associated real estate development and
115 supplemental revenue sources that will be used to supplement
116 operations.

117 4. If subsidies will be required in the early years of a
118 facility's operation, the source, amount, how they are to be
119 used, and the years in which they will be needed shall be
120 specified. Appropriate contact information and supporting
121 documentation must be provided for each type of fund source for
122 analysis and review by the department.

123 (3) Each private transportation facility constructed
124 pursuant to this section shall comply with all requirements of
125 federal, state, and local laws; state, regional, and local
126 comprehensive plans; department rules, policies, procedures, and
127 standards for transportation facilities; and any other
128 conditions which the department determines to be in the public's
129 best interest.

130 (4) The department may exercise any power possessed by it,
131 including eminent domain, with respect to the development and
132 construction of state transportation projects to facilitate the
133 development and construction of transportation projects pursuant
134 to this section. The department may provide services to the
135 private entity. Agreements for maintenance, law enforcement, and
136 other services entered into pursuant to this section shall
137 provide for full reimbursement for services rendered for
138 projects not on the State Highway System.

139 (5) Except as herein provided, the provisions of this
140 section are not intended to amend existing laws by granting
141 additional powers to, or further restricting, local governmental

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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142 entities from regulating and entering into cooperative
143 arrangements with the private sector for the planning,
144 construction, and operation of transportation facilities.

145 (6) The procurement of public-private partnerships by the
146 department shall follow the provisions of this section. Sections
147 337.025, 337.11, 337.14, 337.141, 337.145, 337.175, 337.18,
148 337.185, 337.19, 337.221, and 337.251 shall not apply to
149 procurements under this section unless a provision is included
150 in the procurement documents. The department shall ensure that
151 generally accepted business practices for exemptions provided by
152 this subsection are part of the procurement process or are
153 included in the public-private partnership agreement.

154 (a) The department may request proposals from private
155 entities for public-private transportation projects or, if the
156 department receives an unsolicited proposal, the department
157 shall publish a notice in the Florida Administrative Weekly and
158 a newspaper of general circulation at least once a week for 2
159 weeks stating that the department has received the proposal and
160 will accept, for 120 ~~60~~ days after the initial date of
161 publication, other proposals for the same project purpose. A
162 copy of the notice must be mailed to each local government in
163 the affected area.

164 (b) Public-private partnerships shall be qualified by the
165 department as part of the procurement process as outlined in the
166 procurement documents, provided such process ensures that the
167 private firm meets at least the minimum department standards for
168 qualification in department rule for professional engineering
169 services and road and bridge contracting prior to submitting a
170 proposal under the procurement.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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171 (c) The department shall ensure that procurement documents
172 include provisions for performance of the private entity and
173 payment of subcontractors, including, but not limited to, surety
174 bonds, letters of credit, parent company guarantees, and lender
175 and equity partner guarantees. The department shall balance the
176 structure of the security package for the public-private
177 partnership that ensures performance and payment of
178 subcontractors with the cost of the security to ensure the most
179 efficient pricing.

180 (d) After the public notification period has expired, the
181 department shall rank the proposals in order of preference. In
182 ranking the proposals, the department may consider factors that
183 include, ~~including,~~ but are not limited to, professional
184 qualifications, general business terms, innovative engineering
185 or cost-reduction terms, finance plans, and the need for state
186 funds to deliver the project. If the department is not satisfied
187 with the results of the negotiations, the department may, at its
188 sole discretion, terminate negotiations with the proposer. If
189 these negotiations are unsuccessful, the department may go to
190 the second-ranked and lower-ranked firms, in order, using this
191 same procedure. If only one proposal is received, the department
192 may negotiate in good faith and, if the department is not
193 satisfied with the results of the negotiations, the department
194 may, at its sole discretion, terminate negotiations with the
195 proposer. Notwithstanding this subsection, the department may,
196 at its discretion, reject all proposals at any point in the
197 process up to completion of a contract with the proposer.

198 (e) The department shall perform a cost-benefit, value-
199 for-money analysis of the proposed public-private partnership

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

200 that demonstrates the cost-effectiveness and overall public
201 benefit at the following times:

- 202 1. Prior to moving forward with the procurement; and
203 2. If the procurement moves forward, prior to awarding the
204 contract.

205 (7) The department may lend funds from the Toll Facilities
206 Revolving Trust Fund, as outlined in s. 338.251, to private
207 entities that construct projects on the State Highway System
208 containing toll facilities that are approved under this section.
209 To be eligible, a private entity must comply with s. 338.251 and
210 must provide an indication from a nationally recognized rating
211 agency that the senior bonds for the project will be investment
212 grade, or must provide credit support such as a letter of credit
213 or other means acceptable to the department, to ensure that the
214 loans will be fully repaid. The state's liability for the
215 funding of a facility is limited to the amount approved for that
216 specific facility in the department's 5-year work program
217 adopted pursuant to s. 339.135.

218 (8) The department may use innovative finance techniques
219 associated with a public-private partnership under this section,
220 including, but not limited to, federal loans as provided in
221 Title 23 and Title 49 of the Code of Federal Regulations,
222 commercial bank loans, and hedges against inflation from
223 commercial banks or other private sources.

224 (9) The department may enter into public-private
225 partnership agreements that include extended terms providing
226 annual payments for performance based on the availability of
227 service or the facility being open to traffic or based on the
228 level of traffic using the facility. In addition to other

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

229 provisions in this section, the following provisions shall
230 apply:

231 (a) The annual payments under such agreement shall be
232 included in the department's tentative work program developed
233 under s. 339.135 and the long-range transportation plan for the
234 applicable metropolitan planning organization developed under s.
235 339.175. The department shall ensure that annual payments on
236 multiyear public-private partnership agreements are prioritized
237 ahead of new capacity projects in the development and updating
238 of the tentative work program.

239 (b) The annual payments are subject to annual
240 appropriation by the Legislature as provided in the General
241 Appropriations Act in support of the first year of the tentative
242 work program.

243 (10) Prior to entering such agreement where funds are
244 committed from the State Transportation Trust Fund, the project
245 must be prioritized as follows:

246 (a) The department, in coordination with the local
247 metropolitan planning organization, shall prioritize projects
248 included in the Strategic Intermodal System 10-year and long-
249 range cost feasible plans.

250 (b) The department, in coordination with the local
251 metropolitan planning organization or local government where
252 there is no metropolitan planning organization, shall prioritize
253 projects, for facilities not on the Strategic Intermodal System,
254 included in the metropolitan planning organization cost feasible
255 transportation improvement plan and long-range transportation
256 plan.

257 (11) Public-private partnership agreements under this
258 section shall be limited to a term not exceeding 50 years. Upon

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

259 making written findings that an agreement under this section
260 requires a term in excess of 50 years, the secretary of the
261 department may authorize a term of up to 75 years. Agreements
262 under this section shall not have a term in excess of 75 years
263 unless specifically approved by the Legislature. The department
264 shall identify each new project under this section with a term
265 exceeding 75 years in the transmittal letter that accompanies
266 the submittal of the tentative work program to the Governor and
267 the Legislature in accordance with s. 339.135.

268 (12) The department shall ensure that no more than 25
269 percent of total federal and state funding in any given year for
270 the State Transportation Trust Fund shall be obligated
271 collectively for all projects under this section.

272 (13) Notwithstanding s. 338.165, excess tolls from
273 projects under this section shall be used for capacity projects
274 as follows:

275 (a) If the revenue-producing project is on the State
276 Highway System, notwithstanding s. 339.135(4)(a), any excess
277 toll revenue shall be used for capacity improvements of the
278 State Highway System or up to 50 percent of the project cost on
279 public transit capital improvements authorized under Title 49 of
280 the United States Code and specified in s. 341.051.

281 (b) If the revenue-producing project is on the county road
282 system, any excess toll revenue shall be used for capacity
283 improvements of state or county roads or transit facilities
284 within the county or counties in which the revenue-producing
285 project is located.

286 ~~(8) A fixed-guideway transportation system authorized by~~
287 ~~the department to be wholly or partially within the department's~~

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

288 ~~right of way pursuant to a lease granted under s. 337.251 may~~
289 ~~operate at any safe speed.~~

290 Section 44. Section 338.165, Florida Statutes, is amended
291 to read:

292 338.165 Continuation of tolls.--

293 (1) The department, any transportation or expressway
294 authority or, in the absence of an authority, a county or
295 counties may continue to collect the toll on a revenue-producing
296 project after the discharge of any bond indebtedness related to
297 such project and may increase such toll. All tolls so collected
298 shall first be used to pay the annual cost of the operation,
299 maintenance, and improvement of the toll project.

300 (2) If the revenue-producing project is on the State
301 Highway System, any remaining toll revenue shall be used for the
302 construction, maintenance, or improvement of any road on the
303 State Highway System within the county or counties in which the
304 revenue-producing project is located, except as provided in s.
305 348.0004.

306 (3) Notwithstanding any other provision of law, the
307 department or any transportation or expressway authority shall,
308 at a minimum, index toll rates on existing toll facilities to
309 the annual Consumer Price Index or similar inflation indicators.
310 Toll rate adjustments for inflation under this subsection may be
311 made no more frequently than once a year and must be made no
312 less frequently than once every 5 years as necessary to
313 accommodate cash toll rate schedules. Toll rates may be
314 increased beyond these limits as directed by bond documents,
315 covenants, or governing body authorization or pursuant to
316 department administrative rule.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

317 (4)~~(3)~~ Notwithstanding any other law to the contrary,
318 pursuant to s. 11, Art. VII of the State Constitution, and
319 subject to the requirements of subsection (2), the Department of
320 Transportation may request the Division of Bond Finance to issue
321 bonds secured by toll revenues collected on the Alligator Alley,
322 the Sunshine Skyway Bridge, the Beeline-East Expressway, the
323 Navarre Bridge, and the Pinellas Bayway to fund transportation
324 projects located within the county or counties in which the
325 project is located and contained in the adopted work program of
326 the department.

327 (5)~~(4)~~ If the revenue-producing project is on the county
328 road system, any remaining toll revenue shall be used for the
329 construction, maintenance, or improvement of any other state or
330 county road within the county or counties in which the revenue-
331 producing project is located, except as provided in s. 348.0004.

332 (6)~~(5)~~ Selection of projects on the State Highway System
333 for construction, maintenance, or improvement with toll revenues
334 shall be, with the concurrence of the department, consistent
335 with the Florida Transportation Plan.

336 (7)~~(6)~~ Notwithstanding the provisions of subsection (1),
337 and not including high occupancy toll lanes or express lanes, no
338 tolls may be charged for use of an interstate highway where
339 tolls were not charged as of July 1, 1997.

340 (8)~~(7)~~ With the exception of subsection (3), this section
341 does not apply to the turnpike system as defined under the
342 Florida Turnpike Enterprise Law.

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

346 Remove line(s) 189 and insert:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

347 transportation safety purposes; amending s. 334.30, F.S.;

348 revising legislative intent; authorizing the Department of

349 Transportation to advance certain projects in the

350 Strategic Intermodal System Plan using funds provided by

351 public-private partnerships or private entities;

352 authorizing the department to lease toll facilities to

353 private entities; providing criteria for such leasing

354 agreements; providing that procurements of public-private

355 partnerships are not subject to specified provisions

356 unless they are part of the procurement agreement or the

357 public-private agreement; extending the unsolicited

358 private proposal advertisement period; providing criteria

359 for qualification of public-private partnerships as part

360 of the procurement process; requiring the department to

361 perform cost-benefit, value-for-money analyses of the

362 proposed public-private partnership; providing for certain

363 innovative financing techniques for public-private

364 partnerships; authorizing the department to enter into

365 public-private partnership agreements that include

366 extended terms under certain conditions; requiring certain

367 projects to be prioritized for selection; providing

368 public-private partnership agreement term limits; limiting

369 the amount of certain funds that may be obligated for

370 public-private projects; providing for the disposition of

371 certain toll revenues; removing a provision for the speed

372 of a certain fixed-guideway transportation system;

373 amending s. 338.165, F.S.; providing for toll rate

374 increases that are tied to certain inflation indicators;

375 providing for increases beyond inflation amounts;

376 providing an effective

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (2) (for drafter's use only)

Bill No. CS/HB 985

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)

ADOPTED AS AMENDED _____ (Y/N)

ADOPTED W/O OBJECTION (Y/N)

FAILED TO ADOPT _____ (Y/N)

WITHDRAWN _____ (Y/N)

OTHER _____

AA6

1 Council/Committee hearing bill: Policy and Budget Council
2 Representative Cannon offered the following:

3
4 **Amendment to Amendment No. 4 by Representative Glorioso**

5 Delete lines 272 through 285 and insert:

6 (13) Notwithstanding s. 338.165, any revenues returned to
7 the department pursuant to a public-private partnership
8 agreement under this section shall be used for capacity projects
9 as follows:

10 (a) If the revenue-producing project is on the State
11 Highway System, notwithstanding s. 339.135(4) (a), any revenues
12 returned to the department pursuant to a public-private
13 partnership agreement shall be used for capacity improvements of
14 the State Highway System or up to 50 percent of the project cost
15 on public transit capital improvements authorized under Title 49
16 of the United States Code and specified in s. 341.051.

17 (b) If the revenue-producing project is on the county road
18 system, any revenues returned to the department pursuant to a
19 public-private partnership agreement shall be used for capacity
20 improvements of state or county roads or transit facilities

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (2) (for drafter's use only)

21 within the county or counties in which the revenue-producing
22 project is located.
23

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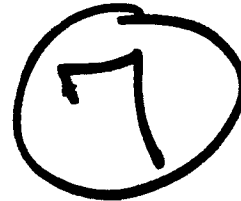
HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 0985

COUNCIL/COMMITTEE ACTION

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



1 Council/Committee hearing bill: Policy & Budget Council
 2 Representative(s) Brandenburg offered the following:

Amendment (with title amendment)

Between lines 2529 and 2530, insert:

Section 43. Construction aggregate materials.--

7 (1) DEFINITIONS.--"Construction aggregate materials" means
 8 crushed stone, limestone, dolomite, limerock, shell rock,
 9 cemented coquina, sand for use as a component of mortars,
 10 concrete, bituminous mixtures, or underdrain filters, and other
 11 mined resources providing the basic material for concrete,
 12 asphalt, and road base.

13 (2) LEGISLATIVE INTENT.--The Legislature finds that there
 14 is a strategic and critical need for an available supply of
 15 construction aggregate materials within the state and that a
 16 disruption of the supply would cause a significant detriment to
 17 the state's construction industry, transportation system, and
 18 overall health, safety, and welfare.

19 (3) LOCAL GOVERNMENT DECISIONMAKING.--No local government
 20 shall approve or deny a proposed land use zoning change,
 21 comprehensive plan amendment, land use permit, ordinance, or

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

22 order regarding construction aggregate materials without
23 considering any information provided by the Department of
24 Transportation regarding the effect such change, amendment,
25 permit decision, ordinance, or order would have on the
26 availability, transportation, and potential extraction of
27 construction aggregate materials on the local area, the region,
28 and the state. The failure of the Department of Transportation
29 to provide this information shall not be a basis for delay or
30 invalidation of the local government action. No local government
31 may impose a moratorium, or combination of moratoria, of more
32 than 12 months' duration on the mining or extraction of
33 construction aggregate materials, commencing on the date the
34 vote was taken to impose the moratorium. January 1, 2007, will
35 serve as the commencement of the 12-month period for moratoria
36 already in place as of July 1, 2007.

37 (4) EXPEDITED PERMITTING.--Due to the state's critical
38 infrastructure needs and the potential shortfall in available
39 construction aggregate materials, limerock environmental
40 resource permitting and reclamation applications filed after
41 March 1, 2007, are eligible for the expedited permitting
42 processes contained in s. 403.973, Florida Statutes. Challenges
43 to state agency action in the expedited permitting process for
44 establishment of a limerock mine in this state under s. 403.973,
45 Florida Statutes, are subject to the same requirements as
46 challenges brought under s. 403.973(15)(a), Florida Statutes,
47 except that, notwithstanding s. 120.574, Florida Statutes,
48 summary proceedings must be conducted within 30 days after a
49 party files the motion for summary hearing, regardless of
50 whether the parties agree to the summary proceeding.

51 (5) STRATEGIC AGGREGATES REVIEW TASK FORCE.--

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

52 (a) The Strategic Aggregates Review Task Force is created
53 to evaluate the availability and disposition of construction
54 aggregate materials and related mining and land use practices in
55 this state.

56 (b) The task force shall be appointed by August 1, 2007,
57 and shall be composed of the following 19 members:

58 1. The President of the Senate, the Speaker of the House
59 of Representatives, and the Governor shall each appoint one
60 member from each of the following groups:

61 a. The mining industry.

62 b. The construction industry.

63 c. The transportation industries, including seaports,
64 trucking, railroads, or roadbuilders.

65 d. Elected officials representing counties identified by
66 the Department of Transportation as limestone or sand resource
67 areas. Rural, midsize, and urban counties shall each have one
68 elected official on the task force.

69 e. Environmental advocacy groups.

70 2. The Secretary of Environmental Protection or designee.

71 3. The Secretary of Community Affairs or designee.

72 4. The Secretary of Transportation or designee.

73 5. One member appointed by the Florida League of Cities,
74 Inc.

75 (c) Members of the commission shall serve without
76 compensation. Travel and per diem expenses for members who are
77 not state employees shall be paid by the Department of
78 Transportation in accordance with s. 112.061, Florida Statutes.

79 (d) The Department of Transportation shall organize and
80 provide administrative support for the task force and coordinate
81 with other state agencies and local governments in obtaining and

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

82 providing such data and information as may be needed by the task
83 force to complete its evaluation. The department may conduct any
84 supporting studies as are required to obtain needed information
85 or otherwise assist the task force in its review and
86 deliberations.

87 (e) The Department of Transportation shall collect and
88 provide information to the task force relating to construction
89 aggregate materials and the amount of such materials used by the
90 department on state road infrastructure projects, and shall
91 provide any technical and supporting information relating to the
92 use of such materials as is available to the department.

93 (f) The task force shall report its findings to the
94 Governor, the President of the Senate, and the Speaker of the
95 House of Representatives by February 1, 2008. The report must
96 identify locations with significant concentrations of
97 construction aggregate materials and recommend actions intended
98 to ensure the continued extraction and availability of
99 construction aggregate materials.

100 (g) The task force shall be dissolved on July 1, 2008.

101 Section 44. Section 337.026, Florida Statutes is created
102 to read:

103 337.026 Authority of department to enter into agreements
104 for construction aggregate materials.--

105 (1) The department may pursue innovative contractual or
106 engineering techniques that will provide the department with
107 reliable and economic supplies of construction aggregate
108 materials and control time and cost increases on construction
109 projects.

110 (2) The department may enter into agreements with private
111 or public entities. Such agreements may include, but are not

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

112 limited to, department acquisition of materials or resources or
113 long-term leases for a term not to exceed 99 years that will
114 advance the state's transportation needs.

115 (3) To the maximum extent practical, the department must
116 use the existing process to award and administer such innovative
117 contractual or engineering techniques. When specific contractual
118 or engineering techniques are to be used, the department is not
119 required to adhere to provisions of law that would prevent,
120 preclude, or prohibit it from using the contractual or
121 engineering technique. However, prior to using an innovative
122 contractual or engineering technique that is inconsistent with
123 another provision of law, the department must document in
124 writing the need for the exception and identify the benefits the
125 traveling public and the affected community are anticipated to
126 receive.

127
128
129 ===== T I T L E A M E N D M E N T =====

130 Remove line 189 and insert:

131 transportation safety purposes; defining the term "construction
132 aggregate materials"; providing legislative intent; prohibiting
133 a local government from approving or denying a land use zoning
134 change, comprehensive plan amendment, land use permit,
135 ordinance, or order regarding construction aggregate materials
136 without considering information provided by the Department of
137 Transportation and considering the effect of such decision;
138 prohibiting an agency from imposing a moratorium on the mining
139 and extraction of construction aggregate materials of longer
140 than a specified period; providing that limerock environmental
141 resource permitting and reclamation applications are eligible to

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

142 be expedited; establishing the Strategic Aggregates Review Task
143 Force; providing for membership, staffing, reporting, and
144 expiration; creating s. 337.026, F.S.; authorizing the
145 Department of Transportation to pursue innovative contractual or
146 engineering techniques relating to construction aggregate
147 materials; authorizing the department to enter into agreements
148 for construction aggregate materials; providing exceptions;
149 providing requirements for such exceptions; providing an
150 effective .

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1) (for drafter's use only)

Bill No. CS/HB 985

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)

8

SA 85 passed

OTHER SA 85 passed ✓

1 Council/Committee hearing bill: Policy and Budget Council
 2 Representative Cannon offered the following:

Amendment with Title Amendment

5 Between lines 2439 and 2430 insert:

6 Section 39. Section 479.156, Florida Statutes, is created to
7 read:

8 479.156 Wall murals.--Notwithstanding any other provision
 9 of this chapter, a municipality or county may permit and
 10 regulate wall murals within areas designated by such government.

11 If a municipality or county permits wall murals, a wall mural
 12 that displays a commercial message and is within 660 feet of the
 13 nearest edge of the right-of-way within an area adjacent to the
 14 interstate highway system or the federal-aid primary highway
 15 system shall be located in an area that is zoned for industrial
 16 or commercial use and the municipality or county shall establish
 17 and enforce regulations for such areas that, at a minimum, set
 18 forth criteria governing the size, lighting, and spacing of wall
 19 murals consistent with the intent of the Highway Beautification
 20 Act of 1965 and with customary use as provided in Section III A

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1) (for drafter's use only)

21 of the agreement between the state and the United States
22 Department of Transportation relating to the Highway
23 Beautification Act of 1965 and with customary use. A wall mural
24 that is subject to municipal or county regulation and the
25 Highway Beautification Act of 1965 must be approved by the
26 Department of Transportation and the Federal Highway
27 Administration and may not violate the agreement between the
28 state and the United States Department of Transportation or
29 violate federal regulations enforced by the Department of
30 Transportation under s. 479.02(1).

31
32 ===== T I T L E A M E N D M E N T =====

33
34 Delete line 185 and insert:
35 legislative delegation; creating s. 479.156, F.S.; providing for
36 regulation of wall murals by municipalities or counties;
37 requiring that certain wall murals be located in areas zoned for
38 industrial or commercial use; requiring that the local
39 regulation of wall murals be consistent with specified criteria;
40 requiring the Department of Transportation and the Federal
41 Highway Administration to approve a wall mural under certain
42 conditions; amending ss. 163.3177, 339.176,

43

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 0985

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing bill: Policy & Budget Council
 2 Representative(s) Cannon offered the following:

3
 4 **Substitute Amendment for Amendment (8) by Representative**
 5 **Cannon (with title amendments)**

6 *Between* ~~Remove~~ line(s) 2529 and 2530 insert:

7 Section 39. Subsection (27) is added to section 479.01,
 8 Florida Statutes, to read:

9 479.01 Definitions.--As used in this chapter, the term:

10 (27) "Wall mural" means a sign that is a painting or an
 11 artistic work composed of photographs or arrangements of color
 12 and that displays a commercial or noncommercial message, relies
 13 solely on the side of the building for rigid structural support,
 14 and is painted on the building or depicted on vinyl, fabric, or
 15 other similarly flexible material that is held in place flush or
 16 flat against the surface of the building. The term excludes a
 17 painting or work placed on a structure that is erected for the
 18 sole or primary purpose of signage.

19 Section 40. Section 479.156, Florida Statutes, is created
 20 to read:

21 479.156 Wall murals.--Notwithstanding any other provision
 22 of this chapter, a municipality or county may permit and

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

23 regulate wall murals within areas designated by such government.
24 If a municipality or county permits wall murals, a wall mural
25 that displays a commercial message and is within 660 feet of the
26 nearest edge of the right-of-way within an area adjacent to the
27 interstate highway system or the federal-aid primary highway
28 system shall be located in an area that is zoned for industrial
29 or commercial use and the municipality or county shall establish
30 and enforce regulations for such areas that, at a minimum, set
31 forth criteria governing the size, lighting, and spacing of wall
32 murals consistent with the intent of the Highway Beautification
33 Act of 1965 and with customary use. A wall mural that is subject
34 to municipal or county regulation and the Highway Beautification
35 Act of 1965 must be approved by the Department of Transportation
36 and the Federal Highway Administration and may not violate the
37 agreement between the state and the United States Department of
38 Transportation or violate federal regulations enforced by the
39 Department of Transportation under s. 479.02(1).

40
41

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

43 Remove line(s) 189 and insert:
44 transportation safety purposes; amending s. 479.01, F.S.;
45 defining the term "wall mural"; creating s. 479.156, F.S.;
46 providing for regulation of wall murals by municipalities or
47 counties; requiring that certain wall murals be located in areas
48 zoned for industrial or commercial use; requiring that the local
49 regulation of wall murals be consistent with specified criteria;
50 requiring the Department of Transportation and the Federal
51 Highway Administration to approve a wall mural under certain
52 conditions; providing an effective

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1) (for drafter's use only)

Bill No. CS/HB 985

COUNCIL/COMMITTEE ACTION

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

9

1 Council/Committee hearing bill: Policy and Budget Council
 2 Representative Zapata offered the following:

Amendment with Title Amendment

5 Between line(s) 2529 & 2930 insert:

7 Section 43. Part I of chapter 348, Florida Statutes consisting
 8 of sections 348.0001, 348.0002, 348.0003, 348.0004, 348.0005,
 9 348.0006, 348.0007, 348.0008, 348.0009, 348.0010, 348.0011 and
 10 348.0012 is repealed.

11 Section 44. Expressway authorities abolished.-- Any
 12 Expressway Authority created under part I of chapter 348,
 13 Florida Statutes is abolished.

14 Section 45. Expressway authorities; transfers and
 15 operations.--

16 (1) All powers, duties, functions, records, personnel,
 17 property and unexpended balances of allocations, trust funds,
 18 and other funds of an expressway authority abolished by section
 19 44 are transferred to the Department of Transportation.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1) (for drafter's use only)

20 (2) All legal authorities and actions of such expressway
21 authority including, but not limited to, all pending and
22 completed action orders and rules, all enforcement matters, all
23 delegations, all interagency agreements, all contracts with
24 federal, state, local, and regional governments and private
25 entities are transferred to the Department of Transportation.

26 Section 46. Distribution of tolls collected.--
27 Notwithstanding 339.135(4)(a)1, 100 percent of future toll
28 revenues received from the corridors previously owned and
29 operated by an expressway authority abolished by section 44,
30 less any operations and maintenance costs as determined by the
31 Department of Transportation, shall be distributed to the county
32 in which the toll was collected specifically for use on the
33 corridor from which it was collected.

34
35
36
37 ===== T I T L E A M E N D M E N T =====

38 Remove line(s) 189 and insert:
39 transportation safety purposes; repealing Part I, Chapter 348,
40 F.S.; abolishing expressway authorities created by Part I,
41 Chapter 348, F.S.; providing for disposition of assets and
42 assumption of liabilities; providing for distribution of funds;
43 providing an effective
44
45

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COUNCIL MEETING REPORT

Policy & Budget Council

4/13/2007 10:00:00AM

Location: 212 Knott Building

CS/HB 995 : Holt Fire District, Okaloosa County

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown	X				
Dean Cannon	X				
Joyce Cusack	X				
Charles Dean			X		
Bill Galvano	X				
Andy Gardiner	X				
Michael Grant	X				
Adam Hasner	X				
Will Kendrick			X		
Dick Kravitz	X				
Stan Mayfield			X		
Matthew Meadows	X				
Joe Pickens	X				
Ron Reagan			X		
Curtis Richardson	X				
David Rivera	X				
Yolly Roberson	X				
Dennis Ross	X				
Ron Saunders	X				
John Seiler	X				
Priscilla Taylor	X				
Anthony Traviesa	X				
Baxter Troutman			X		
Shelley Vana	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 29		Total Nays: 0			

Committee meeting was reported out: Friday, April 13, 2007 7:37:25PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **CS/HB 995**

COUNCIL/COMMITTEE ACTION

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



1 Council/Committee hearing bill: Policy and Budget Council
2 Representative(s) Evers offered the following:

3

4 **Amendment**

5 Remove line(s) 550 and insert:

6

7 by the property appraiser of Okaloosa County, and may adopt a

8

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. CS/HB 995

COUNCIL/COMMITTEE ACTION

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

2

1 Council/Committee hearing bill: Policy and Budget Council
2 Representative(s) Evers offered the following:

3

4 **Amendment**

5 Remove line(s) 557 and insert:

6

7 year, deliver the roll to the tax collector for collection. All

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. CS/HB 995

COUNCIL/COMMITTEE ACTION

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

3

1 Council/Committee hearing bill: Policy and Budget Council
2 Representative(s) Evers offered the following:

3

4 **Amendment**

5 Remove line(s) 573 and insert:

6

7 the county tax collector on or before July 1 each year. It
8 shall

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COUNCIL MEETING REPORT

Policy & Budget Council

4/13/2007 10:00:00AM

Location: 212 Knott Building

CS/HB 1065 : Stem Cell Research

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley		X			
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg		X			
Donald Brown	X				
Dean Cannon	X				
Joyce Cusack	X				
Charles Dean			X		
Bill Galvano	X				
Andy Gardiner	X				
Michael Grant	X				
Adam Hasner	X				
Will Kendrick			X		
Dick Kravitz	X				
Stan Mayfield			X		
Matthew Meadows	X				
Joe Pickens	X				
Ron Reagan			X		
Curtis Richardson	X				
David Rivera	X				
Yolly Roberson	X				
Dennis Ross	X				
Ron Saunders	X				
John Seiler	X				
Priscilla Taylor	X				
Anthony Traviesa	X				
Baxter Troutman			X		
Shelley Vana		X			
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 26		Total Nays: 3			

Committee meeting was reported out: Friday, April 13, 2007 7:37:25PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/13/2007 10:00:00AM

Location: 212 Knott Building

HB 1079 : Professional Sports Franchise Facilities

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley		X			
Aaron Bean			X		
Dorothy Bendross-Mindingall		X			
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg			X		
Donald Brown			X		
Dean Cannon	X				
Joyce Cusack		X			
Charles Dean			X		
Bill Galvano			X		
Andy Gardiner	X				
Michael Grant	X				
Adam Hasner	X				
Will Kendrick			X		
Dick Kravitz	X				
Stan Mayfield			X		
Matthew Meadows	X				
Joe Pickens			X		
Ron Reagan			X		
Curtis Richardson		X			
David Rivera			X		
Yolly Roberson		X			
Dennis Ross	X				
Ron Saunders	X				
John Seiler	X				
Priscilla Taylor			X		
Anthony Traviesa	X				
Baxter Troutman			X		
Shelley Vana		X			
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 16		Total Nays: 6			

Appearances:

Brandon Wagner (Lobbyist) - Proponent
 Hillsborough County Government
 601 East Kennedy Blvd.
 Tampa Florida 33602
 Phone: 813-276-2640

Committee meeting was reported out: Friday, April 13, 2007 7:37:25PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/13/2007 10:00:00AM

Location: 212 Knott Building
Chuck Hefren - Information Only
Florida Tax Watch
106 N. Bronough Street
Tallahassee Florida 32301
Phone: 850-222-5051

Committee meeting was reported out: Friday, April 13, 2007 7:37:25PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 1079

COUNCIL/COMMITTEE ACTION

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



1 Council/Committee hearing bill: Policy and Budget Council
2 Representative(s) Traviesa offered the following:

3
4 **Amendment**

5 Remove line(s) 95-111 and insert:

6 commencing with the calendar year in which the professional
7 sports franchise ceases playing at least 90 percent of their
8 home games in Florida and each calendar year thereafter the
9 excess, if any, of:

10 1. The amount distributed pursuant to s. 212.20(6)(d)7.c.
11 to the applicant under this section during the same calendar
12 year, and, if the same professional sports franchise also formed
13 the basis for an applicant's certification pursuant to s.
14 288.1162, the amount distributed pursuant to s. 212.20(6)(d)7.b.
15 to the applicant under s. 288.1162 during the same calendar year
16 over

17 2. The amount of state revenues generated by the taxes
18 imposed under chapter 212 with respect to the use and operation
19 of the certified facility during the same calendar year.
20

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

21 Within 60 days after the professional sports franchise ceases
22 playing at least 90 percent of its home games in this state, the
23 guarantor shall provide the Department of Revenue with an
24 annuity contract issued by a person authorized to issue such
25 contracts in this state that will secure the guarantor's
26 obligation to pay the amount distributed pursuant to s.
27 212.20(6)(d)7.c. to the applicant under this section during the
28 same calendar year, and, if the same professional sports
29 franchise also formed the basis for an applicant's certification
30 pursuant to s. 288.1162, the amount distributed pursuant to s.
31 212.20(6)(d)7.b. to the applicant under s. 288.1162 during the
32 same calendar year, as required in s. 288.11635(4)(f)1. Within
33 60 days after the end of each calendar year for which an annuity
34 contract is in force, the Department of Revenue shall reimburse
35 the guarantor an amount equal to the state revenues generated by
36 the taxes imposed under chapter 212 with respect to the use and
37 operation of the certified facility during the prior calendar
38 year, not to exceed the aggregate amount distributed to the
39 applicant under s. 212.20(6)(d)7.b. and s. 212.20(6)(d)7.c.
40 during the same calendar year.

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COUNCIL MEETING REPORT

Policy & Budget Council

4/13/2007 10:00:00AM

Location: 212 Knott Building

CS/HB 1097 : Lealman Special Fire Control District, Pinellas County

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
<input checked="" type="checkbox"/> Favorable					
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff			X		
Marsha Bowen			X		
Mary Brandenburg	X				
Donald Brown	X				
Dean Cannon	X				
Joyce Cusack	X				
Charles Dean			X		
Bill Galvano			X		
Andy Gardiner	X				
Michael Grant	X				
Adam Hasner	X				
Will Kendrick			X		
Dick Kravitz	X				
Stan Mayfield			X		
Matthew Meadows			X		
Joe Pickens			X		
Ron Reagan	X				
Curtis Richardson	X				
David Rivera	X				
Yolly Roberson	X				
Dennis Ross	X				
Ron Saunders	X				
John Seiler	X				
Priscilla Taylor	X				
Anthony Traviesa	X				
Baxter Troutman			X		
Shelley Vana	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 25		Total Nays: 0			

Appearances:

Chris Lyon (Lobbyist) - Proponent
 Lealman Special Fire Control District
 125 South Gadsden Street, 3rd Floor
 Tallahassee Florida 32309
 Phone: 850-222-5702

Committee meeting was reported out: Friday, April 13, 2007 7:37:25PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/13/2007 10:00:00AM

Location: 212 Knott Building

CS/HB 1107 : Child Care

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Kevin Ambler	X				
Frank Attkisson			X		
Loranne Ausley	X				
Aaron Bean			X		
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown			X		
Dean Cannon	X				
Joyce Cusack	X				
Charles Dean			X		
Bill Galvano				X	
Andy Gardiner	X				
Michael Grant		X			
Adam Hasner	X				
Will Kendrick			X		
Dick Kravitz	X				
Stan Mayfield			X		
Matthew Meadows	X				
Joe Pickens			X		
Ron Reagan			X		
Curtis Richardson	X				
David Rivera			X		
Yolly Roberson	X				
Dennis Ross	X				
Ron Saunders	X				
John Seiler	X				
Priscilla Taylor	X				
Anthony Traviesa		X			
Baxter Troutman			X		
Shelley Vana	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 21		Total Nays: 2			

Committee meeting was reported out: Friday, April 13, 2007 7:37:25PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/13/2007 10:00:00AM

Location: 212 Knott Building

CS/HB 1315 : Local Government Boundaries

<input checked="" type="checkbox"/> Favorable	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen			X		
Mary Brandenburg	X				
Donald Brown	X				
Dean Cannon	X				
Joyce Cusack	X				
Charles Dean			X		
Bill Galvano			X		
Andy Gardiner	X				
Michael Grant	X				
Adam Hasner	X				
Will Kendrick			X		
Dick Kravitz			X		
Stan Mayfield			X		
Matthew Meadows			X		
Joe Pickens			X		
Ron Reagan	X				
Curtis Richardson	X				
David Rivera	X				
Yolly Roberson	X				
Dennis Ross	X				
Ron Saunders	X				
John Seiler	X				
Priscilla Taylor	X				
Anthony Traviesa			X		
Baxter Troutman	X				
Shelley Vana	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 25		Total Nays: 0			

Committee meeting was reported out: Friday, April 13, 2007 7:37:25PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/13/2007 10:00:00AM

Location: 212 Knott Building

CS/HB 1503 : Super Enterprise Zones

<input checked="" type="checkbox"/> Favorable	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen			X		
Mary Brandenburg	X				
Donald Brown	X				
Dean Cannon	X				
Joyce Cusack	X				
Charles Dean			X		
Bill Galvano			X		
Andy Gardiner	X				
Michael Grant	X				
Adam Hasner	X				
Will Kendrick			X		
Dick Kravitz	X				
Stan Mayfield			X		
Matthew Meadows			X		
Joe Pickens			X		
Ron Reagan	X				
Curtis Richardson	X				
David Rivera	X				
Yolly Roberson	X				
Dennis Ross	X				
Ron Saunders	X				
John Seiler	X				
Priscilla Taylor	X				
Anthony Traviesa	X				
Baxter Troutman			X		
Shelley Vana	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 26		Total Nays: 0			

Committee meeting was reported out: Friday, April 13, 2007 7:37:25PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. HJR 7095

COUNCIL/COMMITTEE ACTION

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



1 Council/Committee hearing bill: Policy and Budget Council
 2 Representative(s) Gardiner offered the following:

Amendment (with directory and title amendments)

Remove line(s) 74 - 82 and insert:

6 Florida National Guard and who has received the homestead
 7 exemption provided in Section 6(a) of this Article at the time
 8 he or she is deployed on active duty outside the continental
 9 United States, Alaska, or Hawaii shall receive a credit for
 10 property taxes paid on the person's homestead property based
 11 upon the number of days in a calendar year that the person is
 12 deployed on active duty outside the continental United States,
 13 Alaska, or Hawaii in support of military operations designated
 14 by the legislature. Future ad valorem taxes owed on the
 15 person's homestead property shall be reduced by the amount of
 16 the credit until the credit is exhausted.

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COUNCIL MEETING REPORT

Policy & Budget Council

4/13/2007 10:00:00AM

Location: 212 Knott Building

HJR 7095 : Future Homestead Ad Valorem Tax Credit for Deployed Military Personnel

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff			X		
Marsha Bowen			X		
Mary Brandenburg	X				
Donald Brown	X				
Dean Cannon	X				
Joyce Cusack	X				
Charles Dean			X		
Bill Galvano				X	
Andy Gardiner	X				
Michael Grant	X				
Adam Hasner	X				
Will Kendrick			X		
Dick Kravitz	X				
Stan Mayfield			X		
Matthew Meadows			X		
Joe Pickens			X		
Ron Reagan	X				
Curtis Richardson	X				
David Rivera			X		
Yolly Roberson	X				
Dennis Ross	X				
Ron Saunders	X				
John Seiler	X				
Priscilla Taylor	X				
Anthony Traviesa	X				
Baxter Troutman			X		
Shelley Vana	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 24		Total Nays: 0			

Committee meeting was reported out: Friday, April 13, 2007 7:37:25PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **HB 7147**

COUNCIL/COMMITTEE ACTION

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



1 Council/Committee hearing bill: Policy & Budget Council
2 Representative(s) Pickens offered the following:

3
4 **Amendment**

5 Remove line(s) 80-81 and insert:

6
7
8 specified baccalaureate degree programs in the areas of teaching
9 and nursing and in the areas of math and science for the purpose
10 of preparing graduates to enter a teaching position and to
11 deliver bachelor of applied science

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COUNCIL MEETING REPORT

Policy & Budget Council

4/13/2007 10:00:00AM

Location: 212 Knott Building

HB 7147 : Postsecondary Education Enhancements

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff			X		
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown	X				
Dean Cannon	X				
Joyce Cusack	X				
Charles Dean			X		
Bill Galvano	X				
Andy Gardiner	X				
Michael Grant	X				
Adam Hasner	X				
Will Kendrick			X		
Dick Kravitz	X				
Stan Mayfield			X		
Matthew Meadows	X				
Joe Pickens	X				
Ron Reagan			X		
Curtis Richardson	X				
David Rivera	X				
Yolly Roberson	X				
Dennis Ross	X				
Ron Saunders	X				
John Seiler	X				
Priscilla Taylor	X				
Anthony Traviesa	X				
Baxter Troutman			X		
Shelley Vana	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 28					
		Total Nays: 0			

Committee meeting was reported out: Friday, April 13, 2007 7:37:25PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/13/2007 10:00:00AM

Location: 212 Knott Building

HB 7149 : Education

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown	X				
Dean Cannon			X		
Joyce Cusack	X				
Charles Dean			X		
Bill Galvano	X				
Andy Gardiner	X				
Michael Grant	X				
Adam Hasner	X				
Will Kendrick			X		
Dick Kravitz	X				
Stan Mayfield			X		
Matthew Meadows	X				
Joe Pickens	X				
Ron Reagan			X		
Curtis Richardson	X				
David Rivera	X				
Yolly Roberson	X				
Dennis Ross	X				
Ron Saunders	X				
John Seiler	X				
Priscilla Taylor	X				
Anthony Traviesa	X				
Baxter Troutman			X		
Shelley Vana	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 28		Total Nays: 0			

Appearances:

Mark Rosenberg - Proponent
 Board of Governors, State University System
 325 West Gaines Street
 Tallahassee Florida 32311
 Phone: 850-245-0466

Committee meeting was reported out: Friday, April 13, 2007 7:37:25PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. HB 7149

COUNCIL/COMMITTEE ACTION

ADOPTED (Y/N)

ADOPTED AS AMENDED (Y/N)

ADOPTED W/O OBJECTION (Y/N)

FAILED TO ADOPT (Y/N)

WITHDRAWN (Y/N)

OTHER



1 Council/Committee hearing bill: Policy & Budget Council
2 Representative(s) Mealor & Pickens offered the following:

3

4 **Amendment**

5 Remove line 2130 and insert:

6 (f) Effective January 7, 2003, any powers, duties,
7 functions,

8

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. HB 7149

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)

ADOPTED AS AMENDED _____ (Y/N)

ADOPTED W/O OBJECTION (Y/N)

FAILED TO ADOPT _____ (Y/N)

WITHDRAWN _____ (Y/N)

OTHER _____

2

1 Council/Committee hearing bill: Policy & Budget Council
2 Representative(s) Mealor & Pickens offered the following:

3
4 **Amendment**

5 Remove line(s) 4688-4690 and insert:

6 (d) A college that is under the jurisdiction of the
7 ~~Division of Colleges and Universities of the~~ Department of
8 Education, ~~whose students are eligible to participate in~~ for the
9

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. HB 7149

COUNCIL/COMMITTEE ACTION

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

3

1 Council/Committee hearing bill: Policy & Budget Council
2 Representative(s) Mealor & Pickens offered the following:

3
4
5
6
7
8
9

Amendment

Remove line(s) 4703-4705 and insert:

(c) Any institution that is under the jurisdiction of the
~~Division of Colleges and Universities of the Department of~~
Education, ~~whose students are eligible to participate in~~ for the

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. HB 7149

COUNCIL/COMMITTEE ACTION

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

4

1 Council/Committee hearing bill: Policy & Budget Council
 2 Representative(s) Mealor & Pickens offered the following:

Amendment (with title amendment)

Remove line(s) 4940-4942 and insert:

6 (1) The State Board of Education and the Board of
 7 Governors shall enter into ~~establish in rule~~ a statewide
 8 articulation agreement which the State Board of Education shall
 9 adopt in rule. The agreement must preserve Florida's "2+2"
 10 system of articulation, facilitate the seamless articulation of
 11 student credit across and among Florida's educational entities,
 12 and reinforce the provisions of this chapter by governing ~~that~~
 13 governs:

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

Remove line(s) 306-307 and insert:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

20 Education and the Board of Governors to enter into a statewide
21 articulation agreement which addresses certain issues; requiring
22 the State Board of Education to adopt a rule;

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. HB 7149

COUNCIL/COMMITTEE ACTION

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

5

1 Council/Committee hearing bill: Policy & Budget Council
2 Representative(s) Mealor & Pickens offered the following:

3
4 **Amendment** Remove line(s) 6298 and insert:
5 year to the named universities to expend tuition and out-of-
6 state fees that

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. HB 7149

COUNCIL/COMMITTEE ACTION

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

6

1 Council/Committee hearing bill: Policy & Budget Council
2 Representative(s) Mealor & Pickens offered the following:

3
4 **Amendment**

5 Remove line(s) 6382-6384 and insert:

6 Appropriations Act, all moneys received by universities, other
7 than from state and federal sources, from student building and
8 capital improvement fees authorized in s. 1009.24, from federal
9 sources, from private sources, and from

000000

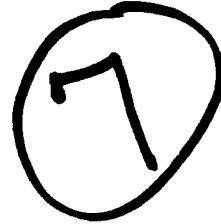
HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. HB 7149

COUNCIL/COMMITTEE ACTION

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



1 Council/Committee hearing bill: Policy & Budget Council
 2 Representative(s) Mealor & Pickens offered the following:
 3

Amendment (with title amendment)

Between line(s) 6395-6396 insert:

Section 159. Section 1011.94, Florida Statutes, is amended to read:

1011.94 ~~Trust Fund for~~ University Major Gifts Program.--

(1) There is established the a ~~Trust Fund for~~ University Major Gifts Program. The purpose of the program ~~trust fund~~ is to enable each university ~~and New College~~ to provide donors with an incentive in the form of matching grants for donations for the establishment of permanent endowments and sales tax exemption matching funds received pursuant to s. 212.08(5)(j), which must be invested, with the proceeds of the investment used to support libraries and instruction and research programs, as defined by the Board of Governors ~~State Board of Education~~. All funds ~~appropriated for the challenge grants, new donors, major gifts, sales tax exemption matching funds pursuant to s. 212.08(5)(j), or eminent scholars program may be deposited into the trust fund~~

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

22 ~~and invested pursuant to s. 17.61 until the State Board of~~
23 ~~Education allocates the funds to universities to match private~~
24 ~~donations. Notwithstanding s. 216.301 and pursuant to s.~~
25 ~~216.351, any undisbursed balance remaining in the trust fund and~~
26 ~~interest income accruing to the portion of the trust fund which~~
27 ~~is not matched and distributed to universities must remain in~~
28 ~~the trust fund and be used to increase the total funds available~~
29 ~~for challenge grants. Funds deposited in the trust fund for the~~
30 ~~sales tax exemption matching program authorized in s.~~
31 ~~212.08(5)(j), and interest earnings thereon, shall be maintained~~
32 ~~in a separate account within the Trust Fund for University Major~~
33 ~~Gifts, and may be used only to match qualified sales tax~~
34 ~~exemptions that a certified business designates for use by state~~
35 ~~universities and community colleges to support research and~~
36 ~~development projects requested by the certified business. The~~
37 ~~State Board of Education may authorize any university to~~
38 ~~encumber the state matching portion of a challenge grant from~~
39 ~~funds available under s. 1011.45.~~

40 (2) ~~The Board of Governors State Board of Education~~ shall
41 specify the process for submission, documentation, and approval
42 of requests for matching funds, accountability for endowments
43 and proceeds of endowments, allocations to universities,
44 restrictions on the use of the proceeds from endowments, and
45 criteria used in determining the value of donations.

46 (3) (a) ~~The Board of Governors State Board of Education~~
47 shall allocate the amount appropriated to ~~the trust fund to each~~
48 university and ~~New College~~ based on the amount of the donation
49 and the restrictions applied to the donation.

50 (b) Donations for a specific purpose must be matched in
51 the following manner:

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

52 1. Each university that raises at least \$100,000 but no
53 more than \$599,999 from a private source must receive a matching
54 grant equal to 50 percent of the private contribution.

55 2. Each university that raises a contribution of at least
56 \$600,000 but no more than \$1 million from a private source must
57 receive a matching grant equal to 70 percent of the private
58 contribution.

59 3. Each university that raises a contribution in excess of
60 \$1 million but no more than \$1.5 million from a private source
61 must receive a matching grant equal to 75 percent of the private
62 contribution.

63 4. Each university that raises a contribution in excess of
64 \$1.5 million but no more than \$2 million from a private source
65 must receive a matching grant equal to 80 percent of the private
66 contribution.

67 5. Each university that raises a contribution in excess of
68 \$2 million from a private source must receive a matching grant
69 equal to 100 percent of the private contribution.

70 (c) The Board of Governors ~~State Board of Education~~ shall
71 encumber state matching funds for any pledged contributions, pro
72 rata, based on the requirements for state matching funds as
73 specified for the particular challenge grant and the amount of
74 the private donations actually received by the university for
75 the respective challenge grant.

76 (4) Matching funds may be provided for contributions
77 encumbered or pledged under the Eminent Scholars Act prior to
78 July 1, 1994, and for donations or pledges of any amount equal
79 to or in excess of the prescribed minimums which are pledged for
80 the purpose of this section.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

81 (5) (a) Each university foundation ~~and New College~~
82 ~~Foundation~~ shall establish a challenge grant account for each
83 challenge grant as a depository for private contributions and
84 state matching funds to be administered on behalf of the Board
85 of Governors ~~or State Board of Education~~, the university, ~~or New~~
86 ~~College~~. State matching funds must be transferred to a
87 university foundation ~~or New College Foundation~~ upon
88 notification that the university ~~or New College~~ has received and
89 deposited the amount specified in this section in a foundation
90 challenge grant account.

91 (b) The foundation serving a university ~~and New College~~
92 ~~Foundation~~ ~~each~~ has the responsibility for the maintenance and
93 investment of its challenge grant account and for the
94 administration of the program on behalf of the university ~~or New~~
95 ~~College~~, pursuant to procedures specified by the Board of
96 Governors ~~State Board of Education~~. Each foundation shall
97 include in its annual report to the Board of Governors ~~State~~
98 ~~Board of Education~~ information concerning collection and
99 investment of matching gifts and donations and investment of the
100 account.

101 (c) A donation of at least \$600,000 and associated state
102 matching funds may be used to designate an Eminent Scholar
103 Endowed Chair pursuant to procedures specified by the Board of
104 Governors ~~State Board of Education~~.

105 (6) The donations, state matching funds, or proceeds from
106 endowments established under this section may not be expended
107 for the construction, renovation, or maintenance of facilities
108 or for the support of intercollegiate athletics.

109
110 ===== T I T L E A M E N D M E N T =====

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

111 Insert between line(s) 467-468:
112 amending s. 1011.94, F.S.; redesignating the Trust Fund for
113 University Major Gifts as the University Major Gifts Program;
114 removing references to the trust fund and New College;
115 transferring responsibilities relating to the program from the
116 State Board of Education to the Board of Governors;
117

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. HB 7149

COUNCIL/COMMITTEE ACTION

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

8

1 Council/Committee hearing bill: Policy & Budget Council
 2 Representative(s) Mealor & Pickens offered the following:

Amendment (with title amendment)

Between line(s) 7552-7553 insert:

6 Section 187. To the extent the Board of Governors of the
 7 State University System or a university board of trustees
 8 chooses to repeal any rules in Title 6C, Florida Administrative
 9 Code, including any rules that derive solely from the
 10 constitutional authority of the Board of Governors, such rules
 11 shall be repealed pursuant to chapter 120, Florida Statutes.

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

Remove line(s) 569 and insert:

16 accountability programs; authorizing the repeal of certain
 17 rules; providing an effective date.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. HB 7149

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)

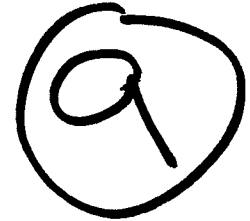
ADOPTED AS AMENDED _____ (Y/N)

ADOPTED W/O OBJECTION (Y/N)

FAILED TO ADOPT _____ (Y/N)

WITHDRAWN _____ (Y/N)

OTHER _____



1 Council/Committee hearing bill: Policy & Budget Council
2 Representative(s) Pickens and Mealor offered the following:

Amendment

3
4
5 Between line(s) 3527-³⁵²⁸~~3528~~ insert:

6 (9) DELEGATION OF POWERS AND DUTIES.—Where the Board of
7 Governors has the power to, and does, delegate a power or duty
8 to a university board of trustees as the designee, the
9 rulemaking authority of the Board of Governors for that power or
10 duty is included in the delegation.

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. HB 7149

COUNCIL/COMMITTEE ACTION

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

10

1 Council/Committee hearing bill: Policy & Budget Council
 2 Representative(s) Pickens & Mealor offered the following:

Amendment (with title amendment)

Between line(s) 6312-6313 insert:

Section 155. Subsection (6) of section 1011.42, Florida Statutes, is amended to read:

1011.42 University depositories; deposits into and withdrawals from depositories.--

(6) The university president or his or her designee, after having been specifically authorized by the university board of trustees, may transfer funds from one depository to another, within a depository, to another institution, or from another institution to a depository for investment purposes and may transfer funds to pay expenses, expenditures, or other disbursements, evidenced by an invoice or other appropriate documentation ~~in a similar manner when the transfer does not represent an expenditure, advance, or reduction of cash assets.~~

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

Remove line(s) 457 and insert:

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

22 universities; conforming a cross-reference; amending s. 1011.42,
23 F.S., relating to university depositories; authorizing certain
24 fund transfers; amending s.

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Page 2 of 2

h7149-Pickens Mealor Amd 10 for PB.doc

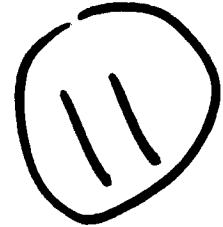
HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. HB 7149

COUNCIL/COMMITTEE ACTION

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



1 Council/Committee hearing bill: Policy & Budget Council
 2 Representative(s) Pickens & Mealor offered the following:

3

4 **Amendment (with title amendment)**

5 Remove line(s) 595-602 and insert:

6 (5) POWERS AND DUTIES.--The State Board of Education and
 7 the Commissioner of Education shall assign to the divisions such
 8 powers, duties, responsibilities, and functions as are necessary
 9 to ensure the greatest possible coordination, efficiency, and
 10 effectiveness of education for students in K-20 education, under
 11 the jurisdiction of the State Board of Education.

12

13

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

15 Remove line(s) 5-7 and insert:

16 Department of Education; requiring the

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. HB 7149

COUNCIL/COMMITTEE ACTION

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

Withdrawn

12

1 Council/Committee hearing bill: Policy & Budget Council
 2 Representative(s) Saunders offered the following:

Amendment (with title amendment)

Remove line(s) 1896 and insert:

University System, or a subcommittee thereof, state university

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

Remove line(s) 121-124 and insert:

Governors, or the board's designee, as the public employer with
 respect to public employees of state universities; designating
 the Board of Governors, or a subcommittee thereof, as the
 legislative body with respect to all employees of state
 universities; amending s. 455.2125, F.S., relating to

COUNCIL MEETING REPORT

Policy & Budget Council

4/13/2007 10:00:00AM

Location: 212 Knott Building

HB 7151 : Education

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson			X		
Loranne Ausley			X		
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown	X				
Dean Cannon	X				
Joyce Cusack	X				
Charles Dean			X		
Bill Galvano	X				
Andy Gardiner			X		
Michael Grant	X				
Adam Hasner	X				
Will Kendrick			X		
Dick Kravitz	X				
Stan Mayfield			X		
Matthew Meadows	X				
Joe Pickens	X				
Ron Reagan			X		
Curtis Richardson	X				
David Rivera	X				
Yolly Roberson	X				
Dennis Ross	X				
Ron Saunders	X				
John Seiler	X				
Priscilla Taylor	X				
Anthony Traviesa			X		
Baxter Troutman			X		
Shelley Vana	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 25		Total Nays: 0			

Committee meeting was reported out: Friday, April 13, 2007 7:37:25PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. HB 7151

COUNCIL/COMMITTEE ACTION

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

Both



Adopted As Amended w/o objection

1 Council/Committee hearing bill: Policy & Budget Council
2 Representative Pickens and Flores offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (1) of section 1001.03, Florida
7 Statutes, is amended to read:

8 1001.03 Specific powers of State Board of Education.--

9 (1) PUBLIC K-12 STUDENT PERFORMANCE STANDARDS.--

10 (a) The State Board of Education shall review and
11 systematically replace ~~approve the student performance standards~~
12 ~~known as~~ the Sunshine State Standards by adopting World Class
13 Education Standards that prepare Florida's students to
14 effectively engage, communicate, and compete in a global
15 economy. As used in this section, the term "World Class
16 Education Standards" means curricular standards by subject area
17 and grade level which integrate critical thinking and problem-
18 solving skills, creativity and innovation skills, communication
19 and information skills, collaboration skills, contextual and
20 applied-learning skills, information and media-literacy skills,
21 and civic-engagement skills. The World Class Education Standards
22 shall, at a minimum:

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23 1. Establish the essential content knowledge and skills,
24 by each in key academic subject areas and grade level, that are
25 necessary for student academic achievement;

26 2. Identify the general content knowledge that a student
27 is expected to acquire for reading proficiency;

28 3. Identify the specific content knowledge and skills that
29 a student is expected to acquire and be able to demonstrate for
30 each subject area listed in s. 1003.41 by grade level;

31 4. Provide for the sequential development of a student's
32 content knowledge and skills grade by grade for each subject
33 area; and

34 5. Provide for alignment to curriculum that is appropriate
35 for high school graduates to enter the workforce and compete in
36 high-demand careers in Florida's global economy and to succeed
37 in postsecondary education levels.

38 (b) By January 31, 2008, the State Board of Education
39 shall establish an expedited a schedule for to facilitate the
40 adoption periodic review of the World Class Education Standards,
41 and for the periodic review and revision of the standards, to
42 ensure superior adequate rigor, relevance, logical student
43 progression, and integration of reading, writing, and
44 mathematics across all subject areas. Effective January 1, 2009,
45 the state board shall, by January 1 of each year, submit a
46 report to the Governor, the President of the Senate, and the
47 Speaker of the House of Representatives detailing the status of
48 the adoption, implementation, and any subsequent revisions of
49 the World Class Education Standards.

50 (c) The State Board of Education shall include Florida
51 educators in the development and review of the standards. The
52 state board shall consider the recommendations of educators,
53 citizens, and members of the business community; consult

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54 national or international curricular experts in each review by
55 subject area; and consider standards implemented by other states
56 or nations, which standards are regarded as exceptionally
57 rigorous by the curricular experts. The state board shall also
58 ~~must~~ include the participation of curriculum leaders in other
59 content areas, including the arts, to ensure valid content area
60 integration and to address the instructional requirements of
61 different learning styles.

62 (d) The process for adoption and revision of the World
63 Class Education Standards review and proposed revisions must
64 include leadership and input from the state's classroom teachers
65 and selected, school administrators, postsecondary institutions
66 ~~and community colleges and universities, and from~~
67 ~~representatives from business and industry representatives who~~
68 are identified by Enterprise Florida, Inc. local education
69 ~~foundations.~~

70 (e) The State Board of Education, before adopting or
71 revising the World Class Education Standards for a subject area,
72 shall submit the proposed standards for evaluation by more than
73 one nationally recognized foundation, institute, organization,
74 or board with expertise in performance standards for K-12
75 curricula. The state board shall submit the evaluations to the
76 Governor, the President of the Senate, and the Speaker of the
77 House of Representatives before adopting the proposed standards.
78 ~~A report including proposed revisions must be submitted to the~~
79 ~~Governor, the President of the Senate, and the Speaker of the~~
80 ~~House of Representatives annually to coincide with the~~
81 ~~established review schedule. The review schedule and an annual~~
82 ~~status report must be submitted to the Governor, the President~~
83 ~~of the Senate, and the Speaker of the House of Representatives~~
84 ~~annually not later than January 1.~~

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85 (f) Beginning with the 2008-2009 school year, the State
86 Board of Education shall submit an annual report on the
87 achievement results of Florida's students based on instruction
88 aligned to the World Class Education Standards. The report shall
89 be submitted to the Governor, the President of the Senate, and
90 the Speaker of the House of Representatives by December 30 of
91 each year, and shall include data to monitor achievement gains
92 and to provide academic comparisons of Florida students who are
93 achieving at or above grade level to other students nationally
94 and to students at commensurate grade levels in other countries.

95 Section 2. Paragraph (b) of subsection (4) and paragraph
96 (d) of subsection (5) of section 39.0016, Florida Statutes, are
97 amended to read:

98 39.0016 Education of abused, neglected, and abandoned
99 children.--

100 (4) The department shall enter into agreements with
101 district school boards or other local educational entities
102 regarding education and related services for children known to
103 the department who are of school age and children known to the
104 department who are younger than school age but who would
105 otherwise qualify for services from the district school board.
106 Such agreements shall include, but are not limited to:

107 (b) A requirement that the district school board shall:
108 1. Provide the department with a general listing of the
109 services and information available from the district school
110 board, including, but not limited to, the World Class Education
111 ~~current Sunshine State Standards~~, the Surrogate Parent Training
112 Manual, and other resources accessible through the Department of
113 Education or local school districts to facilitate educational
114 access for a child known to the department.

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115 2. Identify all educational and other services provided by
116 the school and school district which the school district
117 believes are reasonably necessary to meet the educational needs
118 of a child known to the department.

119 3. Determine whether transportation is available for a
120 child known to the department when such transportation will
121 avoid a change in school assignment due to a change in
122 residential placement. Recognizing that continued enrollment in
123 the same school throughout the time the child known to the
124 department is in out-of-home care is preferable unless
125 enrollment in the same school would be unsafe or otherwise
126 impractical, the department, the district school board, and the
127 Department of Education shall assess the availability of
128 federal, charitable, or grant funding for such transportation.

129 4. Provide individualized student intervention or an
130 individual educational plan when a determination has been made
131 through legally appropriate criteria that intervention services
132 are required. The intervention or individual educational plan
133 must include strategies to enable the child known to the
134 department to maximize the attainment of educational goals.

135 (5) The department shall incorporate an education
136 component into all training programs of the department regarding
137 children known to the department. Such training shall be
138 coordinated with the Department of Education and the local
139 school districts. The department shall offer opportunities for
140 education personnel to participate in such training. Such
141 coordination shall include, but not be limited to, notice of
142 training sessions, opportunities to purchase training materials,
143 proposals to avoid duplication of services by offering joint
144 training, and incorporation of materials available from the
145 Department of Education and local school districts into the

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146 department training when appropriate. The department training
147 components shall include:

148 (d) Training of caseworkers regarding the services and
149 information available through the Department of Education and
150 local school districts, including, but not limited to, the World
151 Class Education ~~current Sunshine State~~ Standards, the Surrogate
152 Parent Training Manual, and other resources accessible through
153 the Department of Education or local school districts to
154 facilitate educational access for a child known to the
155 department.

156 Section 3. Paragraph (g) of subsection (7) of section
157 445.049, Florida Statutes, is amended to read:

158 445.049 Digital Divide Council.--

159 (7) PROGRAM OBJECTIVES AND GOALS.--The programs authorized
160 by this section shall have the following objectives and goals:

161 (g) Using information technology to facilitate achievement
162 of the World Class Education ~~Sunshine State~~ Standards by all
163 children enrolled in the state's K-12 school system who are
164 members of at-risk families.

165 Section 4. Subsection (7) of section 1000.21, Florida
166 Statutes, is amended to read:

167 1000.21 Systemwide definitions.--As used in the Florida K-
168 20 Education Code:

169 (7) "World Class Education ~~Sunshine State~~ Standards" means
170 the student content are standards, as described in ss.
171 1001.03(1) and 1003.41, which that identify what public school
172 students are expected to should know and be able to demonstrate
173 de. The term includes the Sunshine State Standards for a subject
174 area until the standards are replaced under s. 1001.03(1) by the
175 World Class Education Standards for the subject area. These
176 ~~standards delineate the academic achievement of students for~~

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177 ~~which the state will hold its public schools accountable in~~
178 ~~grades K-2, 3-5, 6-8, and 9-12, in the subjects of language~~
179 ~~arts, mathematics, science, social studies, the arts, health and~~
180 ~~physical education, foreign languages, reading, writing,~~
181 ~~history, government, geography, economics, and computer~~
182 ~~literacy.~~

183 Section 5. Subsection (1) of section 1001.02, Florida
184 Statutes, is amended to read:

185 1001.02 General powers of State Board of Education.--

186 (1) The State Board of Education is the chief implementing
187 and coordinating body of public education in Florida, and it
188 shall focus on high-level policy decisions. The state board ~~it~~
189 has authority to adopt rules under ~~pursuant to~~ ss. 120.536(1)
190 and 120.54 to implement the provisions of law conferring duties
191 upon the State Board of Education, the Commissioner of
192 Education, and the Department of Education ~~it for the~~
193 ~~improvement of the state system of K-20 public education.~~ Except
194 as otherwise provided by law herein, the State Board of
195 Education ~~it~~ may, as it finds appropriate, delegate its general
196 powers to the Commissioner of Education or the directors of the
197 divisions of the department.

198 Section 6. Subsection (8) of section 1001.215, Florida
199 Statutes, is amended to read:

200 1001.215 Just Read, Florida! Office.--There is created in
201 the Department of Education the Just Read, Florida! Office. The
202 office shall be fully accountable to the Commissioner of
203 Education and shall:

204 (8) Periodically review the World Class Education ~~Sunshine~~
205 ~~State Standards for reading at all grade levels.~~

206 Section 7. Subsection (3) of section 1001.41, Florida
207 Statutes, is amended to read:

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208 1001.41 General powers of district school board.--The
209 district school board, after considering recommendations
210 submitted by the district school superintendent, shall exercise
211 the following general powers:

212 (3) Prescribe and adopt standards and policies to provide
213 each student the opportunity to receive a complete education
214 program, including language arts;; mathematics;; science;;
215 social studies, with an emphasis on history, government, civics,
216 and United States patriotism and national sovereignty; health;;
217 physical education;; foreign languages;; and the arts, as
218 defined by the World Class Education ~~Sunshine State~~ Standards.
219 The standards and policies must emphasize integration and
220 reinforcement of reading, writing, and mathematics skills across
221 all subjects, including career awareness, career exploration,
222 and career and technical education.

223 Section 8. Paragraph (a) of subsection (16) of section
224 1001.42, Florida Statutes, is amended to read:

225 1001.42 Powers and duties of district school board.--The
226 district school board, acting as a board, shall exercise all
227 powers and perform all duties listed below:

228 (16) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.--
229 Maintain a system of school improvement and education
230 accountability as provided by statute and State Board of
231 Education rule. This system of school improvement and education
232 accountability shall be consistent with, and implemented
233 through, the district's continuing system of planning and
234 budgeting required by this section and ss. 1008.385, 1010.01,
235 and 1011.01. This system of school improvement and education
236 accountability shall include, but is not limited to, the
237 following:

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238 (a) School improvement plans.--Annually approve and
239 require implementation of a new, amended, or continuation school
240 improvement plan for each school in the district. A district
241 school board may establish a district school improvement plan
242 that includes all schools in the district operating for the
243 purpose of providing educational services to youth in Department
244 of Juvenile Justice programs. The school improvement plan shall
245 be designed to achieve the state education priorities under
246 ~~pursuant to~~ s. 1000.03(5) and student proficiency on the World
247 Class Education Sunshine State Standards under ~~pursuant to~~ s.
248 1003.41. Each plan shall address student achievement goals and
249 strategies based on state and school district proficiency
250 standards. The plan may also address issues relative to other
251 academic-related matters, as determined by district school board
252 policy, and shall include an accurate, data-based analysis of
253 student achievement and other school performance data. Beginning
254 with plans approved for implementation in the 2007-2008 school
255 year, each secondary school plan must include a redesign
256 component based on the principles established in s. 1003.413.
257 For each school in the district that earns a school grade of "C"
258 or below, or is required to have a school improvement plan under
259 federal law, the school improvement plan shall, at a minimum,
260 also include:

261 1. Professional development that supports enhanced and
262 differentiated instructional strategies to improve teaching and
263 learning.

264 2. Continuous use of disaggregated student achievement
265 data to determine effectiveness of instructional strategies.

266 3. Ongoing informal and formal assessments to monitor
267 individual student progress, including progress toward mastery

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268 of the World Class Education Sunshine State Standards, and to
269 redesign instruction if needed.

270 4. Alternative instructional delivery methods to support
271 remediation, acceleration, and enrichment strategies.

272 Section 9. Section 1001.55, Florida Statutes, is created
273 to read:

274 1001.55 Site-based management.--A school district
275 receiving a designation for high performance from the State
276 Board of Education under part VI of chapter 1003 that is based,
277 at least in part, on school grades or district grades assigned
278 under s. 1008.34 shall submit to the state board and implement a
279 plan that gives the district's highest performing principals
280 significant decisionmaking and budgetary authority over their
281 respective schools. The school district shall annually audit,
282 monitor, and report to the state board on the implementation of
283 this section at each school site. The state board shall submit a
284 statewide annual report to the Governor, the President of the
285 Senate, and the Speaker of the House of Representatives on the
286 implementation of this section. The state board may adopt rules
287 under ss. 120.536(1) and 120.54 to administer this section.

288 Section 10. Paragraph (a) of subsection (6) and paragraph
289 (a) of subsection (7) of section 1002.33, Florida Statutes, are
290 amended to read:

291 1002.33 Charter schools.--

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

294 (a) A person or entity wishing to open a charter school
295 shall prepare an application that:

296 1. Demonstrates how the school will use the guiding
297 principles and meet the statutorily defined purpose of a charter
298 school.

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299 2. Provides a detailed curriculum plan that illustrates
300 how students will be provided services to attain the World Class
301 Education Sunshine State Standards.

302 3. Contains goals and objectives for improving student
303 learning and measuring that improvement. These goals and
304 objectives must indicate how much academic improvement students
305 are expected to show each year, how success will be evaluated,
306 and the specific results to be attained through instruction.

307 4. Describes the reading curriculum and differentiated
308 strategies that will be used for students reading at grade level
309 or higher and a separate curriculum and strategies for students
310 who are reading below grade level. A sponsor shall deny a
311 charter if the school does not propose a reading curriculum that
312 is consistent with effective teaching strategies that are
313 grounded in scientifically based reading research.

314 5. Contains an annual financial plan for each year
315 requested by the charter for operation of the school for up to 5
316 years. This plan must contain anticipated fund balances based on
317 revenue projections, a spending plan based on projected revenues
318 and expenses, and a description of controls that will safeguard
319 finances and projected enrollment trends.

320 (7) CHARTER.--The major issues involving the operation of
321 a charter school shall be considered in advance and written into
322 the charter. The charter shall be signed by the governing body
323 of the charter school and the sponsor, following a public
324 hearing to ensure community input.

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

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

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329 2. The focus of the curriculum, the instructional methods
330 to be used, any distinctive instructional techniques to be
331 employed, and identification and acquisition of appropriate
332 technologies needed to improve educational and administrative
333 performance which include a means for promoting safe, ethical,
334 and appropriate uses of technology which comply with legal and
335 professional standards. The charter shall ensure that reading is
336 a primary focus of the curriculum and that resources are
337 provided to identify and provide specialized instruction for
338 students who are reading below grade level. The curriculum and
339 instructional strategies for reading must be consistent with the
340 World Class Education ~~Sunshine State~~ Standards and grounded in
341 scientifically based reading research.

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

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

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

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

355
356 The district school board is required to provide academic
357 student performance data to charter schools for each of their
358 students coming from the district school system, as well as

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359 rates of academic progress of comparable student populations in
360 the district school system.

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

370 5. In secondary charter schools, a method for determining
371 that a student has satisfied the requirements for graduation in
372 s. 1003.43.

373 6. A method for resolving conflicts between the governing
374 body of the charter school and the sponsor.

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

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

381 9. The financial and administrative management of the
382 school, including a reasonable demonstration of the professional
383 experience or competence of those individuals or organizations
384 applying to operate the charter school or those hired or
385 retained to perform such professional services and the
386 description of clearly delineated responsibilities and the
387 policies and practices needed to effectively manage the charter
388 school. A description of internal audit procedures and
389 establishment of controls to ensure that financial resources are

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390 properly managed must be included. Both public sector and
391 private sector professional experience shall be equally valid in
392 such a consideration.

393 10. The asset and liability projections required in the
394 application which are incorporated into the charter and which
395 shall be compared with information provided in the annual report
396 of the charter school. The charter shall ensure that, if a
397 charter school internal audit or annual financial audit reveals
398 a state of financial emergency as defined in s. 218.503 or
399 deficit financial position, the auditors are required to notify
400 the charter school governing board, the sponsor, and the
401 Department of Education. The internal auditor shall report such
402 findings in the form of an exit interview to the principal or
403 the principal administrator of the charter school and the chair
404 of the governing board within 7 working days after finding the
405 state of financial emergency or deficit position. A final report
406 shall be provided to the entire governing board, the sponsor,
407 and the Department of Education within 14 working days after the
408 exit interview. When a charter school is in a state of financial
409 emergency, the charter school shall file a detailed financial
410 recovery plan with the sponsor. The department, with the
411 involvement of both sponsors and charter schools, shall
412 establish guidelines for developing such plans.

413 11. A description of procedures that identify various
414 risks and provide for a comprehensive approach to reduce the
415 impact of losses; plans to ensure the safety and security of
416 students and staff; plans to identify, minimize, and protect
417 others from violent or disruptive student behavior; and the
418 manner in which the school will be insured, including whether or
419 not the school will be required to have liability insurance,

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420 and, if so, the terms and conditions thereof and the amounts of
421 coverage.

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

441 13. The facilities to be used and their location.

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

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

448 16. A timetable for implementing the charter which
449 addresses the implementation of each element thereof and the

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450 date by which the charter shall be awarded in order to meet this
451 timetable.

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

463 Section 11. Paragraph (b) of subsection (2) of section
464 1002.415, Florida Statutes, is amended to read:

465 1002.415 K-8 Virtual School Program.--Subject to annual
466 legislative appropriation, a kindergarten through grade 8
467 virtual school program is established within the Department of
468 Education for the purpose of making academic instruction
469 available to full-time students in kindergarten through grade 8
470 using on-line and distance learning technology. The department
471 shall use an application process to select schools to deliver
472 program instruction.

473 (2) APPLICATION.--

474 (b) In addition to a completed application form, each
475 applicant must provide the department with:

476 1. A detailed plan describing how the school curriculum
477 and course content will conform to the World Class Education
478 ~~Sunshine State~~ Standards; and

479 2. An annual financial plan for each year of operation of
480 the school for a minimum of 3 years. The plan must contain

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481 anticipated fund balances based on revenue projections, a
482 spending plan based on projected revenues and expenses, and a
483 description of controls that will safeguard finances and
484 projected enrollment trends.

485 Section 12. Section 1003.41, Florida Statutes, is amended
486 to read:

487 1003.41 World Class Education ~~Sunshine State~~
488 Standards.--Public K-12 educational instruction in Florida is
489 based on the World Class Education "Sunshine State Standards as
490 defined in s. 1001.03(1)." ~~The These standards are have been~~
491 adopted by the State Board of Education and delineate the
492 academic achievement of students, for which the state holds will
493 ~~hold~~ schools accountable, in each K-12 grade level grades K-2,
494 3-5, 6-8, and 9-12 in, at a minimum, the subject areas subjects
495 of language arts, reading, and writing; ~~mathematics;~~ science;
496 social studies, including geography and economics, with an
497 emphasis on history, government, civics, and United States
498 patriotism and national sovereignty; visual and performing the
499 arts; ~~health and physical education;~~ and foreign languages;
500 and computer literacy. The World Class Education Standards must
501 be content oriented and knowledge based and must They include
502 problem-solving and higher-order skills as described in s.
503 1001.03(1) standards in reading, writing, history, government,
504 geography, economics, and computer literacy.

505 Section 13. Subsection (7) and paragraph (a) of subsection
506 (8) of section 1003.428, Florida Statutes, are amended to read:

507 1003.428 General requirements for high school graduation;
508 revised.--

509 (7)(a) A student who meets all requirements prescribed in
510 subsections (1), (2), (3), and (4) shall be awarded a standard
511 diploma in a form prescribed by the State Board of Education.

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512 (b) The standard diploma awarded to a student, and the
513 student's high school academic transcript, shall include a
514 notation of distinguished honors if the student earns a score
515 demonstrating superior academic achievement, as determined by
516 the Commissioner of Education, on the grade 10 Florida
517 Comprehensive Assessment Test. By the beginning of the 2008-2009
518 school year, the commissioner shall widely publicize and
519 disseminate information about the distinguished-honors notation,
520 including notice to district superintendents, school principals,
521 teachers, guidance counselors, parents, and students of the
522 scores required to earn distinguished honors. The commissioner
523 shall also publish the information on the department's Internet
524 website.

525 (c) ~~(b)~~ A student who completes the minimum number of
526 credits and other requirements prescribed by subsections (1),
527 (2), and (3), but who is unable to meet the standards of
528 paragraph (4) (b), paragraph (4) (c), or paragraph (4) (d), shall
529 be awarded a certificate of completion in a form prescribed by
530 the State Board of Education. However, any student who is
531 otherwise entitled to a certificate of completion may elect to
532 remain in the secondary school either as a full-time student or
533 a part-time student for up to 1 additional year and receive
534 special instruction designed to remedy his or her identified
535 deficiencies.

536 (8) (a) Each district school board must provide instruction
537 to prepare students with disabilities to demonstrate proficiency
538 in the content knowledge and skills and competencies necessary
539 for successful grade-to-grade progression and high school
540 graduation.

541 Section 14. Paragraph (a) of subsection (11) of section
542 1003.43, Florida Statutes, is amended to read:

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543 1003.43 General requirements for high school graduation.--
544 (11)(a) Each district school board must provide
545 instruction to prepare students with disabilities to demonstrate
546 proficiency in the content knowledge and skills and competencies
547 necessary for successful grade-to-grade progression and high
548 school graduation.

549 Section 15. Section 1003.451, Florida Statutes, is created
550 to read:

551 1003.451 World-language curricula.--

552 (1) It is the intent of the Legislature that the state
553 shall move toward the goal of establishing world-language
554 curricula that begins in elementary school and continues through
555 the middle and high school grades.

556 (2) The State Board of Education shall:

557 (a) Encourage school districts to expand foreign-language
558 course offerings to include world languages commonly spoken in
559 nations actively engaged in international commerce in order to
560 prepare Florida's students to compete in a global economy;

561 (b) Establish content standards for world languages as
562 part of the World Class Education Standards for foreign
563 languages;

564 (c) Encourage school districts to offer world-language
565 instruction to students in elementary school; and

566 (d) Provide flexibility in foreign-language teacher
567 certification so that Florida schools may benefit from
568 instruction offered by Floridians who are fluent in a world
569 language and are available to provide such instruction.

570 (3) By December 1, 2007, each district school board and
571 each school in the K-8 Virtual School Program shall develop and
572 submit to the Commissioner of Education a plan for articulated
573 world-language curricula for elementary school students

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574 performing at or above grade level beginning by grade 4. The
575 plan may include the use of video conferencing, technology
576 devices with digital content, or on-line technology.

577 (4) Notwithstanding chapter 1006, instructional materials
578 used to implement elementary school world-language curricula may
579 include technology devices with digital content and on-line
580 content. The Commissioner of Education shall prescribe uniform
581 standards for technologies that facilitate the sharing of
582 content among school districts. District school boards may use
583 up to 10 percent of instructional materials funds available for
584 the purchase of materials not on the state-adopted list for
585 purposes of this subsection.

586 Section 16. Section 1003.59, Florida Statutes, is created
587 to read:

588 1003.59 Accelerated learning opportunities for
589 academically talented students.--

590 (1) By June 30, 2008, the State Board of Education shall
591 adopt a model policy for the accelerated learning of
592 academically talented students in grades K-12, regardless of
593 whether the students are classified as gifted. The model policy
594 shall address, but not be limited to, whole-grade acceleration,
595 continuous progress exceeding chronological-age peers, subject-
596 matter acceleration, virtual-education acceleration, and early
597 postsecondary enrollment. The model policy shall include a plan
598 for:

599 (a) Providing teachers and guidance counselors with
600 professional training that addresses effective implementation of
601 the policy, strategies for identifying gifted and academically
602 talented students in the elementary grades, and methods for
603 placing the students in accelerated programming that allows them
604 to work at suitably challenging academic levels; and

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605 (b) Assisting school district interactions with students
606 and parents to help guide them in making the most appropriate
607 choice for each student.

608 (2) Each district school board shall implement an
609 academically talented student acceleration policy beginning with
610 the 2008-2009 school year. The school board shall widely
611 publicize and disseminate the policy so that teachers, students,
612 and parents are aware of accelerated-learning opportunities. The
613 school board shall submit the policy to the Department of
614 Education and publish the policy on the school district's
615 Internet website.

616 (3) Effective December 30, 2009, the Department of
617 Education shall submit an annual report, by December 30 of each
618 year, to the Governor, the President of the Senate, and the
619 Speaker of the House of Representatives on academically talented
620 student acceleration and gifted programs in each school
621 district. The report shall include information concerning
622 district implementation strategies and student achievement gains
623 and provide a comparison of district performance.

624 Section 17. Paragraph (b) of subsection (2), paragraph (b)
625 of subsection (3), paragraph (e) of subsection (5), and
626 paragraph (c) of subsection (6) of section 1004.04, Florida
627 Statutes, are amended to read:

628 1004.04 Public accountability and state approval for
629 teacher preparation programs.--

630 (2) UNIFORM CORE CURRICULA.--

631 (b) The rules to establish uniform core curricula for each
632 state-approved teacher preparation program must include, but are
633 not limited to, a State Board of Education identified foundation
634 in scientifically researched, knowledge-based reading literacy
635 and computational skills acquisition; classroom management;

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636 school safety; professional ethics; educational law; human
637 development and learning; and understanding of the World Class
638 Education Sunshine State Standards content measured by state
639 achievement tests, reading and interpretation of data, and use
640 of data to improve student achievement.

641 (3) DEVELOPMENT OF TEACHER PREPARATION PROGRAMS.--A system
642 developed by the Department of Education in collaboration with
643 postsecondary educational institutions shall assist departments
644 and colleges of education in the restructuring of their programs
645 in accordance with this section to meet the need for producing
646 quality teachers now and in the future.

647 (b) Departments and colleges of education shall emphasize
648 the state system of school improvement and education
649 accountability concepts and standards, including the World Class
650 Education Sunshine State Standards.

651 (5) CONTINUED PROGRAM APPROVAL.--Notwithstanding
652 subsection (4), failure by a public or nonpublic teacher
653 preparation program to meet the criteria for continued program
654 approval shall result in loss of program approval. The
655 Department of Education, in collaboration with the departments
656 and colleges of education, shall develop procedures for
657 continued program approval that document the continuous
658 improvement of program processes and graduates' performance.

659 (e) Continued approval of teacher preparation programs is
660 contingent upon compliance with the student admission
661 requirements of subsection (4) and upon the receipt of at least
662 a satisfactory rating from public schools and private schools
663 that employ graduates of the program. Each teacher preparation
664 program shall guarantee the high quality of its graduates during
665 the first 2 years immediately following graduation from the
666 program or following initial certification, whichever occurs

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667 first. Any educator in a Florida school who fails to demonstrate
668 the essential skills specified in subparagraphs 1.-5. shall be
669 provided additional training by the teacher preparation program
670 at no expense to the educator or the employer. Such training
671 must consist of an individualized plan agreed upon by the school
672 district and the postsecondary educational institution that
673 includes specific learning outcomes. The postsecondary
674 educational institution assumes no responsibility for the
675 educator's employment contract with the employer. Employer
676 satisfaction shall be determined by an annually administered
677 survey instrument approved by the Department of Education that,
678 at a minimum, must include employer satisfaction of the
679 graduates' ability to do the following:

680 1. Write and speak in a logical and understandable style
681 with appropriate grammar.

682 2. Recognize signs of students' difficulty with the
683 reading and computational process and apply appropriate measures
684 to improve students' reading and computational performance.

685 3. Use and integrate appropriate technology in teaching
686 and learning processes.

687 4. Demonstrate knowledge and understanding of the World
688 Class Education Sunshine State Standards.

689 5. Maintain an orderly and disciplined classroom conducive
690 to student learning.

691 (6) PRESERVICE FIELD EXPERIENCE.--All postsecondary
692 instructors, school district personnel and instructional
693 personnel, and school sites preparing instructional personnel
694 through preservice field experience courses and internships
695 shall meet special requirements. District school boards are
696 authorized to pay student teachers during their internships.

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697 (c) Preservice field experience programs must provide
698 specific guidance and demonstration of effective classroom
699 management strategies, strategies for incorporating technology
700 into classroom instruction, strategies for incorporating
701 scientifically researched, knowledge-based reading literacy and
702 computational skills acquisition into classroom instruction, and
703 ways to link instructional plans to the World Class Education
704 ~~Sunshine State~~ Standards, as appropriate. The length of
705 structured field experiences may be extended to ensure that
706 candidates achieve the competencies needed to meet certification
707 requirements.

708 Section 18. Paragraph (c) of subsection (6) of section
709 1007.35, Florida Statutes, is amended to read: _____

710 1007.35 Florida Partnership for Minority and
711 Underrepresented Student Achievement.--

712 (6) The partnership shall:

713 (c) Provide teacher training and materials that are
714 aligned with the World Class Education ~~Sunshine State~~ Standards
715 and are consistent with best theory and practice regarding
716 multiple learning styles and research on learning, instructional
717 strategies, instructional design, and classroom assessment.
718 Curriculum materials must be based on current, accepted, and
719 essential academic knowledge. Materials for prerequisite courses
720 should, at a minimum, address the skills assessed on the Florida
721 Comprehensive Assessment Test (FCAT).

722 Section 19. Paragraph (a) of subsection (1), paragraphs
723 (a) and (c) of subsection (3), and subsection (4) of section
724 1008.22, Florida Statutes, are amended to read: _____

725 1008.22 Student assessment program for public schools.--

726 (1) PURPOSE.--The primary purposes of the student
727 assessment program are to provide information needed to improve

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728 the public schools by enhancing the learning gains of all
729 students and to inform parents of the educational progress of
730 their public school children. The program must be designed to:

731 (a) Assess the annual learning gains of each student
732 toward achieving the World Class Education Sunshine State
733 Standards appropriate for the student's grade level.

734 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall
735 design and implement a statewide program of educational
736 assessment that provides information for the improvement of the
737 operation and management of the public schools, including
738 schools operating for the purpose of providing educational
739 services to youth in Department of Juvenile Justice programs.
740 The commissioner may enter into contracts for the continued
741 administration of the assessment, testing, and evaluation
742 programs authorized and funded by the Legislature. Contracts may
743 be initiated in 1 fiscal year and continue into the next and may
744 be paid from the appropriations of either or both fiscal years.
745 The commissioner is authorized to negotiate for the sale or
746 lease of tests, scoring protocols, test scoring services, and
747 related materials developed pursuant to law. Pursuant to the
748 statewide assessment program, the commissioner shall:

749 (a) Submit to the State Board of Education for approval
750 the content knowledge and a list that specifies student skills
751 expected of a student by and competencies to which the goals for
752 education specified in the state plan apply, including, but not
753 limited to, reading, writing, science, and mathematics. The
754 skills and competencies must include problem-solving and higher-
755 order skills as appropriate and shall be known as the World
756 Class Education Sunshine State Standards as defined in s.
757 1000.21. The commissioner shall select such skills and
758 competencies after receiving recommendations from educators,

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759 ~~citizens, and members of the business community. The~~
760 ~~commissioner shall submit to the State Board of Education~~
761 ~~revisions to the list of student skills and competencies in~~
762 ~~order to maintain continuous progress toward improvements in~~
763 ~~student proficiency.~~

764 (c) Develop and implement a student achievement testing
765 program known as the Florida Comprehensive Assessment Test
766 (FCAT) as part of the statewide assessment program to measure
767 reading; writing; science; social studies, with an emphasis on
768 history, government, civics, and United States patriotism and
769 national sovereignty; and mathematics. Other content areas may
770 be included as directed by the commissioner. The assessment of
771 reading and mathematics shall be administered annually in grades
772 3 through 10. The assessment of writing, and science, and social
773 studies shall be administered at least once at the elementary,
774 middle, and high school levels. The content knowledge and skills
775 assessed by the FCAT must be aligned to the content knowledge
776 and skills expected of a student by the World Class Education
777 Standards. As the Sunshine State Standards are replaced by the
778 World Class Education Standards under s. 1001.03(1), the
779 commissioner, to the maximum extent practicable, shall expedite
780 revision of the FCAT for alignment to the standards. The
781 commissioner shall report any barriers to expedited alignment to
782 the State Board of Education, the Governor, the President of the
783 Senate, and the Speaker of the House of Representatives. The
784 state board shall consider the use of other validated
785 assessments, including, but not limited to, assessments
786 administered by other states, to expedite alignment of the FCAT
787 to the World Class Education Standards. The commissioner must
788 document the procedures used to ensure that the versions of the
789 FCAT which are taken by students retaking the grade 10 FCAT are

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790 equally as challenging and difficult as the tests taken by
791 students in grade 10 which contain performance tasks. The
792 testing program must be designed so that:

793 1. The tests measure student content knowledge and skills
794 ~~and competencies~~ adopted by the State Board of Education as
795 specified in paragraph (a). The tests must measure and report
796 student proficiency levels of all students assessed in reading;~~;~~
797 writing;~~;~~ mathematics;~~;~~ and science; and social studies, with an
798 emphasis on history, government, civics, and United States
799 patriotism and national sovereignty. The commissioner shall
800 provide for the tests to be developed or obtained, as
801 appropriate, through contracts and project agreements with
802 private vendors, public vendors, public agencies, postsecondary
803 educational institutions, or school districts. The commissioner
804 shall obtain input for ~~with respect to~~ the design and
805 implementation of the testing program from state educators,
806 assistive technology experts, and the public.

807 2. The testing program will include a combination of norm-
808 referenced and criterion-referenced tests and include, to the
809 extent determined by the commissioner, questions that require
810 the student to produce information or perform tasks in ~~such a~~
811 manner in which the content knowledge and way that the skills
812 used by the student and competencies he or she uses can be
813 measured.

814 3. Each testing program, whether at the elementary,
815 middle, or high school level, includes a test of writing in
816 which students are required to produce writings that are then
817 scored by appropriate and timely methods.

818 4. A score is designated for each subject area tested,
819 below which score a student's performance is deemed inadequate.

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820 The school districts shall provide appropriate remedial
821 instruction to students who score below these levels.

822 5. Except as provided in s. 1003.428(8)(b) or s.
823 1003.43(11)(b), students must earn a passing score on the grade
824 10 assessment test described in this paragraph or attain
825 concordant scores as described in subsection (9) in reading,
826 writing, and mathematics to qualify for a standard high school
827 diploma. The State Board of Education shall designate a passing
828 score for each part of the grade 10 assessment test. In
829 establishing passing scores, the state board shall consider any
830 possible negative impact of the test on minority students. The
831 State Board of Education shall adopt rules which specify the
832 passing scores for the grade 10 FCAT. Any such rules, which have
833 the effect of raising the required passing scores, shall only
834 apply to students taking the grade 10 FCAT for the first time
835 after such rules are adopted by the State Board of Education.

836 6. Participation in the testing program is mandatory for
837 all students attending public school, including students served
838 in Department of Juvenile Justice programs, except as otherwise
839 prescribed by the commissioner. If a student does not
840 participate in the statewide assessment, the district must
841 notify the student's parent and provide the parent with
842 information regarding the implications of such nonparticipation.
843 A parent must provide signed consent for a student to receive
844 classroom instructional accommodations that would not be
845 available or permitted on the statewide assessments and must
846 acknowledge in writing that he or she understands the
847 implications of such instructional accommodations. The State
848 Board of Education shall adopt rules, based upon recommendations
849 of the commissioner, for the provision of test accommodations
850 for students in exceptional education programs and for students

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851 who have limited English proficiency. Accommodations that negate
852 the validity of a statewide assessment are not allowable in the
853 administration of the FCAT. However, instructional
854 accommodations are allowable in the classroom if included in a
855 student's individual education plan. Students using
856 instructional accommodations in the classroom that are not
857 allowable as accommodations on the FCAT may have the FCAT
858 requirement waived under ~~pursuant to the requirements of~~ s.
859 1003.428(8)(b) or s. 1003.43(11)(b).

860 7. A student seeking an adult high school diploma must
861 meet the same testing requirements that a regular high school
862 student must meet.

863 8. District school boards must provide instruction to
864 prepare students to demonstrate proficiency in the content
865 knowledge and skills ~~and competencies~~ necessary for successful
866 grade-to-grade progression and high school graduation. If a
867 student is provided with instructional accommodations in the
868 classroom that are not allowable as accommodations in the
869 statewide assessment program, as described in the test manuals,
870 the district must inform the parent in writing and must provide
871 the parent with information regarding the impact on the
872 student's ability to meet expected proficiency levels in
873 reading, writing, ~~and~~ math, science, and social studies. The
874 commissioner shall conduct studies as necessary to verify that
875 the required content knowledge and skills ~~and competencies~~ are
876 part of the district instructional programs.

877 9. District school boards must provide opportunities for
878 students to demonstrate an acceptable level of performance on an
879 alternative standardized assessment approved by the State Board
880 of Education following enrollment in summer academies.

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881 10. The Department of Education must develop, or select,
882 and implement a common battery of assessment tools that will be
883 used in all juvenile justice programs in the state. These tools
884 must accurately measure the content knowledge and skills and
885 ~~competencies~~ established in the World Class Education Sunshine
886 State Standards.

887 11. For students seeking a special diploma under pursuant
888 ~~to~~ s. 1003.438, the Department of Education must develop or
889 select and implement an alternate assessment tool that
890 accurately measures the content knowledge and skills and
891 ~~competencies~~ established in the World Class Education Sunshine
892 State Standards for students with disabilities under s.
893 1003.438.

894 12. The commissioner shall establish a testing schedule
895 that provides for administration of the FCAT as close to the end
896 of the school year as practicable while reporting test scores
897 before the end of the school year. The commissioner shall
898 consider computer-based testing and other strategies for
899 reducing the time for reporting test results. Beginning with the
900 2009-2010 school year, the FCAT Writing assessment may not be
901 administered before March 1 and the other FCAT assessments may
902 not be administered before April 15.

903 13. A student earns the designation of "proficient" in a
904 subject area for a grade level if the student earns a score on
905 the FCAT that demonstrates proficiency in the subject area for
906 that grade level. The commissioner shall determine scores
907 demonstrating proficiency in each subject area and grade level
908 of the FCAT. The commissioner's determination shall limit the
909 proficiency designation to scores earned by the highest
910 performing students.

911

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912 The commissioner may, based on collaboration and input from
913 school districts, design and implement student testing programs,
914 for any grade level and subject area, necessary to effectively
915 monitor educational achievement in the state, including the
916 measurement of educational achievement of the World Class
917 Education Sunshine State Standards for students with
918 disabilities. Development and refinement of assessments shall
919 include universal design principles and accessibility standards
920 that will prevent any unintended obstacles for students with
921 disabilities while ensuring the validity and reliability of the
922 test. These principles should be applicable to all technology
923 platforms and assistive devices available for the assessments.
924 The field testing process and psychometric analyses for the
925 statewide assessment program must include an appropriate
926 percentage of students with disabilities and an evaluation or
927 determination of the effect of test items on such students.

928 (4) DISTRICT TESTING PROGRAMS.--Each district school board
929 shall periodically assess student performance and achievement
930 within each school of the district. The assessment programs must
931 be based upon local goals and objectives that are compatible
932 with the state plan for education and that supplement the
933 content knowledge and skills and competencies adopted by the
934 State Board of Education. All school districts must participate
935 in the statewide assessment program designed to measure annual
936 student learning and school performance. All district school
937 boards shall report assessment results as required by the state
938 management information system.

939 Section 20. Section 1008.222, Florida Statutes, is created
940 to read:

941 1008.222 End-of-course examinations.--

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942 (1) It is the intent of the Legislature that effective
943 assessment measures be developed and implemented for subject
944 areas that are not included within the statewide assessment
945 system under s. 1008.22 or included as acceptable examinations
946 as provided in section 2 of chapter 2007-3, Laws of Florida.

947 (2) As used in this section, the term "end-of-course
948 examination" means a locally developed, state-developed, or
949 nationally developed comprehensive examination based on the
950 instructional content of a complete semester or year-long
951 course. Comprehensive end-of-course examinations must be aligned
952 to the most currently adopted state standards and must account
953 for at least 15 percent of a student's grade. Comprehensive end-
954 of-course examinations must provide for at least 50 percent of
955 the student assessment to be based on extended written
956 responses, application or performance of content skills, and
957 measures of critical thinking.

958 (3) The Department of Education shall disseminate to all
959 school districts information regarding the most effective
960 practices in the development and administration of locally,
961 state, and nationally developed comprehensive end-of-course
962 examinations as described in subsection (1). This information
963 must be provided to school districts in an electronic format by
964 July 1, 2008, and must be updated a minimum of twice annually.

965 (4) Beginning with the 2008-2009 school year, school
966 districts that administer end-of-course examinations for merit
967 award programs under s. 1012.225 must comply with this section.

968 Section 21. Subsection (1), paragraph (b) of subsection
969 (2), paragraphs (a) and (c) of subsection (4), paragraph (b) of
970 subsection (6), paragraph (b) of subsection (7), and paragraph
971 (a) of subsection (8) of section 1008.25, Florida Statutes, are
972 amended to read:

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973 1008.25 Public school student progression; remedial
974 instruction; reporting requirements.--

975 (1) INTENT.--It is the intent of the Legislature that each
976 student's progression from one grade to another be determined,
977 in part, upon proficiency in reading, writing, science, social
978 studies, and mathematics; that district school board policies
979 facilitate such proficiency; and that each student and his or
980 her parent be informed of that student's academic progress.

981 (2) COMPREHENSIVE PROGRAM.--Each district school board
982 shall establish a comprehensive program for student progression
983 which must include:

984 (b) Specific levels of performance in reading, writing,
985 science, social studies, and mathematics for each grade level,
986 including the levels of performance on statewide assessments as
987 defined by the commissioner, below which a student must receive
988 remediation, or be retained within an intensive program that is
989 different from the previous year's program and that takes into
990 account the student's learning style.

991 (4) ASSESSMENT AND REMEDIATION.--

992 (a) Each student must participate in the statewide
993 assessment tests required by s. 1008.22. Each student who does
994 not meet specific levels of performance as determined by the
995 district school board in reading, writing, science, social
996 studies, and mathematics for each grade level, or who scores
997 below Level 3 in reading or math, must be provided with
998 additional diagnostic assessments to determine the nature of the
999 student's difficulty, the areas of academic need, and strategies
1000 for appropriate intervention and instruction as described in
1001 paragraph (b).

1002 (c) Upon subsequent evaluation, if the documented
1003 deficiency has not been remediated, the student may be retained.

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1004 Each student who does not meet the minimum performance
1005 expectations defined by the Commissioner of Education for the
1006 statewide assessment tests in reading, writing, science, social
1007 studies, and mathematics must continue to be provided with
1008 remedial or supplemental instruction until the expectations are
1009 met or the student graduates from high school or is not subject
1010 to compulsory school attendance.

1011 (6) ELIMINATION OF SOCIAL PROMOTION.--

1012 (b) The district school board may only exempt students
1013 from mandatory retention, as provided in paragraph (5)(b), for
1014 good cause. Good cause exemptions shall be limited to the
1015 following:

1016 1. Limited English proficient students who have had less
1017 than 2 years of instruction in an English for Speakers of Other
1018 Languages program.

1019 2. Students with disabilities whose individual education
1020 plan indicates that participation in the statewide assessment
1021 program is not appropriate, consistent with the requirements of
1022 State Board of Education rule.

1023 3. Students who demonstrate an acceptable level of
1024 performance on an alternative standardized reading assessment
1025 approved by the State Board of Education.

1026 4. Students who demonstrate, through a student portfolio,
1027 that the student is reading on grade level as evidenced by
1028 demonstration of mastery of the World Class Education Sunshine
1029 ~~State~~ Standards in reading equal to at least a Level 2
1030 performance on the FCAT.

1031 5. Students with disabilities who participate in the FCAT
1032 and who have an individual education plan or a Section 504 plan
1033 that reflects that the student has received intensive
1034 remediation in reading for more than 2 years but still

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1035 demonstrates a deficiency in reading and was previously retained
1036 in kindergarten, grade 1, grade 2, or grade 3.

1037 6. Students who have received intensive remediation in
1038 reading for 2 or more years but still demonstrate a deficiency
1039 in reading and who were previously retained in kindergarten,
1040 grade 1, grade 2, or grade 3 for a total of 2 years. Intensive
1041 reading instruction for students so promoted must include an
1042 altered instructional day that includes specialized diagnostic
1043 information and specific reading strategies for each student.
1044 The district school board shall assist schools and teachers to
1045 implement reading strategies that research has shown to be
1046 successful in improving reading among low-performing readers.

1047 (7) SUCCESSFUL PROGRESSION FOR RETAINED READERS.--

1048 (b) Beginning with the 2004-2005 school year, each school
1049 district shall:

1050 1. Conduct a review of student progress monitoring plans
1051 for all students who did not score above Level 1 on the reading
1052 portion of the FCAT and did not meet the criteria for one of the
1053 good cause exemptions in paragraph (6)(b). The review shall
1054 address additional supports and services, as described in this
1055 subsection, needed to remediate the identified areas of reading
1056 deficiency. The school district shall require a student
1057 portfolio to be completed for each such student.

1058 2. Provide students who are retained under the provisions
1059 of paragraph (5)(b) with intensive instructional services and
1060 supports to remediate the identified areas of reading
1061 deficiency, including a minimum of 90 minutes of daily,
1062 uninterrupted, scientifically research-based reading instruction
1063 and other strategies prescribed by the school district, which
1064 may include, but are not limited to:

1065 a. Small group instruction.

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1066 b. Reduced teacher-student ratios.

1067 c. More frequent progress monitoring.

1068 d. Tutoring or mentoring.

1069 e. Transition classes containing 3rd and 4th grade
1070 students.

1071 f. Extended school day, week, or year.

1072 g. Summer reading camps.

1073 3. Provide written notification to the parent of any
1074 student who is retained under the provisions of paragraph (5)(b)
1075 that his or her child has not met the proficiency level required
1076 for promotion and the reasons the child is not eligible for a
1077 good cause exemption as provided in paragraph (6)(b). The
1078 notification must comply with the provisions of s. 1002.20(15)
1079 and must include a description of proposed interventions and
1080 supports that will be provided to the child to remediate the
1081 identified areas of reading deficiency.

1082 4. Implement a policy for the midyear promotion of any
1083 student retained under the provisions of paragraph (5)(b) who
1084 can demonstrate that he or she is a successful and independent
1085 reader, reading at or above grade level, and ready to be
1086 promoted to grade 4. Tools that school districts may use in
1087 reevaluating any student retained may include subsequent
1088 assessments, alternative assessments, and portfolio reviews, in
1089 accordance with rules of the State Board of Education. Students
1090 promoted during the school year after November 1 must
1091 demonstrate proficiency above that required to score at Level 2
1092 on the grade 3 FCAT, as determined by the State Board of
1093 Education. The State Board of Education shall adopt standards
1094 that provide a reasonable expectation that the student's
1095 progress is sufficient to master appropriate 4th grade level
1096 reading skills.

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1097 5. Provide students who are retained under the provisions
1098 of paragraph (5)(b) with a high-performing teacher as determined
1099 by student performance data and above-satisfactory performance
1100 appraisals.

1101 6. In addition to required reading enhancement and
1102 acceleration strategies, provide parents of students to be
1103 retained with at least one of the following instructional
1104 options:

1105 a. Supplemental-tutoring in scientifically research-based
1106 reading services in addition to the regular reading block,
1107 including tutoring before and/or after school.

1108 b. A "Read at Home" plan outlined in a parental contract,
1109 including participation in "Families Building Better Readers
1110 Workshops" and regular parent-guided home reading.

1111 c. A mentor or tutor with specialized reading training.

1112 7. Establish a Reading Enhancement and Acceleration
1113 Development (READ) Initiative. The focus of the READ Initiative
1114 shall be to prevent the retention of grade 3 students and to
1115 offer intensive accelerated reading instruction to grade 3
1116 students who failed to meet standards for promotion to grade 4
1117 and to each K-3 student who is assessed as exhibiting a reading
1118 deficiency. The READ Initiative shall:

1119 a. Be provided to all K-3 students at risk of retention as
1120 identified by the statewide assessment system used in Reading
1121 First schools. The assessment must measure phonemic awareness,
1122 phonics, fluency, vocabulary, and comprehension.

1123 b. Be provided during regular school hours in addition to
1124 the regular reading instruction.

1125 c. Provide a state-identified reading curriculum that has
1126 been reviewed by the Florida Center for Reading Research at

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1127 Florida State University and meets, at a minimum, the following
1128 specifications:

1129 (I) Assists students assessed as exhibiting a reading
1130 deficiency in developing the ability to read at grade level.

1131 (II) Provides skill development in phonemic awareness,
1132 phonics, fluency, vocabulary, and comprehension.

1133 (III) Provides scientifically based and reliable
1134 assessment.

1135 (IV) Provides initial and ongoing analysis of each
1136 student's reading progress.

1137 (V) Is implemented during regular school hours.

1138 (VI) Provides a curriculum in core academic subjects to
1139 assist the student in maintaining or meeting proficiency levels
1140 for the appropriate grade in all academic subjects.

1141 8. Establish at each school, where applicable, an
1142 Intensive Acceleration Class for retained grade 3 students who
1143 subsequently score at Level 1 on the reading portion of the
1144 FCAT. The focus of the Intensive Acceleration Class shall be to
1145 increase a child's reading level at least two grade levels in 1
1146 school year. The Intensive Acceleration Class shall:

1147 a. Be provided to any student in grade 3 who scores at
1148 Level 1 on the reading portion of the FCAT and who was retained
1149 in grade 3 the prior year because of scoring at Level 1 on the
1150 reading portion of the FCAT.

1151 b. Have a reduced teacher-student ratio.

1152 c. Provide uninterrupted reading instruction for the
1153 majority of student contact time each day and incorporate
1154 opportunities to master the World Class Education Standards for
1155 grade 4 ~~Sunshine State Standards~~ in other core subject areas.

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1156 d. Use a reading program that is scientifically research-
1157 based and has proven results in accelerating student reading
1158 achievement within the same school year.

1159 e. Provide intensive language and vocabulary instruction
1160 using a scientifically research-based program, including use of
1161 a speech-language therapist.

1162 f. Include weekly progress monitoring measures to ensure
1163 progress is being made.

1164 g. Report to the Department of Education, in the manner
1165 described by the department, the progress of students in the
1166 class at the end of the first semester.

1167 9. Report to the State Board of Education, as requested,
1168 on the specific intensive reading interventions and supports
1169 implemented at the school district level. The Commissioner of
1170 Education shall annually prescribe the required components of
1171 requested reports.

1172 10. Provide a student who has been retained in grade 3 and
1173 has received intensive instructional services but is still not
1174 ready for grade promotion, as determined by the school district,
1175 the option of being placed in a transitional instructional
1176 setting. Such setting shall specifically be designed to produce
1177 learning gains sufficient to meet grade 4 performance standards
1178 while continuing to remediate the areas of reading deficiency.

1179 (8) ANNUAL REPORT.--

1180 (a) In addition to the requirements in paragraph (5)(b),
1181 each district school board must annually report to the parent of
1182 each student the progress of the student toward achieving state
1183 and district expectations for proficiency in reading, writing,
1184 science, social studies, and mathematics. The district school
1185 board must report to the parent the student's results on each
1186 statewide assessment test. The evaluation of each student's

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1187 progress must be based upon the student's classroom work,
1188 observations, tests, district and state assessments, and other
1189 relevant information. Progress reporting must be provided to the
1190 parent in writing in a format adopted by the district school
1191 board.

1192 Section 22. Paragraph (b) of subsection (1) of section
1193 1008.385, Florida Statutes, is amended to read:

1194 1008.385 Educational planning and information systems.--

1195 (1) EDUCATIONAL PLANNING.--

1196 (b) Each district school board shall maintain a continuing
1197 system of planning and budgeting designed to aid in identifying
1198 and meeting the educational needs of students and the public.
1199 Provision shall be made for coordination between district school
1200 boards and community college boards of trustees concerning the
1201 planning for career education and adult educational programs.
1202 The major emphasis of the system shall be upon locally
1203 determined goals and objectives, the state plan for education,
1204 and the World Class Education Sunshine State Standards developed
1205 by the Department of Education and adopted by the State Board of
1206 Education. The district planning and budgeting system must
1207 include consideration of student achievement data obtained
1208 pursuant to ss. 1008.22 and 1008.34. The system shall be
1209 structured to meet the specific management needs of the district
1210 and to align the budget adopted by the district school board
1211 with the plan the board has also adopted. Each district school
1212 board shall utilize its system of planning and budgeting to
1213 emphasize a system of school-based management in which
1214 individual school centers become the principal planning units
1215 and to integrate planning and budgeting at the school level.

1216 Section 23. Paragraph (o) of subsection (2) of section
1217 1012.05, Florida Statutes, is amended to read:

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1218 1012.05 Teacher recruitment and retention.--

1219 (2) The Department of Education shall:

1220 (o) Develop and implement an online Teacher Toolkit that
1221 contains a menu of resources, based on the World Class Education
1222 ~~Sunshine State~~ Standards, that all teachers can use to enhance
1223 classroom instruction and increase teacher effectiveness, thus
1224 resulting in improved student achievement.

1225 Section 24. Subsection (5) of section 1012.28, Florida
1226 Statutes, is amended to read:

1227 1012.28 Public school personnel; duties of school
1228 principals.--

1229 (5) Each school principal shall perform such duties as may
1230 be assigned by the district school superintendent, pursuant to
1231 the rules of the district school board. Such rules shall
1232 include, but are not limited to, rules relating to
1233 administrative responsibility, instructional leadership in
1234 implementing the World Class Education ~~Sunshine State~~ Standards
1235 and the overall educational program of the school to which the
1236 school principal is assigned, submission of personnel
1237 recommendations to the district school superintendent,
1238 administrative responsibility for records and reports,
1239 administration of corporal punishment, and student suspension.

1240 Section 25. Subsection (1) of section 1012.52, Florida
1241 Statutes, is amended to read:

1242 1012.52 Teacher quality; legislative findings.--

1243 (1) The Legislature intends to implement a comprehensive
1244 approach to increase students' academic achievement and improve
1245 teaching quality. The Legislature recognizes that professional
1246 educators play an important role in shaping the future of this
1247 state and the nation by developing the knowledge and skills of
1248 our future workforce and laying the foundation for good

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1249 citizenship and full participation in community and civic life.
1250 The Legislature also recognizes its role in meeting the state's
1251 educational priorities so as to provide opportunity for all
1252 students to achieve at the levels set by the World Class
1253 Education ~~Sunshine State~~ Standards.

1254 Section 26. Subsection (4) and paragraph (a) of subsection
1255 (7) of section 1012.56, Florida Statutes, are amended to read:

1256 1012.56 Educator certification requirements.--

1257 (4) MASTERY OF SUBJECT AREA KNOWLEDGE.--Acceptable means
1258 of demonstrating mastery of subject area knowledge are:

1259 (a) Achievement of passing scores on subject area
1260 examinations required by state board rule;

1261 (b) Completion of the subject area specialization
1262 requirements specified in state board rule and verification of
1263 the attainment of the essential subject matter competencies by
1264 the district school superintendent of the employing school
1265 district or chief administrative officer of the employing state-
1266 supported or private school for a subject area for which a
1267 subject area examination has not been developed and required by
1268 state board rule;

1269 (c) Completion of the subject area specialization
1270 requirements specified in state board rule for a subject
1271 coverage requiring a master's or higher degree and achievement
1272 of a passing score on the subject area examination specified in
1273 state board rule;

1274 (d) A valid professional standard teaching certificate
1275 issued by another state; or

1276 (e) A valid certificate issued by the National Board for
1277 Professional Teaching Standards or a national educator
1278 credentialing board approved by the State Board of Education.
1279

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1280 School districts are encouraged to provide mechanisms for those
1281 middle school teachers holding only a K-6 teaching certificate
1282 to obtain a subject area coverage for middle grades through
1283 postsecondary coursework or district add-on certification. As
1284 the Sunshine State Standards are replaced by the World Class
1285 Education Standards under s. 1001.03(1), the State Board of
1286 Education shall align the subject area examinations to the World
1287 Class Education Standards.

1288 (7) PROFESSIONAL PREPARATION ALTERNATIVE CERTIFICATION AND
1289 EDUCATION COMPETENCY PROGRAM.--

1290 (a) The Department of Education shall develop and each
1291 school district must provide a cohesive competency-based
1292 professional preparation alternative certification program by
1293 which members of a school district's instructional staff may
1294 satisfy the mastery of professional preparation and education
1295 competence requirements specified in this subsection and rules
1296 of the State Board of Education. Participants must hold a state-
1297 issued temporary certificate. A school district shall provide a
1298 competency-based alternative certification preparation program
1299 developed by the Department of Education or developed by the
1300 district and approved by the Department of Education. The
1301 program shall include the following components:

- 1302 1. A minimum period of initial preparation prior to
1303 assuming duties as the teacher of record.
- 1304 2. An option for collaboration between school districts
1305 and other supporting agencies for implementation.
- 1306 3. Experienced peer mentors.
- 1307 4. An assessment that provides for:
 - 1308 a. An initial evaluation of each educator's competencies
1309 to determine an appropriate individualized professional
1310 development plan.

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1311 b. A postevaluation to assure successful completion of the
1312 program.

1313 5. Professional education preparation content knowledge
1314 that includes, but is not limited to, the following:

1315 a. Requirements specified in state board rule for
1316 professional preparation.

1317 b. The educator-accomplished practices approved by the
1318 state board.

1319 c. A variety of data indicators for student progress.

1320 d. Methodologies, including technology-based
1321 methodologies, for teaching subject content that supports the
1322 World Class Education ~~Sunshine State~~ Standards for students.

1323 e. Techniques for effective classroom management.

1324 f. Techniques and strategies for operationalizing the role
1325 of the teacher in assuring a safe learning environment for
1326 students.

1327 g. Methodologies for assuring the ability of all students
1328 to read, write, and compute.

1329 6. Required achievement of passing scores on the
1330 professional education competency examination required by state
1331 board rule.

1332 Section 27. Paragraph (a) of subsection (3) of section
1333 1012.585, Florida Statutes, is amended to read:

1334 1012.585 Process for renewal of professional
1335 certificates.--

1336 (3) For the renewal of a professional certificate, the
1337 following requirements must be met:

1338 (a) The applicant must earn a minimum of 6 college credits
1339 or 120 inservice points or a combination thereof. For each area
1340 of specialization to be retained on a certificate, the applicant
1341 must earn at least 3 of the required credit hours or equivalent

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1342 inservice points in the specialization area. Education in
1343 "clinical educator" training under ~~pursuant to~~ s. 1004.04(6)(b)
1344 and credits or points that provide training in the area of
1345 scientifically researched, knowledge-based reading literacy and
1346 computational skills acquisition, exceptional student education,
1347 normal child development, and the disorders of development may
1348 be applied toward any specialization area. Credits or points
1349 that provide training in the areas of drug abuse, child abuse
1350 and neglect, strategies in teaching students having limited
1351 proficiency in English, or dropout prevention, or training in
1352 areas identified in the educational goals and performance
1353 standards adopted under ~~pursuant to~~ ss. 1000.03(5) and 1008.345
1354 may be applied toward any specialization area. Credits or points
1355 earned through approved summer institutes may be applied toward
1356 the fulfillment of these requirements. Inservice points earned
1357 under s. 1012.98(4)(b)5.d. for inservice activities on the
1358 content and instruction of the World Class Education Standards
1359 may be applied toward any specialization area. Inservice points
1360 may also be earned by participation in professional growth
1361 components approved by the State Board of Education and
1362 specified under ~~pursuant to~~ s. 1012.98 in the district's
1363 approved master plan for inservice educational training,
1364 including, but not limited to, serving as a trainer in an
1365 approved teacher training activity, serving on an instructional
1366 materials committee or a state board or commission that deals
1367 with educational issues, or serving on an advisory council
1368 created under ~~pursuant to~~ s. 1001.452.

1369 Section 28. Subsection (1) of section 1012.72, Florida
1370 Statutes, is amended to read:

1371 1012.72 Dale Hickam Excellent Teaching Program.--

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1372 (1) The Legislature recognizes that teachers play a
1373 critical role in preparing students to achieve the high levels
1374 of academic performance expected by the World Class Education
1375 ~~Sunshine State~~ Standards. The Legislature further recognizes the
1376 importance of identifying and rewarding teaching excellence and
1377 of encouraging good teachers to become excellent teachers. The
1378 Legislature finds that the National Board of Professional
1379 Teaching Standards (NBPTS) has established high and rigorous
1380 standards for accomplished teaching and has developed a national
1381 voluntary system for assessing and certifying teachers who
1382 demonstrate teaching excellence by meeting those standards. It
1383 is therefore the Legislature's intent to provide incentives for
1384 teachers to seek NBPTS certification and to reward teachers who
1385 demonstrate teaching excellence by attaining NBPTS certification
1386 and sharing their expertise with other teachers.

1387 Section 29. Subsection (1) and paragraph (b) of subsection
1388 (4) of section 1012.98, Florida Statutes, are amended, and
1389 subsections (12) and (13) are added to that section, to read:

1390 1012.98 School Community Professional Development Act.--

1391 (1) The Department of Education, public postsecondary
1392 educational institutions, public school districts, public
1393 schools, state education foundations, consortia, and
1394 professional organizations in this state shall work
1395 collaboratively to establish a coordinated system of
1396 professional development. The purpose of the professional
1397 development system is to increase student achievement, enhance
1398 classroom instructional strategies that promote rigor and
1399 relevance throughout the curriculum, and prepare students for
1400 continuing education and the workforce. The system of
1401 professional development must align to the World Class Education

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1402 Standards ~~adopted by the state~~ and support the framework for
1403 standards adopted by the National Staff Development Council.

1404 (4) The Department of Education, school districts,
1405 schools, community colleges, and state universities share the
1406 responsibilities described in this section. These
1407 responsibilities include the following:

1408 (b) Each school district shall develop a professional
1409 development system as specified in subsection (3). The system
1410 shall be developed in consultation with teachers, teacher-
1411 educators of community colleges and state universities, business
1412 and community representatives, and local education foundations,
1413 consortia, and professional organizations. The professional
1414 development system must:

1415 1. Be approved by the department. All substantial
1416 revisions to the system must ~~shall~~ be submitted to the
1417 department for review for continued approval.

1418 2. Be based on analyses of student achievement data and
1419 instructional strategies and methods that support rigorous,
1420 relevant, and challenging curricula for all students. Schools
1421 and districts, in developing and refining the professional
1422 development system, shall also review and monitor school
1423 discipline data; school environment surveys; assessments of
1424 parental satisfaction; performance appraisal data of teachers,
1425 managers, and administrative personnel; and other performance
1426 indicators to identify school and student needs that can be met
1427 by improved professional performance.

1428 3. Provide inservice activities coupled with followup
1429 support appropriate to accomplish state, district, ~~district-~~
1430 ~~level~~ and school ~~school-level~~ improvement goals and standards.
1431 The inservice activities for instructional personnel shall focus
1432 on analysis of student achievement data, ongoing formal and

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1433 informal assessments of student achievement, identification and
1434 use of enhanced and differentiated instructional strategies that
1435 emphasize rigor, relevance, and reading in the content areas,
1436 enhancement of subject content expertise, integrated use of
1437 classroom technology that enhances teaching and learning,
1438 classroom management, parent involvement, and school safety. As
1439 the Sunshine State Standards are replaced by the World Class
1440 Education Standards under s. 1001.03(1), a school district must
1441 align its inservice activities to the World Class Education
1442 Standards.

1443 4. Include a master plan for inservice activities, in
1444 accordance with ~~pursuant to~~ rules of the State Board of
1445 Education, for all district employees from all fund sources. The
1446 master plan shall be updated annually by September 1, must be
1447 based on input from teachers and district and school
1448 instructional leaders, and must use the latest available student
1449 achievement data and research to enhance rigor and relevance in
1450 the classroom. Each district inservice plan must be aligned to
1451 and support the school-based inservice plans and school
1452 improvement plans under ~~pursuant to~~ s. 1001.42(16). District
1453 plans must be approved by the district school board annually in
1454 order to ensure compliance with subsection (1) and to allow for
1455 dissemination of research-based best practices to other
1456 districts. District school boards must submit verification of
1457 their approval to the Commissioner of Education by ~~no later than~~
1458 October 1 of each year, ~~annually.~~

1459 5. Require each school principal to establish and maintain
1460 an individual professional development plan for each
1461 instructional employee assigned to the school as a seamless
1462 component to the school improvement plans developed under

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1463 ~~pursuant to~~ s. 1001.42(16). The individual professional
1464 development plan must:

1465 a. Be related to specific performance data for the
1466 students to whom the teacher is assigned.

1467 b. Define the inservice objectives and specific measurable
1468 improvements expected in student performance as a result of the
1469 inservice activity.

1470 c. Include an evaluation component that determines the
1471 effectiveness of the professional development plan.

1472 d. Require the instructional employee to earn at least 20
1473 inservice points for inservice activities on the content and
1474 instruction of the World Class Education Standards. The award of
1475 inservice points is conditioned upon the employee's passage of
1476 an inservice examination of the knowledge and skills presented
1477 through the inservice activities. An instructional employee is
1478 required to take only those parts of an inservice examination on
1479 subject areas for which the employee holds certification or
1480 endorsement. If an instructional employee passes the inservice
1481 examination after completing less than 20 inservice hours, the
1482 employee is awarded a total of 20 inservice points. The
1483 Department of Education shall establish minimum competencies for
1484 the inservice examinations. An instructional employee must earn
1485 the inservice points for a subject area by the end of the next
1486 school year after:

1487 (I) Initial adoption of the World Class Education
1488 Standards for the subject area; and

1489 (II) Subsequent adoption of the World Class Education
1490 Standards for the subject area if the Commissioner of Education
1491 determines that the standards for the subject area are
1492 substantially revised from the previously adopted standards.

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1493 6. Include inservice activities for school administrative
1494 personnel that address updated skills necessary for
1495 instructional leadership and effective school management under
1496 ~~pursuant to~~ s. 1012.986.

1497 7. Provide for systematic consultation with regional and
1498 state personnel designated to provide technical assistance and
1499 evaluation of local professional development programs.

1500 8. Provide for delivery of professional development by
1501 distance learning and other technology-based delivery systems to
1502 reach more educators at lower costs.

1503 9. Provide for the continuous evaluation of the quality
1504 and effectiveness of professional development programs in order
1505 to eliminate ineffective programs and strategies and ~~to expand~~
1506 effective ones. Evaluations must consider the impact of such
1507 activities on the performance of participating educators and
1508 their students' achievement and behavior.

1509 (12) The State Board of Education shall require the
1510 statewide standardized delivery of inservice activities for
1511 Florida educators on the content and instruction of the World
1512 Class Education Standards. The effectiveness of the inservice
1513 activities shall be evaluated using performance outcomes of both
1514 the educator and the educator's students.

1515 (13) The Department of Education shall provide statewide
1516 standardized professional development for educators on the
1517 Florida Comprehensive Assessment Test, and all Florida educators
1518 must participate in the professional development. The
1519 professional development shall include, at a minimum, how the
1520 Florida Comprehensive Assessment Test is developed and scored,
1521 what information is available to parents and students about the
1522 test, the ethical and professional standards of instruction
1523 aligned to state-adopted standards and the importance of not

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1524 teaching to the test, and the process used in grading schools
1525 for the state's accountability system.

1526 Section 30. Funding for professional development.--

1527 (1) By January 15, 2008, each school district shall submit
1528 to the Department of Education, in the format prescribed by the
1529 department, an inventory of all professional development
1530 programs offered by the district during the 2006-2007 fiscal
1531 year. The department shall compile a statewide inventory of the
1532 programs using the information submitted by each district.

1533 (2) (a) The Department of Education and school districts
1534 shall give priority in the allocation and use of professional
1535 development funds provided for the 2008-2009 fiscal year to
1536 professional development programs on the World Class Education
1537 Standards that have measurable outcomes, with an emphasis on
1538 programs delivered through the use of information technology.

1539 (b) By December 31, 2009, each school district shall
1540 submit to the Department of Education, in the format prescribed
1541 by the department, a report detailing the district's use of
1542 professional development funds during the 2008-2009 fiscal year.
1543 The report, at a minimum, shall identify each program within the
1544 district that is provided state funds, the portion of the
1545 program devoted to professional development on the World Class
1546 Education Standards, and the measurable outcomes of the program.

1547 Section 31. After-school programs.--

1548 (1) The Office of Program Policy Analysis and Government
1549 Accountability, by January 1, 2008, shall submit a report to the
1550 Governor, the President of the Senate, and the Speaker of the
1551 House of Representatives on after-school programs. The report
1552 shall:

1553 (a) Review different types of public and private after-
1554 school programs available for families;

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1555 (b) Identify strong accountability measures, including
1556 outcomes, which could be used to measure the success of after-
1557 school programs;

1558 (c) Review existing research that analyzes the types of
1559 after-school programs which provide important educational
1560 benefits for students and families;

1561 (d) Provide options for providing incentives to create
1562 public-private partnerships to expand after-school programs;

1563 (e) Review how Florida could maximize federal funding of
1564 after-school programs, including, but not limited to, an
1565 examination of current methods for obtaining funding from the
1566 Federal Government, including grants, and other methods to
1567 obtain federal funding; and

1568 (f) Provide options for correcting the state's
1569 deficiencies in obtaining federal funding for after-school
1570 programs, if the report finds any deficiencies, and the
1571 projected cost of implementing the options.

1572 (2) The Office of Program Policy Analysis and Government
1573 Accountability, in conducting research for the report, shall
1574 consult with the Department of Education, the Department of
1575 Children and Family Services, and other interested entities that
1576 may offer unique experiences and perspectives on after-school
1577 programs.

1578 Section 32. Visual and performing arts education.--By
1579 February 1, 2008, the Commissioner of Education shall submit a
1580 report to the Governor, the President of the Senate, and the
1581 Speaker of the House of Representatives on the opportunities
1582 available to students in this state for participation in visual
1583 and performing arts education in K-12 public schools. The report
1584 shall include the following elements:

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1585 (1) Enrollment data for students enrolled in visual and
1586 performing arts courses for the previous 5 school years,
1587 reported separately for music, visual arts, theatre, and dance
1588 by grade level; and

1589 (2) An analysis of the correlation between a student's
1590 participation in visual and performing arts education and
1591 overall student performance. The analysis shall examine the
1592 number of credits in visual and performing arts taken by grade
1593 12 students in public high school during the previous 5 school
1594 years compared to the students' high school graduation rates,
1595 grade point averages, and attendance.

1596 Section 33. Public-Private Partnering Task Force.--

1597 (1) Effective upon this act becoming a law, there is
1598 created the Public-Private Partnering Task Force. The task force
1599 is composed of the following members: the Secretary of
1600 Management Services or the secretary's designee, who shall serve
1601 as chair; the chair of the State Board of Education or the
1602 chair's designee, who shall serve as vice chair; and five
1603 members who are not members of the Legislature or school
1604 district officers or employees and who have a broad variety of
1605 business experience in public-private partnering, one of whom
1606 shall be appointed by the Governor, two of whom shall be
1607 appointed by the President of the Senate, and two of whom shall
1608 be appointed by Speaker of the House of Representatives.

1609 (2) The members of the task force shall be appointed by
1610 July 1, 2007, and shall convene the initial meeting of the task
1611 force by August 1, 2007.

1612 (3) The task force is assigned to the Department of
1613 Management Services for administrative purposes. Members of the
1614 task force are entitled to per diem and travel expenses under s.
1615 112.061, Florida Statutes, and are subject to the Code of Ethics

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1616 for Public Officers and Employees under part III of chapter 112,
1617 Florida Statutes.

1618 (4) By February 1, 2008, the task force shall submit
1619 recommendations to the Governor, the President of the Senate,
1620 and the Speaker of the House of Representatives. The
1621 recommendations shall include, but are not limited to, the
1622 following:

1623 (a) Recommendations on public-private partnering for
1624 school construction, leasing, and maintenance that relate to:

1625 1. The feasibility and advisability of, and possible
1626 methodologies for, achieving greater facilities construction and
1627 maintenance cost efficiencies and reducing construction times
1628 through public-private partnering.

1629 2. Optimal design and performance standards for safe and
1630 functional school facilities that are space efficient and
1631 technologically advanced.

1632 3. Optimal construction standards that ensure appropriate
1633 industry standards and optimal life cycles, including, but not
1634 limited to, standards for optimal size of core facility space,
1635 design-build performance contracting, energy efficiency, and
1636 life-cycle systems costing.

1637 4. Maintenance, repair, renovation, remodeling, and site
1638 acquisition standards, guidelines, and protocols.

1639 5. Optimal use of permanent versus relocatable facilities
1640 and protocols for decisionmaking regarding both facility
1641 options.

1642 6. Protocols for regular assessments of facility capacity
1643 to ensure maximization of space utilization.

1644 7. Energy performance contracting with guaranteed annual
1645 energy savings.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

1646 (b) Recommendations on public-private partnering for
1647 school transportation services that relate to:

- 1648 1. Fuel and bus efficiencies.
1649 2. Route planning, times, and design efficiencies.

1650 (c) Recommendations on public-private partnering for
1651 school food services that relate to:

- 1652 1. Relevant federal law and implications.
1653 2. Potential liability issues.
1654 3. Quality control.

1655 (5) Upon delivery of its final report and recommendations,
1656 the task force is abolished.

1657 Section 34. The sum of \$ 2,525,000 is provided from the
1658 General Revenue Fund to the Department of Education for the
1659 2007-2008 fiscal year for purposes of implementing this act.

1660 Section 35. This act shall take effect July 1, 2007.

1661
1662 ===== T I T L E A M E N D M E N T =====

1663 Remove the entire title and insert:

1664 A bill to be entitled
1665 An act relating to education; amending s. 1001.03, F.S.;
1666 requiring the State Board of Education to review the
1667 Sunshine State Standards and replace them with World Class
1668 Education Standards; establishing requirements for the
1669 standards; requiring reports; providing requirements for
1670 the adoption, review, and revision of the standards;
1671 amending ss. 39.0016 and 445.049, F.S.; conforming
1672 provisions; amending s. 1000.21, F.S.; revising the
1673 systemwide definition of standards; conforming provisions;
1674 amending s. 1001.02, F.S.; revising provisions authorizing
1675 the State Board of Education to adopt rules; amending s.
1676 1001.215, F.S.; conforming provisions; amending s.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

1677 1001.41, F.S.; requiring a school district to emphasize
1678 certain content in social studies education; amending s.
1679 1001.42, F.S.; conforming provisions; creating s. 1001.55,
1680 F.S.; requiring certain high-performing school districts
1681 to submit plans to the State Board of Education and give
1682 certain authority to specified school principals;
1683 requiring annual reports; amending ss. 1002.33 and
1684 1002.415, F.S.; conforming provisions; amending s.
1685 1003.41, F.S.; specifying requirements for World Class
1686 Education Standards; amending s. 1003.428, F.S.; requiring
1687 school districts to include a distinguished-honors
1688 notation on diplomas and academic transcripts under
1689 specified conditions; conforming provisions; amending s.
1690 1003.43, F.S.; conforming provisions; creating s.
1691 1003.451, F.S.; requiring the State Board of Education to
1692 adopt standards for world-language instruction and provide
1693 flexibility in foreign-language teacher certification;
1694 requiring school districts and schools in the K-8 Virtual
1695 School Program to submit plans for elementary school
1696 world-language curricula; authorizing use of
1697 instructional-materials funds; creating s. 1003.59, F.S.;
1698 requiring the State Board of Education to adopt a model
1699 policy for accelerated learning opportunities for
1700 academically talented students; requiring school districts
1701 to implement an accelerated learning policy; requiring the
1702 Department of Education to submit an annual report;
1703 amending s. 1004.04, F.S.; conforming provisions; amending
1704 s. 1007.35, F.S.; conforming provisions; amending s.
1705 1008.22, F.S.; requiring the Florida Comprehensive
1706 Assessment Test to assess students in social studies;
1707 requiring the content knowledge and skills of the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

1708 statewide assessment program and Florida Comprehensive
1709 Assessment Test to align to the World Class Education
1710 Standards; providing for the expedited revision of the
1711 Florida Comprehensive Assessment Test; requiring the
1712 Commissioner of Education to submit a report; establishing
1713 limitations on testing schedules for the Florida
1714 Comprehensive Assessment Test; providing for a proficiency
1715 designation in a subject area for a grade level based on
1716 student scores on the Florida Comprehensive Assessment
1717 Test; creating s. 1008.222, F.S.; providing requirements
1718 for end-of-course examinations; establishing timelines for
1719 implementation and requiring dissemination of information;
1720 amending s. 1008.25, F.S.; conforming provisions;
1721 requiring remediation in social studies; revising
1722 requirements for an annual report; amending ss. 1008.385,
1723 1012.05, 1012.28 and 1012.52, F.S.; conforming provisions;
1724 amending s. 1012.56, F.S.; requiring the State Board of
1725 Education to align subject area examinations to the World
1726 Class Education Standards; conforming provisions; amending
1727 s. 1012.585, F.S.; applying certain inservice points
1728 toward renewal of an educator professional certificate
1729 specialization area; amending s. 1012.72, F.S.; conforming
1730 provisions; amending s. 1012.98, F.S.; requiring a school
1731 district's inservice activities to support state
1732 standards; directing districts to align inservice
1733 activities to the World Class Education Standards;
1734 providing that an individual professional development plan
1735 requires instructional employees to complete specified
1736 inservice activities; requiring passage of an inservice
1737 examination for award of certain inservice points;
1738 directing the department to adopt examination

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

1739 competencies; requiring statewide standardized delivery of
1740 certain inservice activities and outcome measurement of
1741 such activities; requiring the department to provide
1742 specified statewide standardized professional development
1743 and requiring educators to participate therein; requiring
1744 school districts to inventory professional development
1745 programs; establishing priority for use of professional
1746 development funds; requiring school districts to submit
1747 reports; requiring the Office of Program Policy Analysis
1748 and Government Accountability to submit a report relating
1749 to after-school programs; requiring the Commissioner of
1750 Education to submit a report on visual and performing arts
1751 education; creating the Public-Private Partnering Task
1752 Force within the Department of Management Services;
1753 designating members; providing for per diem and travel
1754 expenses; requiring the task force to submit a report to
1755 the Governor and Legislature; providing for the future
1756 abolishment of the task force; providing an appropriation;
1757 providing an effective date.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1A1 (for drafter's use only)

Bill No. HB 7151

COUNCIL/COMMITTEE ACTION

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

A large handwritten '1A1' is circled in black ink on the right side of the page.

1 Council/Committee hearing bill: Policy & Budget Council
 2 Representatives Pickens and Vana offered the following:

3
 4 **Amendment to Amendment (1) by Representatives Pickens and**
 5 **Flores (with title amendment)**

6 Between lines 484 and 485 insert:

7 Section 12. Subsection (5) of section 1003.03, Florida
 8 Statutes, is amended to read:

9 1003.03 Maximum class size.--

10 (5) TEAM-TEACHING STRATEGIES.--

11 (a) School districts may use teaching strategies that
 12 include the assignment of more than one teacher to a classroom
 13 of students and that were implemented before July 1, 2005.

14 Effective July 1, 2005, school districts may implement
 15 additional teaching strategies that include the assignment of
 16 more than one teacher to a classroom of students for the
 17 following purposes only:

- 18 1. Pairing teachers for the purpose of staff development.
- 19 2. Pairing new teachers with veteran teachers.
- 20 3. Reducing turnover among new teachers.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1A1 (for drafter's use only)

21 4. Pairing teachers who are teaching out-of-field with
22 teachers who are in-field.

23 5. Providing for more flexibility and innovation in the
24 classroom.

25 6. Improving learning opportunities for students,
26 including students who have disabilities.

27 (b) Teaching strategies, including team teaching, co-
28 teaching, or inclusion teaching, implemented on or after July 1,
29 2005, under ~~pursuant to~~ paragraph (a) may be implemented subject
30 to the following restrictions:

31 1. Reasonable limits shall be placed on the number of
32 students in a classroom so that classrooms are not overcrowded.
33 Teacher-to-student ratios within a curriculum area or grade
34 level must not exceed constitutional limits.

35 2. At least one member of the team must have at least 3
36 years of teaching experience.

37 3. At least one member of the team must be teaching in-
38 field.

39 4. The teachers must be trained in team-teaching methods
40 within 1 year after assignment.

41 (c) As used in this subsection, the term:

42 1. "Team teaching" or "co-teaching" means two or more
43 teachers are assigned to a group of students and each teacher is
44 responsible for all of the students during the entire class
45 period. In order to be considered team teaching or co-teaching,
46 each teacher is responsible for planning, delivering, and
47 evaluating instruction for all students in the class or subject
48 for the entire class period.

49 2. "Inclusion teaching" means two or more teachers are
50 assigned to a group of students, but one of the teachers is

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1A1 (for drafter's use only)

51 responsible for only one student or a small group of students in
52 the classroom.

53
54 The use of strategies implemented as outlined in this subsection
55 meets the letter and intent of the Florida Constitution and the
56 Florida Statutes which relate to implementing class-size
57 reduction, and this subsection applies retroactively. A school
58 district may not be penalized financially or otherwise as a
59 result of the use of any legal strategy, including, but not
60 limited to, those set forth in subsection (3) and this
61 subsection.

62
63 ===== T I T L E A M E N D M E N T =====

64 Remove line 1684 and insert:
65 1002.415, F.S.; conforming provisions; amending s. 1003.03,
66 F.S.; authorizing teaching strategies permitted within
67 class-size reduction requirements; providing definitions;
68 amending s.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2A1 (for drafter's use only)

Bill No. HB 7151

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing bill: Policy & Budget Council
 2 Representatives Pickens and Vana offered the following:

3
 4 **Amendment to Amendment (1) by Representatives Pickens and**
 5 **Flores**

6 Remove lines 1485-1493 and insert:
 7 the inservice points for at least one subject area by the end of
 8 the next school year after:

9 (I) Initial adoption of the World Class Education
 10 Standards for the subject area; and

11 (II) Subsequent adoption of the World Class Education
 12 Standards for the subject area, if the Commissioner of Education
 13 determines that the standards for the subject area are
 14 substantially revised from the previously adopted standards.

15
 16 If the instructional employee holds certification or endorsement
 17 in more than one subject area, then the employee must earn the
 18 required inservice points for the remaining subject areas before
 19 the employee's educator certificate is required to be renewed.
 20 If, however, this sub-subparagraph requires the instructional
 21 employee to earn the inservice points within the last 2 years of

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2A1 (for drafter's use only)

22 the employee's recertification period, then the employee must
23 earn the inservice points for at least one subject area per year
24 and must earn all of the inservice points for the remaining
25 subject areas within 2 years after the employee's educator
26 certificate is required to be renewed.

27 6. Include inservice activities for school administrative

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3A1 (for drafter's use only)

Bill No. HB 7151

COUNCIL/COMMITTEE ACTION

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

A large handwritten circle containing the text '3-A1' is positioned to the right of the Council/Committee Action section.

1 Council/Committee hearing bill: Policy & Budget Council
 2 Representatives Pickens, Traviesa, and Grant offered the
 3 following:
 4

5 **Amendment to Amendment (1) by Representatives Pickens and**
 6 **Flores (with title amendment)**

7 Between lines 1656 and 1657 insert:

8 Section 34. Paragraph (e) of subsection (1) of section
 9 1011.62, Florida Statutes, is amended to read:

10 1011.62 Funds for operation of schools.--If the annual
 11 allocation from the Florida Education Finance Program to each
 12 district for operation of schools is not determined in the
 13 annual appropriations act or the substantive bill implementing
 14 the annual appropriations act, it shall be determined as
 15 follows:

16 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
 17 OPERATION.--The following procedure shall be followed in
 18 determining the annual allocation to each district for
 19 operation:

20 (e) Funding model for exceptional student education
 21 programs.--

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3A1 (for drafter's use only)

22 1.a. The funding model uses basic, at-risk, support levels
23 IV and V for exceptional students and career Florida Education
24 Finance Program cost factors, and a guaranteed allocation for
25 exceptional student education programs. Exceptional education
26 cost factors are determined by using a matrix of services to
27 document the services that each exceptional student will
28 receive. The nature and intensity of the services indicated on
29 the matrix shall be consistent with the services described in
30 each exceptional student's individual educational plan.

31 b. In order to generate funds using one of the two
32 weighted cost factors, a matrix of services must be completed at
33 the time of the student's initial placement into an exceptional
34 student education program and at least once every 3 years by
35 personnel who have received approved training. Nothing listed in
36 the matrix shall be construed as limiting the services a school
37 district must provide in order to ensure that exceptional
38 students are provided a free, appropriate public education.

39 c. Students identified as exceptional, in accordance with
40 chapter 6A-6, Florida Administrative Code, who do not have a
41 matrix of services as specified in sub-subparagraph b. shall
42 generate funds on the basis of full-time-equivalent student
43 membership in the Florida Education Finance Program at the same
44 funding level per student as provided for basic students.

45 Additional funds for these exceptional students will be provided
46 through the guaranteed allocation designated in subparagraph 2.

47 2. For students identified as exceptional who do not have
48 a matrix of services, there is created a guaranteed allocation
49 to provide these students with a free appropriate public
50 education, in accordance with s. 1001.42(4)(m) and rules of the
51 State Board of Education, which shall be allocated annually to
52 each school district in the amount provided in the General

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3A1 (for drafter's use only)

53 Appropriations Act. These funds shall be in addition to the
54 funds appropriated on the basis of FTE student membership in the
55 Florida Education Finance Program, and the amount allocated for
56 each school district shall not be recalculated during the year.
57 These funds shall be used to provide special education and
58 related services for exceptional students. Beginning with the
59 2007-2008 fiscal year, a school district's expenditure of funds
60 from the guaranteed allocation for students in grades 9 through
61 12 who are gifted may not be greater than the amount expended
62 during the 2006-2007 fiscal year for gifted students in grades 9
63 through 12.

64 Section 35. Gifted student education.--

65 (1) By December 1, 2007, the Office of Program Policy
66 Analysis and Government Accountability shall submit a report to
67 the Governor, the President of the Senate, the Speaker of the
68 House of Representatives, and the Commissioner of Education on
69 gifted services and programming provided to public school
70 students in kindergarten through grade 12. The report shall
71 include findings based on the following:

72 (a) A survey of each school district to identify:

73 1. The methods used to identify gifted students, which may
74 include, but are not limited to, screenings of the general
75 population and referral-based intelligence quotient testing, and
76 the grade level and number of schools using each method.

77 2. The number of gifted students identified under each of
78 the methods specified under subparagraph 1. during the 2005-2006
79 and 2006-2007 school years.

80 3. Whether the district implements a plan under rule 6A-
81 6.03019(2)(b), Florida Administrative Code, to increase the
82 participation of students from under-represented groups in
83 gifted programming and the number of students by grade level who

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3A1 (for drafter's use only)

84 were identified as gifted under such a plan in the 2005-2006 and
85 2006-2007 school years.

86 4. The types of services and programming provided to
87 gifted students according to grade level, the number of schools
88 in which the services and programming are offered, and the
89 number of students by grade level who received the services and
90 programming during the 2005-2006 and 2006-2007 school years.
91 Services and programming identified for high school students
92 shall be limited to core courses coded with state course code
93 numbers identifying the courses as honors or gifted.

94 5. The amount of the exceptional student education
95 guaranteed allocation expended by the district during the 2005-
96 2006 and 2006-2007 school years for gifted services and
97 programming according to each grade level and school within the
98 district.

99 (b) Assess the advantages and disadvantages of current
100 Florida law that classifies gifted students as exceptional
101 students.

102 (c) Evaluate the gifted eligibility criteria in rule 6A-
103 6.03019, Florida Administrative Code, and in school district
104 plans under paragraph (2)(b) of that rule, and determine the
105 effect that applying the criteria has on the racial and ethnic
106 diversity of gifted programming and services.

107 (d) Review the practices of other states for identifying
108 gifted students and for providing and funding gifted services
109 and programming.

110 (e) Examine peer-reviewed literature concerning best
111 practices for serving gifted and otherwise academically talented
112 students.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3A1 (for drafter's use only)

114 (2) The report shall include, but is not limited to, a
115 summary, discussion, and evaluation of the findings under
116 subsection (1); recommendations for the improvement of gifted
117 identification practices and services and programming provided
118 to students in kindergarten through grade 12 who are gifted or
119 otherwise academically talented; and proposed statutory changes
120 to implement the report's recommendations.

121

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

123 Remove lines 1748-1756 and insert:
124 and Government Accountability to submit reports relating to
125 after-school programs and gifted student education;
126 requiring the Commissioner of Education to submit a report
127 on visual and performing arts education; creating the
128 Public-Private Partnering Task Force within the Department
129 of Management Services; designating members; providing for
130 per diem and travel expenses; requiring the task force to
131 submit a report to the Governor and Legislature; providing
132 for the future abolishment of the task force; revising
133 expenditures from the guaranteed allocation for gifted
134 students in grades 9 through 12; providing an
135 appropriation;

COUNCIL MEETING REPORT

Policy & Budget Council

4/13/2007 10:00:00AM

Location: 212 Knott Building

HB 7155 : Education

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown	X				
Dean Cannon			X		
Joyce Cusack	X				
Charles Dean			X		
Bill Galvano	X				
Andy Gardiner	X				
Michael Grant	X				
Adam Hasner	X				
Will Kendrick			X		
Dick Kravitz	X				
Stan Mayfield			X		
Matthew Meadows	X				
Joe Pickens	X				
Ron Reagan			X		
Curtis Richardson	X				
David Rivera	X				
Yolly Roberson	X				
Dennis Ross	X				
Ron Saunders	X				
John Seiler	X				
Priscilla Taylor	X				
Anthony Traviesa	X				
Baxter Troutman			X		
Shelley Vana	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 28		Total Nays: 0			

Committee meeting was reported out: Friday, April 13, 2007 7:37:25PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. HB 7155

COUNCIL/COMMITTEE ACTION

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

①

1 Council/Committee hearing bill: Policy & Budget Council
 2 Representative(s) Pickens & Mealor offered the following:

3
4
5
6
7
8
9

Amendment (with title amendment)

Remove line(s) 167-168 and insert:

the contrary, a district school superintendent may directly dismiss

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

11 Remove line(s) 17 and insert:
 12 1001.51, F.S.; permitting district school

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. HB 7155

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)

ADOPTED AS AMENDED _____ (Y/N)

ADOPTED W/O OBJECTION (Y/N)

FAILED TO ADOPT _____ (Y/N)

WITHDRAWN _____ (Y/N)

OTHER _____

2

1 Council/Committee hearing bill: Policy & Budget Council
2 Representative(s) Pickens, Mealor, and Vana offered the
3 following:

Amendment (with title amendment)

Remove line(s) 304-351

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

Remove line(s) 37-41 and insert:

1012.56, F.S.; revising

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COUNCIL MEETING REPORT

Policy & Budget Council

4/13/2007 10:00:00AM

Location: 212 Knott Building

PCB PBC 07-04 : Florida Government Accountability Act

<input checked="" type="checkbox"/> Favorable With Amendments	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson			X		
Loranne Ausley		X			
Aaron Bean			X		
Dorothy Bendross-Mindingall		X			
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg		X			
Donald Brown			X		
Dean Cannon	X				
Joyce Cusack		X			
Charles Dean			X		
Bill Galvano				X	
Andy Gardiner			X		
Michael Grant	X				
Adam Hasner	X				
Will Kendrick			X		
Dick Kravitz	X				
Stan Mayfield			X		
Matthew Meadows					X
Joe Pickens			X		
Ron Reagan			X		
Curtis Richardson		X			
David Rivera	X				
Yolly Roberson		X			
Dennis Ross	X				
Ron Saunders	X				
John Seiler		X			
Priscilla Taylor		X			
Anthony Traviesa		X			
Baxter Troutman			X		
Shelley Vana		X			
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 12		Total Nays: 10			

Appearances:

Brian Pitts - Information Only
 Justice - 2 Jesus
 2119 Newton Avenue South
 St. Petersburg Florida 33705
 Phone: 727-897-9291

Committee meeting was reported out: Friday, April 13, 2007 7:37:25PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/13/2007 10:00:00AM

Location: 212 Knott Building

Jose' L. Gonzalez (Lobbyist) - Proponent

AIF

516 North Adams Street

Tallahassee Florida 32301

Phone: 850-224-7173

Committee meeting was reported out: Friday, April 13, 2007 7:37:25PM



Council/Committee/Subcommittee on _____
Date _____

Adopted w/o
objection
Action AS Amended

HOUSE AMENDMENT FOR DRAFTING PURPOSES ONLY
(may be used in Council/Committee/Subcommittee, but **not** on House Floor)

Amendment No. _____

Bill No. PCB PBC 07-04

(For filing with the Clerk, Council, Committee and Member Amendments **must** be prepared by House Bill Drafting Services (Rule 12.1))

Representative(s)/The Council/Committee/Subcommittee on
Amble ✓

offered the following amendment:

Amendment

on page _____, line(s) _____,

Strike all
w/ Title Amendment

(see Redraft B
attached)

1 A bill to be entitled
 2 An act relating to the Florida Government Accountability
 3 Act; amending s. 11.902, F.S.; changing references of
 4 committee to commission and renaming the "Legislative
 5 Sunset Advisory Committee" as the "Legislative Sunset
 6 Commission"; amending s. 11.903, F.S.; conforming
 7 terminology; requiring the appointment of one or more
 8 joint committees as a Legislative Sunset Commission;
 9 providing for membership of such a commission; providing
 10 for alternating appointments; providing for terms;
 11 amending s. 11.904, F.S.; providing the role of the Office
 12 of Program Policy Analysis and Government Accountability
 13 as it relates to the commission; providing that the
 14 Auditor General shall, upon request, assist the
 15 commission; conforming terminology; amending s. 11.905,
 16 F.S.; revising the schedule for reviewing state agencies
 17 and advisory committees; providing that the legislative
 18 presiding officers may change the review schedule;
 19 providing for notice in case of a change of the review
 20 schedule; amending s. 11.9055, F.S.; conforming
 21 terminology; providing conditions for an agency subject to
 22 review to be abolished; providing for reassignment of
 23 outstanding responsibilities of abolished agency;
 24 providing for continuation of sunset review under certain
 25 circumstances; amending s. 11.906, F.S.; conforming
 26 terminology; revising the timeframe for agency report
 27 submission to the commission; revising information to be
 28 provided in the report; providing for waiver of
 29 requirements by the commission; amending s. 11.907, F.S.;

PCB PBC 07-04

Redraft - B

2007

30 directing the Office of Program Policy Analysis and
 31 Government Accountability to conduct reviews of state
 32 agencies and their advisory committees; delineating
 33 requirements of the reviews; providing for commission to
 34 set timeframe for submission of the reports; conforming
 35 terminology; amending s. 11.908, F.S.; conforming
 36 terminology; revising the date for certain commission
 37 duties; requiring the commission report to include
 38 proposed legislation deemed necessary by the commission;
 39 amending s. 11.910, F.S.; revising criteria requirements
 40 for review by the commission; conforming terminology;
 41 amending s. 11.911, F.S.; conforming terminology;
 42 requiring the commission's report on an agency to propose
 43 legislation necessary to carry out its recommendations;
 44 amending s. 11.918, F.S.; conforming terminology;
 45 providing that the commission may exercise the powers
 46 vested in a standing committee of the Legislature;
 47 requiring a state agency or officer to assist the
 48 commission when requested; repealing s. 11.919, F.S.,
 49 relating to assistance of and access to state agencies;
 50 providing an effective date.

51

52 Be It Enacted by the Legislature of the State of Florida:

53

54 Section 1. Subsection (3) of section 11.902, Florida
 55 Statutes, is amended to read:

56 11.902 Definitions.--As used in ss. 11.901-11.920, the
 57 term:

PCB PBC 07-04

Redraft - B

2007

58 (3) "Commission" ~~"Committee"~~ means any Legislative Sunset
 59 Commission Advisory Committee appointed pursuant to s. 11.903.

60 Section 2. Section 11.903, Florida Statutes, is amended to
 61 read:

62 11.903 Legislative Sunset Commissions Advisory
 63 Committees.--

64 (1) The Senate and House of Representatives may, pursuant
 65 to the rules of each house, appoint one or more standing or
 66 select committees as a Legislative Sunset Advisory Committee to
 67 advise ~~the Legislature~~ each house regarding the agency sunsets
 68 required by ss. 11.901-11.920.

69 (2) The Senate and House of Representatives shall ~~may~~,
 70 ~~pursuant to the joint rules of both houses~~, appoint ~~one or more~~
 71 ~~joint committees~~ as a joint Legislative Sunset Commission
 72 Advisory Committee to advise the Legislature regarding the for
 73 the purpose of implementing the review process for agency sunsets
 74 required by ss. 11.901-11.920.

75 (a) The Legislative Sunset Commission established under
 76 this subsection shall be a joint commission composed of at least
 77 10 members: five members of the Senate appointed by the President
 78 of the Senate and five members of the House of Representatives
 79 appointed by the Speaker of the House of Representatives. At
 80 least three of each presiding officer's appointments shall serve
 81 on committees or councils with jurisdiction over the agencies
 82 undergoing review. The President of the Senate and the Speaker of
 83 the House of Representatives may appoint additional members from
 84 their respective chambers as needed, as long as each house has
 85 equal representation.

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86 (b) There shall be a chair appointed by each house who shall
 87 serve as co-chairs of the Commission established under this
 88 subsection. The co-chairs shall serve at the pleasure of their
 89 appointing presiding officer for a term of 2 years each or until
 90 the next general election. The co-chairs shall decide on a method
 91 of dividing the primary responsibility for each agency review
 92 under consideration.

93 (3) Members shall serve at the pleasure of their appointing
 94 presiding officer for a term terms of 2 years each or until the
 95 next general election.

96 ~~(4) Initial appointments shall be made not later than~~
 97 ~~November 30, 2006, and subsequent appointments shall be made not~~
 98 ~~later than January 15 of the year following each organization~~
 99 ~~session of the Legislature.~~

100 (4)-(5) If a legislative member ceases to be a member of the
 101 house from which he or she was appointed, the member vacates his
 102 or her membership on the commission ~~committee~~.

103 Section 3. Section 11.904, Florida Statutes, is amended to
 104 read:

105 11.904 Staff.--The Senate and the House of Representatives
 106 may each employ staff to work for the ~~chair and vice chair~~ of the
 107 commission ~~committee~~ on matters related to commission ~~committee~~
 108 activities. The ~~Auditor General and the~~ Office of Program Policy
 109 Analysis and Government Accountability shall provide primary
 110 research services as directed by the commission and assist the
 111 commission ~~committee~~ in conducting its review under s. 11.910.
 112 Upon request, the Auditor General shall assist the commission.

113 Section 4. Section 11.905, Florida Statutes, is amended to
 114 read:

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115 | 11.905 Schedule for reviewing state agencies and advisory
 116 | committees.--The following state agencies, including their
 117 | advisory committees, or the following advisory committees of
 118 | agencies shall be reviewed according to the following schedule:

119 | (1) Reviewed by July 1, 2008:

120 | (a) Statutorily created responsibilities of the Fish and
 121 | Wildlife Conservation Commission.

122 | (b) Department of Agriculture and Consumer Services.

123 | (c) Department of Citrus, including the Citrus Commission.

124 | (d) Department of Environmental Protection.

125 | (e) Department of Highway Safety and Motor Vehicles.

126 | (f) Water management districts.

127 | (2) Reviewed by July 1, 2010:

128 | (a) Department of Children and Family Services.

129 | (b) Agency for Persons with Disabilities.

130 | (c) Department of Elderly Affairs.

131 | (d) Agency for Health Care Administration.

132 | (e) Department of Health.

133 | (f) Department of Veterans' Affairs.

134 | (3) Reviewed by July 1, 2012:

135 | (a) Advisory committees for the Florida Community College
 136 | System.

137 | (b) Advisory committees for the State University System.

138 | (c) Agency for Workforce Innovation.

139 | (d) Department of Education.

140 | (e) Department of Lottery.

141 | (4) Reviewed by July 1, 2014:

142 | (a) Department of Business and Professional Regulation.

143 | (b) Department of Management Services.

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- 144 | (c) Department of State.
- 145 | (d) Department of Community Affairs.
- 146 | (e) Executive Office of the Governor.
- 147 | (f) Florida Public Service Commission.
- 148 | (g) Advisory committees for the State Board of
- 149 | Administration.
- 150 | (h) Department of Financial Services, including the
- 151 | Financial Services Commission.
- 152 | (i) Department of Revenue.
- 153 | (5) Reviewed by July 1, 2016:
- 154 | (a) Department of Corrections.
- 155 | (b) Department of Juvenile Justice.
- 156 | (c) Department of Law Enforcement.
- 157 | (d) Department of Legal Affairs.
- 158 | (e) Department of Military Affairs.
- 159 | (f) Department of Transportation.
- 160 | (g) Expressway Authorities.
- 161 | (h) Justice Administrative Commission.
- 162 | (i) Parole Commission.
- 163 | (j) Judicial Qualifications Commission.
- 164 | (6) Reviewed by July 1, 2018:
- 165 | (a) Statutorily created responsibilities of the Fish and
- 166 | Wildlife Conservation Commission.
- 167 | (b) Department of Agriculture and Consumer Services.
- 168 | (c) Department of Citrus, including the Citrus Commission.
- 169 | (d) Department of Environmental Protection.
- 170 | (e) Department of Highway Safety and Motor Vehicles.
- 171 | (f) Water management districts.
- 172 | (g) Department of Community Affairs.

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173 (7) Upon completion of this cycle, agencies shall again be
 174 subject to sunset review 10 years after their initial review
 175 unless the review schedule is changed by the President of the
 176 Senate and the Speaker of the House of Representatives. Any
 177 agency or advisory committee affected by a change in the review
 178 schedule shall be provided a 3 month notice of such change in
 179 order to provide sufficient time for information to be submitted.

180 ~~(2) Reviewed July 1, 2009:~~

181 ~~(a) Department of Children and Family Services.~~

182 ~~(b) Department of Community Affairs.~~

183 ~~(c) Department of Management Services.~~

184 ~~(d) Department of State.~~

185 ~~(3) Reviewed July 1, 2010:~~

186 ~~(a) Advisory committees for the Florida Community College~~
 187 ~~System.~~

188 ~~(b) Advisory committees for the State University System.~~

189 ~~(c) Agency for Workforce Innovation.~~

190 ~~(d) Department of Education.~~

191 ~~(e) Department of the Lottery.~~

192 ~~(4) Reviewed July 1, 2011:~~

193 ~~(a) Agency for Health Care Administration.~~

194 ~~(b) Agency for Persons with Disabilities.~~

195 ~~(c) Department of Elderly Affairs.~~

196 ~~(d) Department of Health.~~

197 ~~(5) Reviewed July 1, 2012:~~

198 ~~(a) Department of Business and Professional Regulation.~~

199 ~~(b) Department of Transportation.~~

200 ~~(c) Department of Veterans' Affairs.~~

201 ~~(6) Reviewed July 1, 2013:~~

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202 ~~(a) Advisory committees for the State Board of~~
 203 ~~Administration.~~

204 ~~(b) Department of Financial Services, including the~~
 205 ~~Financial Services Commission.~~

206 ~~(c) Department of Revenue.~~

207 ~~(7) Reviewed July 1, 2014:~~

208 ~~(a) Department of Corrections.~~

209 ~~(b) Department of Juvenile Justice.~~

210 ~~(c) Department of Law Enforcement.~~

211 ~~(d) Department of Legal Affairs.~~

212 ~~(e) Justice Administrative Commission.~~

213 ~~(f) Parole Commission.~~

214 ~~(8) Reviewed July 1, 2015:~~

215 ~~(a) Executive Office of the Governor.~~

216 ~~(b) Florida Public Service Commission.~~

217 Section 5. Section 11.9055, Florida Statutes, is amended to
 218 read:

219 11.9055 Abolition of state agencies and advisory
 220 committees.--

221 (1) (a) An agency subject to review by the Legislative
 222 Sunset Commission Committee on Sunset Review shall be abolished
 223 on June 30 following the date of review specified in s. 11.905,
 224 unless, prior to such June 30, a law is enacted which continues
 225 the agency; however, the agency may not be abolished unless a law
 226 is enacted under which a substantial portion of the
 227 responsibilities of the abolished agency are reassigned or
 228 abolished and the Legislature continues the agency or advisory
 229 committee; however, an agency may not be abolished unless the
 230 Legislature finds, pursuant to law, that all state laws the

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231 ~~agency had responsibility to implement or enforce have been~~
 232 ~~repealed, revised, or reassigned to another remaining agency and~~
 233 ~~that~~ adequate provision has been made for the transfer to a
 234 successor agency of all duties and obligations relating to bonds,
 235 loans, promissory notes, lease-purchase ~~lease-purchase~~
 236 agreements, installment sales contracts, certificates of
 237 participation, master equipment financing agreements, or any
 238 other form of indebtedness such that security therefore and the
 239 rights of bondholders or holders of other indebtedness are not
 240 impaired.

241 (b) All outstanding responsibilities of an abolished agency
 242 to implement or enforce state laws shall be reassigned by the
 243 Governor by executive order within a reasonable time unless and
 244 until such responsibilities are continued or reassigned by
 245 general law. These responsibilities include, but are not limited
 246 to, all duties and obligations relating to bonds, loans,
 247 promissory notes, lease-purchase agreements, installment sales
 248 contracts, certificates of participation, master equipment
 249 financing agreements, or any other form of indebtedness such that
 250 security therefor and the rights of bondholders or holders of
 251 other indebtedness are not impaired, unless and until such
 252 provision shall be made by general law.

253 (2) If the Legislature does not take action before the date
 254 of review to continue the agency or advisory committee, the
 255 agency shall submit its legislative budget request consistent
 256 with recommendations of the ~~appropriate~~ Legislative Sunset
 257 Commission ~~Committee on Sunset Review~~ or any law or executive
 258 order transferring the agency's functions to other entities. Such
 259 agency shall continue to be subject to annual sunset review by

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260 | the commission until the Legislature enacts legislation relating
 261 | to its continuation, modification, or termination.

262 | Section 6. Section 11.906, Florida Statutes, is amended to
 263 | read:

264 | 11.906 Agency report to commission ~~committee~~.--Not later
 265 | than July 1st 2 years ~~January 1 of the year~~ preceding the year in
 266 | which a state agency and its advisory committees are scheduled to
 267 | be reviewed, the agency shall provide the commission ~~committee~~
 268 | with a report that includes:

269 | (1) The performance measures for each program and activity
 270 | as provided in s. 216.011 and 3 years of data for each measure
 271 | that provides actual results for the immediately preceding 2
 272 | years and projected results for the ~~current~~ fiscal year that
 273 | begins in the year the agency report is submitted to the
 274 | commission.

275 | (2) An explanation of factors that have contributed to any
 276 | failure to achieve the legislative standards.

277 | (3) The process by which an agency actively measures
 278 | quality and efficiency of services is provides to the public.

279 | (4) The promptness and effectiveness with which the agency
 280 | disposes of complaints concerning persons affected by the agency.

281 | (5) The extent to which the agency has encouraged
 282 | participation by the public in making its rules and decisions as
 283 | opposed to participation solely by those it regulates and the
 284 | extent to which public participation has resulted in rules
 285 | compatible with the objectives of the agency.

286 | (6) The extent to which the agency has complied with
 287 | applicable requirements of state law and applicable rules

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288 regarding purchasing goals and programs for ~~historically~~
 289 ~~underutilized businesses~~ small and minority owned businesses.

290 (7) A statement of any statutory objectives intended for
 291 each program and activity, the problem or need that the program
 292 and activity were intended to address, and the extent to which
 293 these objectives have been achieved.

294 (8) An assessment of the extent to which the jurisdiction of
 295 the agency and its programs overlap or duplicate those of other
 296 agencies and the extent to which the programs can be consolidated
 297 with those of other agencies.

298 (9) An assessment of less restrictive or alternative methods
 299 of providing services for which the agency is responsible which
 300 would reduce costs or improve performance while adequately
 301 protecting the public.

302 (10) An assessment of the extent to which the agency has
 303 corrected deficiencies and implemented recommendations contained
 304 in reports of the Auditor General, the Office of Program Policy
 305 Analysis and Government Accountability, legislative interim
 306 studies, and federal audit entities.

307 ~~(10) The extent to which the agency enforces laws relating~~
 308 ~~to potential conflicts of interest of its employees.~~

309 (11) The extent to which the agency complies with public
 310 records and public meetings requirements under chapters 119 and
 311 286 and s. 24, Art. I of the State Constitution.

312 (12) The extent to which alternative program delivery
 313 options, such as privatization, outsourcing, or insourcing, have
 314 been considered to reduce costs or improve services to state
 315 residents.

316 (13) Recommendations to the commission ~~committee~~ for
 317 statutory or budgetary, or regulatory changes that would improve
 318 ~~program operations,~~ quality and efficiency of services delivered
 319 to the public, reduce costs, or reduce duplication.

320 (14) The effect of federal intervention or loss of federal
 321 funds if the agency, program, or activity is abolished.

322 (15) A list of all advisory committees, including those
 323 established in statute and those established by managerial
 324 initiative; their purpose, activities, composition, and related
 325 expenses; the extent to which their purposes have been achieved;
 326 and the rationale for continuing or eliminating each advisory
 327 committee.

328 (16) Agency programs or functions that are performed without
 329 specific statutory authority.

330 (17) Other information requested by the commission
 331 ~~committee~~.

332
 333 Information and data reported by the agency shall be validated by
 334 its agency head and inspector general before submission to the
 335 commission. The commission may waive any of the requirements of
 336 this section with respect to an agency under review ~~committee~~.

337 Section 7. Section 11.907, Florida Statutes, is amended to
 338 read:

339 11.907 Legislative review.--Upon receipt of an agency
 340 report pursuant to s. 11.906, the Commission shall conduct an
 341 independent review of the agency, which may include directing the
 342 Office of Program Policy Analysis and Government Accountability
 343 ~~shall conduct a program evaluation and justification review, as~~
 344 ~~defined in s. 11.513,~~ to review of the agency and its advisory

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345 | committees including an examination of the cost of each agency:
 346 | an evaluation of best practices and alternatives that would
 347 | result in the administration of the agency in a more efficient or
 348 | effective manner: the viability of privatization or a different
 349 | state agency performing the functions; and an evaluation of the
 350 | cost and consequences of discontinuing the agency. The reviews
 351 | ~~review~~ shall be comprehensive in their ~~its~~ scope and consider the
 352 | information provided by the agency report in addition to
 353 | information deemed necessary by the ~~office~~ and the Legislative
 354 | Sunset Commission Advisory Committee. Any reports prepared by the
 355 | ~~The~~ Office of Program Policy Analysis and Government
 356 | Accountability shall be submitted ~~submit its report~~ to the
 357 | commission ~~committee~~ and to the President of the Senate and the
 358 | Speaker of the House of Representatives in a timeframe prescribed
 359 | by the commission by October 31 of the year in which the agency
 360 | ~~submits its report~~. The Office of Program Policy Analysis and
 361 | Government Accountability shall include in its reports ~~report~~
 362 | recommendations for consideration by the commission ~~committee~~.

363 | Section 8. Section 11.908, Florida Statutes, is amended to
 364 | read:

365 | 11.908 Commission ~~Committee~~ duties.--No later than March
 366 | 1st of the year in which a state agency or its advisory
 367 | committees are scheduled to be reviewed, the commission ~~committee~~
 368 | shall:

- 369 | (1) Review the information submitted by the agency and ~~the~~
 370 | ~~report of~~ reports of any independent reviews directed by the
 371 | commission, including those conducted by the Office of Program
 372 | Policy Analysis and Government Accountability.

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373 (2) Consult with the Legislative Budget Commission,
 374 relevant substantive and appropriations committees of the Senate
 375 and the House of Representatives, the Governor's Office of Policy
 376 and Budgeting, the Auditor General, and the Chief Financial
 377 Officer, or their successors, on the application to the agency
 378 and its advisory committees of the criteria provided in s.
 379 11.910.

380 (3) Hold public hearings to consider this information as
 381 well as other information and testimony that the commission
 382 ~~committee~~ deems necessary.

383 (4) Present to the President of the Senate and the Speaker
 384 of the House of Representatives a report on the agencies and
 385 advisory committees scheduled to be reviewed that year by the
 386 commission committee. In the report, the commission committee
 387 shall include its specific findings and recommendations regarding
 388 ~~each of the review criteria under prescribed by~~ s. 11.910, and
 389 ~~shall also~~ make recommendations as described in s. 11.911, and
 390 propose legislation as deemed necessary.

391 Section 9. Section 11.910, Florida Statutes, is amended to
 392 read:

393 11.910 Criteria for review.--The commission may committee
 394 ~~shall~~ consider information submitted pursuant to s. 11.906 as
 395 well as any additional criteria it deems relevant the following
 396 eriteria in determining whether a public need exists for the
 397 continuation of a state agency or its advisory committees or for
 398 the performance of any of the functions of the agency or its
 399 advisory committees, including the following.‡

400 (1) Agency compliance with the accountability measures, as
 401 analyzed by the Auditor General, the Office of Program Policy

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402 Analysis and Government Accountability, and the Office of Policy
 403 and Budget within the Executive Office of the Governor, pursuant
 404 to ss. 216.013 and 216.023(4) and (5).

405 (2) The efficiency with which the agency or advisory
 406 committee operates.

407 (3) The statutory objectives of the agency or advisory
 408 committee and the problem or need that the agency or advisory
 409 committee is intended to address, the extent to which the
 410 objectives have been achieved, and any activities of the agency
 411 in addition to those granted by statute and the authority for
 412 these activities.

413 (4) An assessment of less restrictive or alternative
 414 methods of providing any regulatory function for which the agency
 415 is responsible while adequately protecting the public.

416 (5) The extent to which the advisory committee is needed
 417 and is used.

418 (6) The extent to which the jurisdiction of the agency and
 419 the programs administered by the agency overlap or duplicate
 420 those of other agencies and the extent to which the programs
 421 administered by the agency can be consolidated with the programs
 422 of other state agencies.

423 (7) Whether the agency has recommended to the Legislature
 424 statutory changes calculated to be of benefit to the public
 425 rather than to an occupation, business, or institution that the
 426 agency regulates.

427 (8) The promptness and effectiveness with which the agency
 428 disposes of complaints concerning persons affected by the agency.

429 (9) The extent to which the agency has encouraged
 430 participation by the public in making its rules and decisions as

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431 | opposed to participation solely by those it regulates and the
 432 | extent to which the public participation has resulted in rules
 433 | compatible with the objectives of the agency.

434 | (10) The extent to which the agency has complied with
 435 | applicable requirements of state law and applicable rules of any
 436 | state agency regarding purchasing goals and programs for
 437 | ~~historically underutilized businesses~~ small and minority
 438 | businesses.

439 | (11) The extent to which changes are necessary in the
 440 | enabling statutes of the agency so that the agency can adequately
 441 | comply with the criteria listed in this section.

442 | (12) The extent to which the agency adopts and enforces
 443 | rules relating to potential conflicts of interest of its
 444 | employees.

445 | (13) The extent to which the agency complies with public
 446 | records and public meetings requirements under chapters 119 and
 447 | 287 and s. 24, Art. I of the State Constitution and follows
 448 | records management practices that enable the agency to respond
 449 | efficiently to requests for public information.

450 | (14) The extent to which the agency accurately reports
 451 | performance measures used to justify state spending on each of
 452 | its activities, services, and programs.

453 | (15) The effect of federal intervention or loss of federal
 454 | funds if the agency is abolished.

455 | (16) Whether any advisory committee or any other part of
 456 | the agency exercises its powers and duties independently of the
 457 | direct supervision of the agency head in violation of s. 6, Art.
 458 | IV of the State Constitution.

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459 Section 10. Section 11.911, Florida Statutes, is amended to
 460 read:

461 11.911 Recommendations.--In its report on a state agency,
 462 the commission ~~committee~~ shall:

463 (1) Make recommendations on the abolition, continuation, or
 464 reorganization of each state agency and its advisory committees
 465 and on the need for the performance of the functions of the
 466 agency and its advisory committees.

467 (2) Make recommendations on the consolidation, transfer, or
 468 reorganization of programs within state agencies not under review
 469 when the programs duplicate functions performed in agencies under
 470 review.

471 (3) Propose ~~Include drafts of~~ legislation necessary to
 472 carry out the commission's ~~committee's~~ recommendations under
 473 subsection (1) or subsection (2).

474 Section 11. Section 11.918, Florida Statutes, is amended to
 475 read:

476 11.918 Legislative Sunset Commission; powers; assistance of
 477 state agencies ~~Subpoena power.~~--

478 (1) ~~Any~~ The Legislative Sunset Commission ~~Advisory~~
 479 ~~Committee~~ may take under investigation any matter within the
 480 scope of a sunset review either completed or then being conducted
 481 by the commission. The Legislative Sunset Commission ~~committee,~~
 482 ~~and, in connection with such investigation,~~ may exercise the
 483 powers of subpoena by law and any other powers vested in a
 484 standing committee of the Legislature pursuant to s. 11.143.

485 (2) The commission may access or request information and
 486 request assistance of state agencies and officers. When

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487 assistance is requested, a state agency or officer shall assist
488 the commission.

489 Section 12. Section 11.919, Florida Statutes, is repealed.

490 Section 13. This act shall take effect July 1, 2007.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. PCB PBC 07-04

COUNCIL/COMMITTEE ACTION

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

AA1

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Council/Committee hearing bill: Policy & Budget Council
Representatives Ambler offered the following:

**Amendment to Amendment (1) strike-all by Representative
Ambler**

**On line 242 after the word "reassigned", insert the words
continued or**

COUNCIL MEETING REPORT

Policy & Budget Council

4/13/2007 10:00:00AM

Location: 212 Knott Building

Workshop

HB 367:

Appearances:

Anthony DiMarco (Lobbyist) - Proponent

Florida Bankers Assoc.

1001 Thomasville Road

Tallahassee Florida 32303

Phone:850-224-2265

Charles Milsted (Lobbyist) - Proponent

AARP

200 West College Avenue

Tallahassee Florida 32301

Phone:850-577-5190

Charles Pattison (Lobbyist) - Proponent

1000 Friends of Florida

926 East Park Avenue

Tallahassee Florida 32301

Eric Poole (Lobbyist) - Proponent

Florida Association of Counties

100 Monroe Street

Tallahassee Florida

Fely Curva, Ph.D. (Lobbyist) - Proponent

Florida Impact

1018 Thomasville Rd, Suite 105-B

Tallahassee Florida 32303

Phone:850-577-1400

Freyja Harris (Lobbyist) - Proponent

Florida Coalition for the Homeless

606 W. 4th Avenue #12

Tallahassee Florida

Phone:850-412-0021

Gabe Sheheane (Lobbyist) - Proponent

Florida Chamber of Commerce

136 S. Bronough Street

Tallahassee Florida 32301

Phone:850-284-8335

Committee meeting was reported out: Friday, April 13, 2007 7:37:25PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/13/2007 10:00:00AM

Location: 212 Knott Building

Gail Matillo (Lobbyist) - Proponent

Florida Association of Homes & Services for Aging

1812 Riggins Road

Tallahassee Florida 32308 32308

Phone:850-671-3700

Jaime Ross (Lobbyist) - Proponent

1000 Friends of Florida

926 E. PARK AVENUE

Tallahassee Florida 32301

Phone:850-222-6277

Jose' L. Gonzalez (Lobbyist) - Proponent

AIF

516 North Adams Street

Tallahassee Florida 32302

Phone:850-224-7173

Karen Kuch (Lobbyist) - Proponent

Florida Council for Behavioral

316 East Park Avenue

Tallahassee Florida 32301

Phone:850-224-6048

Kent Spuhler (Lobbyist) - Proponent

Florida Legal Services, Inc.

2425 Torreya Drive

Tallahassee Florida 32303

Phone:850-385-7900

Lavonia Sampson - Proponent

Florida Supportive Housing Coalition

2868 - 1 Mahan Drive

Tallahassee Florida

Phone:850-878-2196

Mark Hendrickson (Lobbyist) - Proponent

Florida Association of Coral Housing Finance

1404 Alabama street

Tallahassee Florida 32301

Phone:850-671-5601

Marty Cassini (State Employee) - Proponent

Mary Booker (Lobbyist) - Proponent

Florida Alcohol & Drug Abuse Assoc.

2868 Mahan Drive

Tallahassee Florida 32308

Phone:850-878-2196

Committee meeting was reported out: Friday, April 13, 2007 7:37:25PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/13/2007 10:00:00AM

Location: 212 Knott Building

Mary Ruiz - Proponent

Manatee Glens

315 25th Street West

Bradenton Florida 34205

Phone:941-782-4299

Mike Fields (Lobbyist) - Proponent

Bank of America

315 S. Calhoun Street

Tallahassee Florida 32301

Phone:850-561-1720

Peter Harris (Lobbyist) - Proponent

Florida Home Builders Assoc.

215 S. Monroe Street

Tallahassee Florida 32301

Phone:850-224-4600

Rene' Flowers - Proponent

Florida League of Cities

P.O. Box 1757

Tallahassee Florida 32302

Phone:850-222-9684

Sarah Zieman (Lobbyist) - Proponent

Florida Association of Realtors

200 South Monroe Street

Tallahassee Florida 32301

Phone:850-224-1400

Sheila Hopkins (Lobbyist) - Proponent

Florida Catholic Conference

201 West Park Avenue

Tallahassee Florida 32301

Phone:850-222-3803

Steve Auger (Lobbyist) - Proponent

Florida Housing Finance Corp.

227 North Bronough Street

Tallahassee Florida 32301

Phone:850-488-4197