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# **Policy and Budget Council**

**April 23, 2007  
9:15 a.m.  
212 Knott Building**

## **Action Packet**

# COUNCIL MEETING REPORT

## Policy & Budget Council

4/23/2007 9:15:00AM

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              |               |                |
| <b>Totals:</b>              | <b>33</b>      | <b>0</b>      | <b>1</b>       |

Committee meeting was reported out: Monday, April 23, 2007 5:12:08PM

# COUNCIL MEETING REPORT

## Policy & Budget Council

4/23/2007 9:15:00AM

Location: 212 Knott Building

### Summary:

#### Policy & Budget Council

Monday April 23, 2007 09:15 am

|            |                                   |          |         |
|------------|-----------------------------------|----------|---------|
| CS/HB 45   | Favorable                         | Yeas: 25 | Nays: 2 |
| CS/HB 83   | Favorable with Council Substitute | Yeas: 18 | Nays: 0 |
| CS/HB 117  | Favorable with Council Substitute | Yeas: 27 | Nays: 0 |
| CS/HB 131  | Favorable with Council Substitute | Yeas: 19 | Nays: 0 |
| CS/HB 283  | Favorable                         | Yeas: 27 | Nays: 0 |
| CS/HB 343  | Favorable                         | Yeas: 28 | Nays: 0 |
| CS/HB 355  | Favorable                         | Yeas: 27 | Nays: 0 |
| HB 413     | Favorable                         | Yeas: 26 | Nays: 1 |
| CS/HB 665  | Favorable with Council Substitute | Yeas: 28 | Nays: 0 |
| CS/HB 919  | Favorable with Council Substitute | Yeas: 24 | Nays: 0 |
| CS/HB 921  | Favorable with Council Substitute | Yeas: 25 | Nays: 0 |
| CS/HB 977  | Favorable with Council Substitute | Yeas: 27 | Nays: 0 |
| CS/HB 989  | Favorable                         | Yeas: 26 | Nays: 0 |
| CS/HB 1033 | Favorable with Council Substitute | Yeas: 28 | Nays: 0 |
| CS/HB 1223 | Favorable with Council Substitute | Yeas: 22 | Nays: 4 |
| CS/HB 1259 | Favorable with Council Substitute | Yeas: 19 | Nays: 0 |

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# COUNCIL MEETING REPORT

## Policy & Budget Council

4/23/2007 9:15:00AM

**Location:** 212 Knott Building

|               |                                   |          |         |
|---------------|-----------------------------------|----------|---------|
| CS/HB 1267    | Favorable with Council Substitute | Yeas: 22 | Nays: 6 |
| CS/HB 1283    | Favorable with Council Substitute | Yeas: 27 | Nays: 0 |
| CS/HB 1309    | Favorable with Council Substitute | Yeas: 28 | Nays: 0 |
| CS/HB 1451    | Favorable with Council Substitute | Yeas: 28 | Nays: 0 |
| CS/HB 1515    | Favorable                         | Yeas: 20 | Nays: 0 |
| HB 7115       | Favorable                         | Yeas: 26 | Nays: 0 |
| HB 7143       | Favorable with Council Substitute | Yeas: 27 | Nays: 0 |
| HB 7181       | Favorable                         | Yeas: 25 | Nays: 0 |
| HB 7189       | Favorable with Council Substitute | Yeas: 26 | Nays: 0 |
| PCB PBC 07-08 | Favorable                         | Yeas: 18 | Nays: 9 |

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# COUNCIL MEETING REPORT

## Policy & Budget Council

4/23/2007 9:15:00AM

**Location:** 212 Knott Building

**CS/HB 45 : Workers' Compensation for First Responders**

| <input checked="" type="checkbox"/> Favorable | Yea | Nay                  | No Vote | Absentee<br>Yea | Absentee<br>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   |                      |         |                 |                 |
| <b>Total Yeas: 25</b>                         |     | <b>Total Nays: 2</b> |         |                 |                 |

**Appearances:**

Larry Gonzalez (Lobbyist) - Proponent  
 Florida Workers' Advocates  
 223 S. Gadsden Street, 2nd Floor  
 Tallahassee Florida 32301  
 Phone: 850-222-0465

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# COUNCIL MEETING REPORT

## Policy & Budget Council

4/23/2007 9:15:00AM

**Location:** 212 Knott Building

Manly Boliin - Proponent  
Jacksonville Firefighters  
806 S.W El Prado  
Lake City Florida 32025  
Phone: 386-719-9133

Lisa Henning - Proponent  
Fraternal Order of Police  
205 South Adams Street  
Tallahassee Florida 32301  
Phone: 850-510-1380

Randy Touchton (Lobbyist) - Proponent  
Florida Professional Firefighters  
345 West Madison Street  
Tallahassee Florida 32301  
Phone: 850-224-7333

Ken Kopczynski (Lobbyist) - Proponent  
Florida PBA  
300 East Brevard Street  
Tallahassee Florida 32301  
Phone: 850-222-3329

Roger Jenkisin - Proponent  
FOP  
999 11th Street  
Miami Beach Florida 33139  
Phone: 305-534-2775

John Connolly - Proponent  
F.O.P.  
15325 Arlic Pottberg  
Springhill Florida 34610  
Phone: 727-243-6766

Jim Pillow (Lobbyist) - Proponent  
Teamsters Local 385  
126 N. Kirkman Road  
Orlando Florida 32811  
Phone: 386-871-4386

Kraig Conn (Lobbyist) - Opponent  
Florida League of Cities  
301 S. Bronough Street  
Tallahassee Florida 32301  
Phone: 850-222-9684

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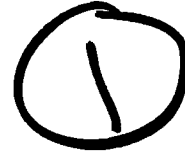
HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. CS/HB 45

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

2 Representative(s) Ross offered the following:

3

4 **Amendment**

5 Remove line(s) 47-59:

6

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# COUNCIL MEETING REPORT

## Policy & Budget Council

4/23/2007 9:15:00AM

**Location:** 212 Knott Building

**CS/HB 83 : Venture Capital Funds**

Favorable with Council Substitute

|                             | Yea | Nay                  | No Vote | Absentee<br>Yea | Absentee<br>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   |                      |         |                 |                 |
| <b>Total Yeas: 18</b>       |     | <b>Total Nays: 0</b> |         |                 |                 |

**Appearances:**

Gabe Sheheane (Lobbyist) - Proponent  
 Florida Chamber of Commerce  
 136 South Bronough Street  
 Tallahassee Florida 32301  
 Phone: 850-284-8335

Committee meeting was reported out: Monday, April 23, 2007 5:12:08PM



# **COUNCIL MEETING REPORT**

## **Policy & Budget Council**

**4/23/2007 9:15:00AM**

**Location:** 212 Knott Building

Stacey Webb (Lobbyist) - Proponent

AIF

120 South Monroe Street

Tallahassee Florida 32301

Phone: 850-671-4401

Jack Sullivan, Jr. - Proponent

Florida Research Consortium

150 South Monroe Street

Tallahassee Florida

Phone: 850-425-5223

**Committee meeting was reported out: Monday, April 23, 2007 5:12:08PM**

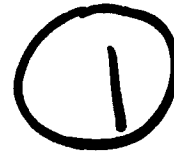
HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 0083

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 Grant offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Sections 288.9621, 288.9622, 288.9623,  
 288.9624, and 288.9625, Florida Statutes, are created to read:  
288.9621 Short title.--Sections 288.9621-288.9625 may be  
cited as the "Florida Capital Formation Act."

288.9622 Findings and intent.--

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

(2) It is the intent of the Legislature that ss. 288.9621-  
288.9625 serve to mobilize private investment in a broad variety  
of venture capital partnerships in diversified industries and

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

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

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

35 (4) It is the intent of the Legislature that an institute  
36 be created to mentor, market, and attract capital to such  
37 commercialization ventures throughout the state.

38 288.9623 Definitions.--As used in ss. 288.9621-288.9625:

39 (1) "Board" means the board of directors of the Florida  
40 Opportunity Fund.

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

42 288.9624 Florida Opportunity Fund; creation; duties.--

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

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

52 corporation may not amend, modify, or repeal a bylaw or article  
53 of incorporation without the express written consent of  
54 Enterprise Florida, Inc.

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

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

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

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

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

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

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

81       (2) Upon organization, the board shall conduct a national  
82 solicitation for investment plan proposals from qualified  
83 venture capital investment managers for the raising and  
84 investing of capital by the Florida Opportunity Fund. Any  
85 proposed investment plan must address the applicant's level of  
86 experience, quality of management, investment philosophy and  
87 process, provability of success in fundraising, prior investment  
88 fund results, and plan for achieving the purposes of ss.  
89 288.9621-288.9625. The board shall select only venture capital  
90 investment managers having demonstrated expertise in the  
91 management of and investment in companies.

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

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

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

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

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

125 (c) Negotiate any and all terms and conditions for its  
126 investments.

127 (d) Invest only in funds that have raised capital from  
128 other sources so that the amount invested in an entity in this  
129 state is at least twice the amount invested by the fund.  
130 Investments must be made in Florida-based companies, including,  
131 but not limited to, enterprises in life sciences, information  
132 technology, advanced manufacturing processes, aviation and  
133 aerospace, and homeland security and defense, as well as other  
134 strategic technologies.

135 (5) By December 1 of each year, the board shall issue an  
136 annual report concerning the activities conducted by the fund to  
137 the Governor, the President of the Senate, and the Speaker of  
138 the House of Representatives. The annual report, at a minimum,  
139 must include:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

40 (a) An accounting of the amount of investments disbursed  
41 by the fund and the progress of the fund.

142 (b) A description of the benefits to this state resulting  
143 from the fund, including the number of businesses created,  
144 associated industries started, the number of jobs created, and  
145 the growth of related research projects.

146 (c) Independently audited financial statements, including  
147 statements that show receipts and expenditures during the  
148 preceding fiscal year for personnel, administration, and  
149 operational costs of the fund.

150 288.9625 Institute for the Commercialization of Public  
151 Research.--There is established the Institute for the  
152 Commercialization of Public Research.

153 (1) The institute shall be a not-for-profit corporation  
154 registered, incorporated, and operated in accordance with  
155 chapter 617.

156 (2) The purpose of the institute is to assist in the  
157 commercialization of products developed by the research and  
158 development activities of universities and colleges, research  
159 institutes, and publicly supported organizations within the  
160 state. The institute shall operate to fulfill its purpose and in  
161 the best interests of the state. The institute:

162 (a) Shall be a corporation primarily acting as an  
163 instrumentality of the state pursuant to s. 768.28(2), for the  
164 purposes of sovereign immunity;

165 (b) Is not an agency within the meaning of s. 20.03(11);

166 (c) Is subject to the open records and meetings  
167 requirements of s. 24, Art. I of the State Constitution, chapter  
168 119, and s. 286.011;

169 (d) Is not subject to the provisions of chapter 287;

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

170 (e) Shall be governed by the code of ethics for public  
171 officers and employees as set forth in part III of chapter 112;

172 (f) Is not authorized to create corporate subsidiaries;

173 (g) Shall support existing commercialization efforts at  
174 state universities; and

175 (h) Shall not supplant, replace, or direct existing  
176 technology transfer operations or other commercialization  
177 programs, including incubators and accelerators.

178 (3) The articles of incorporation of the institute must be  
179 approved in a written agreement with Enterprise Florida, Inc.

180 The agreement and the articles of incorporation shall:

181 (a) Provide that the institute shall provide equal  
182 employment opportunities for all persons regardless of race,  
183 color, religion, gender, national origin, age, handicap, or  
184 marital status;

185 (b) Provide that the institute is subject to the public  
186 records and meeting requirements of s. 24, Art. I of the State  
187 Constitution;

188 (c) Provide that all officers, directors, and employees of  
189 the institute shall be governed by the code of ethics for public  
190 officers and employees as set forth in part III of chapter 112;

191 (d) Provide that members of the board of directors of the  
192 institute are responsible for the prudent use of all public and  
193 private funds and that they will ensure that the use of funds is  
194 in accordance with all applicable laws, bylaws, and contractual  
195 requirements; and

196 (e) Provide that the fiscal year of the institute is from  
197 July 1 to June 30.

198 (4) The affairs of the institute shall be managed by a  
199 board of directors who shall serve without compensation. Each

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

200 director shall have only one vote. The chair of the board of  
201 directors shall be selected by a majority vote of the directors,  
202 a quorum being present. The board of directors shall consist of  
203 the following five members:

204 (a) The chair of Enterprise Florida, Inc., or the chair's  
205 designee.

206 (b) The president of the university where the institute is  
207 located or the president's designee unless multiple universities  
208 jointly sponsor the institute, in which case the presidents of  
209 the sponsoring universities shall agree upon a designee.

210 (c) Three directors appointed by the Governor to 3-year  
211 staggered terms, to which the directors may be reappointed.

212 (5) The board of directors shall provide a copy of the  
213 institute's annual report to the Governor, the President of the  
214 Senate, the Speaker of the House of Representatives, Enterprise  
215 Florida, Inc., and the president of the university at which the  
216 institute is located.

217 (6) Enterprise Florida, Inc., the president and the board  
218 of trustees of the university where the institute is located,  
219 the Auditor General, and the Office of Program Policy Analysis  
220 and Government Accountability may require and receive from the  
221 institute or its independent auditor any detail or supplemental  
222 data relative to the operation of the institute.

223 (7) Enterprise Florida, Inc., shall issue a request for  
224 proposals to state universities requesting proposals to fulfill  
225 the purposes of the institute as described in this section and  
226 provide for its physical location in a major metropolitan area  
227 in the southern part of the state having extensive commercial  
228 air service to facilitate access by venture capital providers.  
229 Enterprise Florida, Inc., shall review the proposals in a

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

230 committee appointed by its board of directors which shall make a  
231 recommendation for final selection. Final approval of the  
232 selected proposal must be by the board of directors of  
233 Enterprise Florida, Inc., at one of its duly noticed meetings.

234 (8) (a) To be eligible for assistance, the company or  
235 organization attempting to commercialize its product must be  
236 accepted by the institute before receiving the institute's  
237 assistance.

238 (b) The institute shall receive recommendations from any  
239 publicly supported organization that a company that is  
240 commercializing the research, technology, or patents from a  
241 qualifying publicly supported organization should be accepted  
242 into the institute.

243 (c) The institute shall thereafter review the business  
244 plans and technology information of each such recommended  
245 company. If accepted, the institute shall mentor the company,  
246 develop marketing information on the company, and use its  
247 resources to attract capital investment into the company, as  
248 well as bring other resources to the company which may foster  
249 its effective management, growth, capitalization, technology  
250 protection, or marketing or business success.

251 (9) The institute shall:

252 (a) Maintain a centralized location to showcase companies  
253 and their technologies and products;

254 (b) Develop an efficient process to inventory and  
255 publicize companies and products that have been accepted by the  
256 institute for commercialization;

257 (c) Routinely communicate with private investors and  
258 venture capital organizations regarding the investment  
259 opportunities in its showcased companies;

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

260 (d) Facilitate meetings between prospective investors and  
261 eligible organizations in the institute;

262 (e) Hire full-time staff who understand relevant  
263 technologies needed to market companies to the angel investors  
264 and venture capital investment community; and

265 (f) Develop cooperative relationships with publicly  
266 supported organizations all of which work together to provide  
267 resources or special knowledge that is likely to be helpful to  
268 institute companies.

269 (10) The institute shall not develop or accrue any  
270 ownership, royalty, patent, or other such rights over or  
271 interest in companies or products in the institute and shall  
272 maintain the secrecy of proprietary information.

273 (11) The institute shall not charge for services rendered  
274 to state universities and affiliated organizations, community  
275 colleges, or state agencies.

276 (12) By December 1 of each year, the institute shall issue  
277 an annual report concerning its activities to the Governor, the  
278 President of the Senate, and the Speaker of the House of  
279 Representatives. The report shall include the following:

280 (a) Information on any assistance and activities provided  
281 by the institute to assist publicly supported universities,  
282 colleges, research institutes, and other publicly supported  
283 organizations in the state.

284 (b) A description of the benefits to this state resulting  
285 from the institute, including the number of businesses created,  
286 associated industries started, the number of jobs created, and  
287 the growth of related projects.

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

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

290 preceding fiscal year for personnel, administration, and  
291 operational costs of the institute.

292 Section 2. Subsection (4) of section 1004.226, Florida  
293 Statutes, is amended, subsection (7) is renumbered as subsection  
294 (8) and amended, and a new subsection (7) is added to that  
295 section, to read:

296 1004.226 The 21st Century Technology, Research, and  
297 Scholarship Enhancement Act.--

298 (4) FLORIDA TECHNOLOGY, RESEARCH, AND SCHOLARSHIP  
299 BOARD.--The Florida Technology, Research, and Scholarship Board  
300 is created within the Board of Governors of the State University  
301 System to guide the establishment of Centers of Excellence, and  
302 the attraction of world class scholars, and the  
303 commercialization of products and services developed from the  
304 research and development conducted at state universities.

305 (a) The board shall consist of 11 members. Five members  
306 shall be appointed by the Governor, one of whom the Governor  
307 shall appoint as chair of the board, one of whom must be a  
308 member of the board of directors of Enterprise Florida, Inc.,  
309 and one of whom must be a member of the Board of Governors of  
310 the State University System. Three members shall be appointed by  
311 the President of the Senate, and three members shall be  
312 appointed by the Speaker of the House of Representatives.  
313 Appointed members must be representative of business leaders,  
314 industrial researchers, academic researchers, scientists, and  
315 leaders in the emerging and advanced technology sector.  
316 Appointed members may not serve for more than 4 years, and any  
317 vacancy that occurs during these appointees' terms shall be  
318 filled in the same manner as the original appointment. A  
319 majority of members constitutes a quorum.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

320 (b) Members of the board shall serve without compensation,  
321 but are entitled to receive reimbursement for per diem and  
322 travel expenses in accordance with s. 112.061 while in the  
323 performance of their duties.

324 (c) The Board of Governors shall provide staff support for  
325 the activities of the board and per diem and travel expenses for  
326 board members.

327 (d) The board is charged with recommending criteria to the  
328 Board of Governors for the 21st Century World Class Scholars  
329 Program and with providing guidance to the Board of Governors  
330 regarding the implementation and administration of the Centers  
331 of Excellence Program.

332 (e) The board shall recommend to the Board of Governors  
333 the qualifications, standards, and requirements for approval of  
334 investments in Centers of Excellence under this act. The board  
335 may form committees of its members and is encouraged to consult  
336 with Enterprise Florida, Inc., the Florida Research Consortium,  
337 Bio-Florida, IT Florida, the Florida Aviation Aerospace  
338 Alliance, and any other entity whose input may be helpful in  
339 determining the requirements and standards for the program.

340 (f) The board shall review and approve State University  
341 Research Commercialization Assistance Grants under subsection  
342 (7). The board is encouraged to consult with Enterprise Florida,  
343 Inc.; entities with prior experience in early stage business  
344 investment; and any other entity whose input may be helpful in  
345 evaluating grant proposals.

346 (g) Members of the board must agree to refrain from having  
347 any direct interest in any contract, franchise, privilege, or  
348 other benefit arising from a state university project receiving  
349 a State University Research Commercialization Assistance Grant

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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350 during the term of his or her appointment and for 2 years after  
351 the termination of such appointment. It is a misdemeanor of the  
352 first degree, punishable as provided in s. 775.082 or s.775.083,  
353 for a person to serve on the board in violation of this  
354 paragraph or to accept a direct interest in any contract,  
355 franchise, privilege, or other benefit granted by the grant  
356 recipients within 2 years after the termination of his or her  
357 service on the board.

358 (7) STATE UNIVERSITY RESEARCH COMMERCIALIZATION ASSISTANCE  
359 GRANT PROGRAM.--The State University Research Commercialization  
360 Assistance Grant Program is established to promote the  
361 commercialization of university research products for the  
362 purpose of enhancing the state's economy and the state's public  
363 universities. All Phase Two and Phase Three grants established  
364 by this program require \$1 in private investment for each \$1 in  
365 state funding provided. A state university may apply for early  
366 stage capital funding for the purpose of developing products and  
367 services resulting from university research. An application may  
368 include joint participation in the development of products and  
369 services by a cooperating university. Grant funds awarded under  
370 this subsection may be used by the university for a variety of  
371 premarketing activities, including, but not limited to, securing  
372 patents, establishing startup companies, developing license  
373 agreements, attracting private investment, and supporting other  
374 activities that are necessary to establish commercially viable  
375 ventures for the marketing and sale of products resulting from  
376 university research. Funds may not be used for research or  
377 development.

378 (a) State University Research Commercialization Assistance  
379 Grants may be provided under the following categories:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

380 1. Phase One grants, which may not exceed \$50,000 per  
381 project, shall be available to assist with early market  
382 research, independent evaluation, consultation, and other  
383 initial activities that may be required to develop an initial  
384 business model for a university research product that has the  
385 potential for commercialization.

386 2. Phase Two grants, which may not exceed \$100,000 per  
387 project, shall be available to assist with the development of a  
388 complete business plan for the commercialization of a university  
389 research product.

390 3. Phase Three grants, which may not exceed \$250,000 per  
391 project, shall be available for the implementation and execution  
392 of a completed business plan for a university research product.

393 (b) Based on the availability of funds, the board shall  
394 periodically solicit proposals from state universities for State  
395 University Research Commercialization Assistance Grants. The  
396 board shall establish guidelines prescribing the criteria and  
397 format for the submission of grant applications by state  
398 universities. Any state university, upon approval of its board  
399 of trustees, may submit a request to the board for a grant to  
400 facilitate the commercialization of a university research  
401 product or the commercialization of a patent held by a state  
402 agency under a cooperative agreement between the state agency  
403 and the university. A state university need not receive prior  
404 stage grants to be eligible for Phase Two or Phase Three grants.  
405 When evaluating the applications submitted for funding, the  
406 board shall consider the following criteria:

407 1. The potential return to the university which may be  
408 reasonably assumed based on the business case presented in  
409 support of the proposed project.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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410 2. The potential for the creation of high-wage jobs  
411 resulting from the success of the proposed project.

412 3. The potential of the proposed project to address  
413 pressing needs of the residents of the state.

414 4. The potential of the proposed project to enhance the  
415 economic competitiveness of the state and the university.

416 5. The technical, financial, organizational, and marketing  
417 feasibility of the project and its business plan.

418 6. The potential of the proposed project to create other  
419 related business enterprises.

420  
421 Each proposed project shall be evaluated on its individual  
422 merits.

423 (c) The board shall negotiate and execute contracts with  
424 state universities governing the terms of State University  
425 Research Commercial Assistance Grants. The board may not execute  
426 the contract unless the contract is approved by the affirmative  
427 vote of at least six of the 11 members of the board. Each  
428 contract, at a minimum, must contain provisions that:

429 1. Specify the procedures and schedules that govern the  
430 disbursement of funds under this section and specify the  
431 conditions or deliverables that the state university must  
432 satisfy before the release of each disbursement.

433 2. Require the state university to submit a business plan  
434 in a form and manner prescribed by the board.

435 3. Require the state university to submit data to the  
436 board concerning the activities and performance of projects  
437 funded pursuant to this section and to provide to the board an  
438 annual accounting of the expenditure of funds disbursed under  
439 this subsection.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

440        4. Require the state university to negotiate repayment to  
441 the General Revenue Fund of the amount of the grant awarded to a  
442 project when the project generates sufficient revenues to  
443 sustain a profitable operation.

444        5. Require the state university to expend 95 percent of  
445 grant proceeds for described uses in the approved grant  
446 application and not otherwise reduce grant proceeds with  
447 facilities charges or fees by the university.

448        (d) Upon verification by the Board of Governors that a  
449 state university has executed a contract with the board for a  
450 State University Research Commercialization Assistance Grant,  
451 the Board of Governors shall release grant funds to the  
452 university.

453        (8)-(7) ANNUAL REPORT.--The board, in cooperation with the  
454 Board of Governors of the State University System and the state  
455 universities or research centers receiving investments under  
456 this act, shall issue an annual report by December 31 each year  
457 of the activities conducted, including the accomplishments and  
458 overall economic benefits to the state, the number of 21st  
459 Century World Class Scholars attracted, the number of Centers of  
460 Excellence created or expanded, the success of collaborations  
461 with related industries, the number and amount of State  
462 University Research Commercialization Assistance Grants awarded  
463 and repaid, and the success of these programs. The annual report  
464 shall be presented to the Governor, the President of the Senate,  
465 and the Speaker of the House of Representatives. The annual  
466 report must include a copy of an independent audit of the board  
467 and a review of the progress of programs administered by the  
468 board.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

469       Section 3. Prior to the 2012 Regular Session of the  
470 Legislature, the Office of Program Policy Analysis and  
471 Government Accountability shall conduct an interim review and  
472 evaluation of the effectiveness and viability of the Florida  
473 Capital Formation Act. The office shall specifically evaluate  
474 the total capital investment in the state, private sector  
475 investment, rate of return, creation of new business and jobs,  
476 debt incurred, and industries impacted. The office shall also  
477 recommend outcome measures for further evaluation of the  
478 program. The office shall submit a report of its findings and  
479 recommendations to the Governor, the President of the Senate,  
480 and the Speaker of the House of Representatives no later than  
481 January 1, 2012.

482       Section 4. The nonrecurring sum of \$31 million is  
483 appropriated from the General Revenue Fund to Enterprise  
484 Florida, Inc., for the 2007-2008 fiscal year. Of these funds,  
485 \$500,000 shall be for the purpose of initiating activities  
486 necessary to implement the responsibilities of the Florida  
487 Opportunity Fund under this act, and \$29.5 million is provided  
488 for the purpose of making investments under s. 288.9624, Florida  
489 Statutes. In addition, \$100,000 of these funds are provided to  
490 Enterprise Florida, Inc., for the purpose of startup costs  
491 associated with the Institute for the Commercialization of  
492 Public Research under s. 1004.226, Florida Statutes, and  
493 \$900,000 shall be provided to the institute for its operational  
494 expenses.

495       Section 5. The nonrecurring sum of \$4 million is  
496 appropriated to the Board of Governors of the State University  
497 System from the General Revenue Fund solely for the State  
498 University Research Commercialization Assistance Grant Program

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

499 created by this act. Funds must be disbursed by the Board of  
500 Governors pursuant to grant agreements and contracts by the  
501 Florida Technology, Research, and Scholarship Board.

502 Section 6. This act shall take effect July 1, 2007.

503

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

505 Remove the entire title and insert:

506

507 A bill to be entitled

508 An act relating to venture capital investments; creating s.

509 288.9621, F.S.; providing a short title; creating s.

510 288.9622, F.S.; providing legislative findings and intent;

511 creating s. 288.9623, F.S.; providing definitions; creating

512 s. 288.9624, F.S.; requiring Enterprise Florida, Inc., to

513 facilitate creation of the Florida Opportunity Fund;

514 specifying criteria of the fund; providing for appointment

515 of an appointment committee; providing for selection of a

516 board of directors of the fund by Enterprise Florida, Inc.;

517 specifying criteria; providing for terms and requirements

518 of the directors; providing purposes of the fund; providing

519 duties and responsibilities of the fund; authorizing the

520 fund to negotiate all contract terms; providing for

521 reimbursement for travel and other direct expenses;

522 providing for powers of the fund; providing investment

523 requirements for the fund; requiring the board of directors

524 to issue an annual report on the activities of the fund;

525 providing report requirements; creating s. 288.9625, F.S.;

526 creating the Institute for the Commercialization of Public

527 Research; providing that the institute is a not-for-profit

528 corporation; providing that the purpose of the institute is

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

529 to commercialize the products of public research; providing  
530 for membership of the board of directors; requiring the  
531 institute to provide data to certain entities; providing  
532 responsibilities of the institute; prohibiting the  
533 institute from having any interest in any product supported  
534 by the institute; prohibiting the institute from charging  
535 fees for services rendered to certain entities; requiring  
536 an annual report to the Governor and Legislature; providing  
537 report requirements; amending s. 1004.226, F.S.; providing  
538 that the 21st Century Technology, Research, and Scholarship  
539 Enhancement Act includes the commercialization of products  
540 and services developed from the research and development  
541 conducted at state universities; establishing the State  
542 University Research Commercialization Assistance Grants  
543 Program; requiring the Florida Technology, Research, and  
544 Scholarship Board to review and approve State University  
545 Research Commercialization Assistance Grants; requiring  
546 board members to refrain from having any direct interest or  
547 derive any benefit from a project receiving a grant under  
548 the program; providing guidelines for a state university to  
549 receive funding; providing for use of funds; requiring  
550 private match; requiring the board to periodically solicit  
551 proposals from state universities; providing criteria for  
552 application evaluation; providing for contracts with state  
553 universities; specifying content; requiring that the  
554 board's annual report to the Governor and Legislature  
555 include information on grants awarded and repaid; requiring  
556 the Office of Program Policy Analysis and Government  
557 Accountability to conduct an interim review and evaluation

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

558  
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of the Florida Capital Formation Act; providing  
appropriations; providing an effective date.

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# COUNCIL MEETING REPORT

## Policy & Budget Council

4/23/2007 9:15:00AM

Location: 212 Knott Building

CS/HB 117 : Cosmetology

Favorable with Council Substitute

|                             | Yea | Nay                  | No Vote | Absentee<br>Yea | Absentee<br>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   |                      |         |                 |                 |
| <b>Total Yeas: 27</b>       |     | <b>Total Nays: 0</b> |         |                 |                 |

**Appearances:**

Sharon Crow (Lobbyist) - Proponent  
 Daytona Beach Community College  
 1200 W. Isb Boulevard  
 Daytona Beach Florida 32114  
 Phone: 386-295-6258

Committee meeting was reported out: Monday, April 23, 2007 5:12:08PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 0117

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) Carroll offered the following:

3

4 **Amendment**

5 Remove line(s) 181-184 and insert:

6 (11) "Cosmetology intern" means a student enrolled in an  
7 1800-hour cosmetology program participating in an optional work  
8 experience internship under the direct supervision of a licensed  
9 cosmetologist in a licensed salon.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 0117

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) Carroll offered the following:

3

4 **Amendment**

5 Remove line(s) 478 and insert:

6 months. Internships shall not substitute or take the place of  
7 educational or licensure requirements.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. CS HB 117

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) Reagan offered the following:

3

4 **Amendment (with title amendments)**

5 Remove line(s) 801-807 and insert:

6 Section 16. Upon becoming law, for fiscal year 2007-2008,  
7 the sum of \$60,149 in nonrecurring funds from the Administrative  
8 Trust Fund of the Department of Business and Professional  
9 Regulation is hereby appropriated to carry out the central-  
10 service administrative support functions related to the  
11 licensing provisions of this act.

12 Section 17. Except as otherwise provided herein, this act  
13 shall take effect July 1, 2008.

14

15

16

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

18 Remove line(s) 59 and insert:

19 providing an appropriation; providing effective dates.

20

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 117

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

Withdrawn

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

**Amendment**

Remove line(s) 802 - 806 and insert:

6 in nonrecurring funds from the Administrative Trust Fund is  
 7 hereby appropriated to the Department of Business and  
 8 Professional Regulation for the purpose of central-service  
 9 administrative support functions related to the licensing  
 10 provisions of this act.

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# COUNCIL MEETING REPORT

## Policy & Budget Council

4/23/2007 9:15:00AM

Location: 212 Knott Building

CS/HB 131 : Pub. Rec. & Meetings/Florida Opportunity Fund

Favorable with Council Substitute

|                             | Yea | Nay                  | No Vote | Absentee<br>Yea | Absentee<br>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   |                      |         |                 |                 |
| <b>Total Yeas: 19</b>       |     | <b>Total Nays: 0</b> |         |                 |                 |

Committee meeting was reported out: Monday, April 23, 2007 5:12:08PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 0131

COUNCIL/COMMITTEE ACTION

ADOPTED  (Y/N)

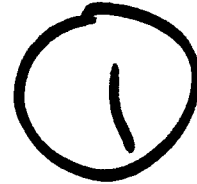
ADOPTED AS AMENDED  (Y/N)

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 Grant offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

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

288.9626 Exemptions from public records and public meetings requirements; Florida Opportunity Fund and the Institute for the Commercialization of Public Research.--

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

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

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

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

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

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

25 (d) "Institute for the Commercialization of Public  
26 Research" or "institute" means the institute established by s.  
27 288.9625.

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

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

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

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

49 b. Information provided to the Florida Opportunity Fund or  
50 the Institute for the Commercialization of Public Research

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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51 regarding a prospective investment in a private equity fund,  
52 venture capital fund, angel fund, or portfolio company that is  
53 proprietary to the provider of the information.

54 c. Financial statements and auditor reports of an  
55 alternative investment vehicle or portfolio company, unless  
56 publicly released by the alternative investment vehicle or  
57 portfolio company.

58 d. Meeting materials of an alternative investment vehicle  
59 or portfolio company relating to financial, operating, or  
60 marketing information of the alternative investment vehicle or  
61 portfolio company.

62 e. Information regarding the portfolio positions in which  
63 the alternative investment vehicles or Florida Opportunity Fund  
64 invest.

65 f. Capital call and distribution notices to investors or  
66 the Florida Opportunity Fund of an alternative investment  
67 vehicle.

68 g. Alternative investment agreements and related records.

69 h. Information concerning investors, other than the  
70 Florida Opportunity Fund, in an alternative investment vehicle  
71 or portfolio company.

72 2. "Proprietary confidential business information" does  
73 not include:

74 a. The name, address, and vintage year of an alternative  
75 investment vehicle or Florida Opportunity Fund and the identity  
76 of the principals involved in the management of the alternative  
77 investment vehicle or Florida Opportunity Fund.

78 b. The dollar amount of the commitment made by the Florida  
79 Opportunity Fund to each alternative investment vehicle since  
80 inception, if any.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

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

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

92 f. The net internal rate of return of each alternative  
93 investment vehicle since inception.

94 g. The investment multiple of each alternative investment  
95 vehicle since inception.

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

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

102 (h) "Proprietor" means an alternative investment vehicle,  
103 a portfolio company in which the alternative investment vehicle  
104 or Florida Opportunity Fund is invested, or an outside  
105 consultant, including the respective authorized officers,  
106 employees, agents, or successors in interest, that controls or  
107 owns information.

108 (2) PUBLIC RECORDS EXEMPTION.--

109 (a) The following records held by the Florida Opportunity  
110 Fund or the Institute for the Commercialization of Public

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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111 Research are confidential and exempt from s. 119.07(1) and s.  
112 24(a), Art. I of the State Constitution:

113 1. Materials that relate to methods of manufacture or  
114 production, potential trade secrets, or patentable material  
115 received, generated, ascertained, or discovered during the  
116 course of research or through research projects conducted by  
117 universities and other publicly supported organizations in this  
118 state.

119 2. Information that would identify an investor or  
120 potential investor who desires to remain anonymous in projects  
121 reviewed by the fund or institute.

122 3. Any information received from a person from another  
123 state or nation or the Federal Government which is otherwise  
124 confidential or exempt pursuant to the laws of that state or  
125 nation or pursuant to federal law.

126 4. Proprietary confidential business information regarding  
127 alternative investments for 10 years after the termination of  
128 the alternative investment.

129 (b) At the time any record made confidential and exempt by  
130 this subsection, or portion thereof, is legally available or  
131 subject to public disclosure for any other reason, that record,  
132 or portion thereof, shall no longer be confidential and exempt  
133 and shall be made available for inspection and copying.

134 (3) PUBLIC MEETINGS EXEMPTION.--

135 (a) That portion of a meeting of the board of directors of  
136 the Florida Opportunity Fund or the board of directors of the  
137 Institute for the Commercialization of Public Research at which  
138 information is discussed which is confidential and exempt under  
139 subsection (2) is exempt from s. 286.011 and s. 24(b), Art. I of  
140 the State Constitution.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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141 (b) Any exempt portion of a meeting shall be recorded and  
142 transcribed. The boards of directors shall record the times of  
143 commencement and termination of the meeting, all discussion and  
144 proceedings, the names of all persons present at any time, and  
145 the names of all persons speaking. An exempt portion of any  
146 meeting may not be off the record.

147 (c) A transcript and minutes of exempt portions of  
148 meetings are confidential and exempt from s. 119.07(1) and s.  
149 24(a), Art. I of the State Constitution.

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

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

154 (b) Notwithstanding the provisions of paragraph (2)(a), a  
155 request to inspect or copy a public record that contains  
156 proprietary confidential business information shall be granted  
157 if the proprietor of the information fails, within a reasonable  
158 period of time after the request is received by the Florida  
159 Opportunity Fund or the Institute for the Commercialization of  
160 Public Research, to verify the following to the fund through a  
161 written declaration in the manner provided by s. 92.525:

162 1. That the requested record contains proprietary  
163 confidential business information and the specific location of  
164 such information within the record;

165 2. If the proprietary confidential business information is  
166 a trade secret, a verification that it is a trade secret as  
167 defined in s. 688.002;

168 3. That the proprietary confidential business information  
169 is intended to be and is treated by the proprietor as private,  
170 is the subject of efforts of the proprietor to maintain its

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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171 privacy, and is not readily ascertainable or publicly available  
172 from any other source; and

173 4. That the disclosure of the proprietary confidential  
174 business information to the public would harm the business  
175 operations of the proprietor.

176 (c)1. Any person may petition a court of competent  
177 jurisdiction for an order for the public release of those  
178 portions of any record made confidential and exempt by  
179 subsection (2).

180 2. Any action under this subsection must be brought in  
181 Orange County and the petition or other initial pleading shall  
182 be served on the fund or the institute, whichever is applicable,  
183 and, if determinable upon diligent inquiry, on the proprietor of  
184 the information sought to be released.

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

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

189 b. A compelling public interest is served by the release  
190 of the record or portions thereof which exceed the public  
191 necessity for maintaining the confidentiality of such record;  
192 and

193 c. The release of the record will not cause damage to or  
194 adversely affect the interests of the proprietor of the released  
195 information, other private persons or business entities, the  
196 fund, or any trust fund the assets of which are invested by the  
197 Florida Opportunity Fund.

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

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

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

206       Section 2. The Legislature finds that it is a public  
207 necessity that certain information held by the Florida  
208 Opportunity Fund or the Institute for the Commercialization of  
209 Public Research be made confidential and exempt from s.  
210 119.07(1), Florida Statutes, and s. 24(a), Art. I of the State  
211 Constitution. Materials that relate to methods of manufacture or  
212 production, potential trade secrets, or patentable materials  
213 received, generated, ascertained, or discovered during the  
214 course of research or through research projects by universities,  
215 colleges, community colleges, and publicly supported  
216 organizations in this state must be confidential and exempt  
217 because the disclosure of such information would create an  
218 unfair competitive advantage for persons receiving such  
219 information. Disclosure of proprietary confidential business  
220 information to the public would harm the business operations of  
221 the proprietor. The Legislature further finds that information  
222 received by the fund or the institute from a person from another  
223 state or nation or the Federal Government which is otherwise  
224 exempt or confidential pursuant to the laws of that state or  
225 nation or pursuant to federal law should remain exempt or  
226 confidential because the highly confidential nature of research  
227 necessitates that it be protected. Without the exemptions  
228 provided by this act, the disclosure of confidential and exempt  
229 information would jeopardize the effective and efficient  
230 administration of this program. In addition, the Legislature

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

231 further finds that the identity of an investor or prospective  
232 investor who wishes to remain anonymous should be confidential  
233 and exempt from public disclosure. This exemption is necessary  
234 because the disclosure of investor identities may adversely  
235 impact the ability of the fund or the institute to attract  
236 investors who desire anonymity. The Legislature also finds that  
237 it is a public necessity that proprietary confidential business  
238 information held by the fund or the institute regarding  
239 alternative investments be held confidential and exempt for 10  
240 years after the termination of the alternative investment.  
241 Disclosing proprietary confidential business information used in  
242 determining how private equity investments are made or managed  
243 by private partnerships investing assets on behalf of the fund  
244 would negatively affect the business interests of private  
245 partnerships that rely heavily on their information advantage to  
246 generate investment returns, and competitor partnerships could  
247 gain an unfair competitive advantage if provided access to such  
248 information. The release of proprietary confidential business  
249 information revealing how alternative investments are made could  
250 result in inadequate returns and ultimately frustrate attainment  
251 of the investment objective of the fund. It is the Legislature's  
252 intent to allow the public access to sufficient information in  
253 order to be informed regarding the alternative investments of  
254 the fund and to balance the public's right to information  
255 against the right of business entities to be protected from  
256 harmful disclosure of proprietary confidential business  
257 information the disclosure of which would injure them in the  
258 marketplace. The Legislature further finds that it is a public  
259 necessity that portions of meetings of the board of directors of  
260 the fund or of the board of directors of the institute at which

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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261 records made confidential and exempt by this act are discussed  
262 be made exempt from public meetings requirements in order to  
263 maintain the confidential and exempt status of this information.  
264 Public oversight is preserved by requiring a transcript of any  
265 portion of a closed meeting of these boards.

266 Section 3. Subsection (8) of section 1004.226, Florida  
267 Statutes, as created by HB 83, 2007 Regular Session, is  
268 renumbered as subsection (9) and a new subsection (8) is added  
269 to that section, to read:

270 1004.226 The 21st Century Technology, Research, and  
271 Scholarship Enhancement Act.--

272 (8) EXEMPTIONS FROM PUBLIC RECORDS AND PUBLIC MEETINGS  
273 REQUIREMENTS; STATE UNIVERSITY RESEARCH COMMERCIALIZATION  
274 ASSISTANCE GRANT PROGRAM.--

275 (a) The following information held by the Florida  
276 Technology, Research, and Scholarship Board is confidential and  
277 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
278 Constitution:

279 1. Materials that relate to methods of manufacture or  
280 production, potential trade secrets, patentable material, trade  
281 secrets as defined in s. 688.002, or proprietary information  
282 received, generated, ascertained, or discovered by or through  
283 state university research projects submitted for funding under  
284 the State University Research Commercialization Assistance Grant  
285 Program.

286 2. Information that would identify an investor or  
287 potential investor, who desires to remain anonymous, in projects  
288 reviewed by the Florida Technology, Research, and Scholarship  
289 Board.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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290 3. Any information received from a person or another state  
291 or nation or the Federal Government which is otherwise  
292 confidential or exempt under the laws of that state or nation or  
293 under federal law.

294 (b)1. That portion of a meeting of the Florida Technology,  
295 Research, and Scholarship Board at which information is  
296 discussed that is confidential and exempt under subsection (1)  
297 is exempt from s. 286.011 and s. 24(b), Art. I of the State  
298 Constitution.

299 2. Any records generated during that portion of an exempt  
300 meeting are confidential and exempt from s. 119.07(1) and s.  
301 24(a), Art. I of the State Constitution.

302 (c)1. Information made confidential and exempt pursuant to  
303 this section may be released to a governmental entity in the  
304 furtherance of its duties and responsibilities.

305 2. Any public officer or employee who willfully and  
306 knowingly releases such confidential and exempt information, in  
307 violation of this subsection, commits a misdemeanor of the first  
308 degree, punishable as provided in s. 775.082 or s. 775.083.

309 (d) This section is subject to the Open Government Sunset  
310 Review Act in accordance with s. 119.15 and shall stand repealed  
311 on October 2, 2012, unless reviewed and saved from repeal  
312 through reenactment by the Legislature.

313 Section 4. The Legislature finds that it is a public  
314 necessity that certain records held by the Florida Technology,  
315 Research, and Scholarship Board be made confidential and exempt  
316 from s. 119.07(1), Florida Statutes, and s. 24(a), Art. I of the  
317 State Constitution. Materials that relate to methods of  
318 manufacture or production, actual or potential trade secrets,  
319 patentable materials, or proprietary information received,

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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320 generated, ascertained, or discovered by or through state  
321 university research projects submitted for funding under the  
322 State University Research Commercialization Assistance Grant  
323 Program must be confidential and exempt because the disclosure  
324 of such information would create an unfair competitive advantage  
325 for persons receiving such information. Disclosing proprietary  
326 confidential business information derived from university  
327 research projects, including trade secrets as defined in s.  
328 688.002, Florida Statutes, would negatively affect the ability  
329 of state universities that rely heavily on the information  
330 gained from publicly funded research products to generate  
331 investment returns and competitor partnerships could gain an  
332 unfair competitive advantage if provided access to such  
333 information. The release of university-based proprietary  
334 confidential business information could result in inadequate  
335 returns and ultimately frustrate attainment of the investment  
336 objective of the State University Research Commercialization  
337 Assistance Grant Program. If such confidential and exempt  
338 information regarding research in progress were released  
339 pursuant to a public records request, others would be allowed to  
340 take the benefit of the research without compensation or  
341 reimbursement. The Legislature further finds that information  
342 received by the Florida Technology, Research, and Scholarship  
343 Board from a person from another state or nation or the Federal  
344 Government which is otherwise exempt or confidential pursuant to  
345 the laws of that state or nation or pursuant to federal law  
346 should remain exempt or confidential because the highly  
347 confidential nature of research necessitates that it be  
348 protected. Without the exemptions provided by this act, the  
349 disclosure of confidential and exempt information would

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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350 jeopardize the effective and efficient administration of this  
351 program. In addition, the Legislature further finds that the  
352 identity of an investor or prospective investor who wishes to  
353 remain anonymous should be confidential and exempt from public  
354 disclosure. This exemption is necessary because the disclosure  
355 of investor identities may adversely impact the ability of state  
356 universities to attract investors who desire anonymity. The  
357 Legislature further finds that it is a public necessity that  
358 portions of meetings of the Florida Technology, Research, and  
359 Scholarship Board at which information made confidential and  
360 exempt by this act is discussed be made exempt from public  
361 meetings requirements in order to allow the Florida Technology,  
362 Research, and Scholarship Board to maintain the confidential and  
363 exempt status of this information.

364 Section 5. This act shall take effect July 1, 2007, if  
365 House Bill 83 or similar legislation is adopted in the same  
366 legislative session or an extension thereof and becomes law.

367  
368  
369 ===== T I T L E A M E N D M E N T =====

370 Remove the entire title and insert:

371 A bill to be entitled

372 An act relating to public records and meetings; creating  
373 s. 288.9626, F.S.; providing definitions; providing an  
374 exemption from public records requirements for certain  
375 information held by the Florida Opportunity Fund and for  
376 certain information held by the Institute for the  
377 Commercialization of Public Research; providing exceptions  
378 to the exemption; creating an exemption from public  
379 meetings requirements for portions of meetings of the

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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380 boards of directors of the Florida Opportunity Fund and  
381 the Institute for the Commercialization of Public Research  
382 at which confidential and exempt records are discussed;  
383 providing penalties; providing for future legislative  
384 review and repeal; providing a statement of public  
385 necessity; amending s. 1004.226, F.S.; creating an  
386 exemption from public records requirements for certain  
387 information held by the Florida Technology, Research, and  
388 Scholarship Board; creating an exemption from public  
389 meetings requirements for portions of meetings of the  
390 board of directors of the Florida Technology, Research,  
391 and Scholarship Board at which confidential and exempt  
392 records are discussed; providing exceptions to the  
393 exemption; providing penalties; providing for future  
394 legislative review and repeal; providing a statement of  
395 public necessity; providing a contingent effective date.

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# COUNCIL MEETING REPORT

## Policy & Budget Council

4/23/2007 9:15:00AM

Location: 212 Knott Building

CS/HB 283 : Florida 211 Network

| <input checked="" type="checkbox"/> Favorable | Yea | Nay                  | No Vote | Absentee<br>Yea | Absentee<br>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   |                      |         |                 |                 |
| <b>Total Yeas: 27</b>                         |     | <b>Total Nays: 0</b> |         |                 |                 |

Committee meeting was reported out: Monday, April 23, 2007 5:12:08PM

# COUNCIL MEETING REPORT

## Policy & Budget Council

4/23/2007 9:15:00AM

Location: 212 Knott Building

**CS/HB 343 : Public Postsecondary Need-Based Student Financial Assistance**

| <input checked="" type="checkbox"/> Favorable |                             | Yea                  | Nay | No Vote | Absentee<br>Yea | Absentee<br>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                    |     |         |                 |                 |
| <b>Total Yeas: 28</b>                         |                             | <b>Total Nays: 0</b> |     |         |                 |                 |

**Appearances:**

Sharon Crow (Lobbyist) - Proponent  
 Daytona Beach Community College  
 1200 W. Isb Boulevard  
 Daytona Beach Florida 32114  
 Phone: 386-295-6258

Committee meeting was reported out: Monday, April 23, 2007 5:12:08PM

# COUNCIL MEETING REPORT

## Policy & Budget Council

4/23/2007 9:15:00AM

Location: 212 Knott Building

CS/HB 355 : Florida Teachers Lead Program Stipend

|   | Yea | Nay                  | No Vote | Absentee<br>Yea | Absentee<br>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   |                      |         |                 |                 |
| <b>Total Yeas: 27</b>                         |     | <b>Total Nays: 0</b> |         |                 |                 |

**Appearances:**

Andreina Figueroa (Lobbyist) - Proponent  
 Florida Consortium of Public Charter Schools  
 1441 Brickell Avenue, 15th Floor  
 Miami Florida 33131  
 Phone: 786-586-7001

Committee meeting was reported out: Monday, April 23, 2007 5:12:08PM

# COUNCIL MEETING REPORT

## Policy & Budget Council

4/23/2007 9:15:00AM

Location: 212 Knott Building

HB 413 : Theft of Property

| <input checked="" type="checkbox"/> Favorable |                             | Yea                  | Nay | No Vote | Absentee<br>Yea | Absentee<br>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                    |     |         |                 |                 |
| <b>Total Yeas: 26</b>                         |                             | <b>Total Nays: 1</b> |     |         |                 |                 |

Committee meeting was reported out: Monday, April 23, 2007 5:12:08PM

# COUNCIL MEETING REPORT

## Policy & Budget Council

4/23/2007 9:15:00AM

Location: 212 Knott Building

CS/HB 665 : Sexual Offenders and Predators

Favorable with Council Substitute

|                             | Yea | Nay                  | No Vote | Absentee<br>Yea | Absentee<br>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   |                      |         |                 |                 |
| <b>Total Yeas: 28</b>       |     |                      |         |                 |                 |
|                             |     | <b>Total Nays: 0</b> |         |                 |                 |

Committee meeting was reported out: Monday, April 23, 2007 5:12:08PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

Bill No. CS/HB 665

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) Dean offered the following:

3  
4 **Amendment (with directory and title amendments)**

5 Remove line(s) 732-789 and insert:

6 Section 3. Section 943.04354, Florida Statutes, is created  
7 to read:

8 943.04354 Removal of the requirement to register as a  
9 sexual offender or sexual predator in special circumstances.--

10 (1) For purposes of this section, a person shall be  
11 considered for removal of the requirement to register as a  
12 sexual offender or sexual predator only if the person:

13 (a) Was or will be convicted or adjudicated delinquent of  
14 a violation of s. 794.011 or s. 800.04, or the person committed  
15 a violation of s. 794.011 or s. 800.04 for which adjudication of  
16 guilt was or will be withheld, and the person does not have any  
17 other conviction, adjudication of delinquency, or withhold of  
18 adjudication of guilt for a violation of s. 794.011 or s.  
19 800.04;

20 (b) Is required to register as a sexual offender or sexual  
21 predator solely on the basis of this violation; and

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

22 (c) Is not more than 4 years older than the victim of this  
23 violation who was 14 years of age or older but not more than 17  
24 years of age at the time the person committed this violation.

25 (2) If a person meets the criteria in subsection (1) and  
26 the violation of s. 794.011 or s. 800.04 was committed on or  
27 after July 1, 2007, the person may move the court that will  
28 sentence or dispose of this violation to remove the requirement  
29 that the person register as a sexual offender or sexual  
30 predator. The person must allege in the motion that he or she  
31 meets the criteria in subsection (1) and that removal of the  
32 registration requirement will not conflict with federal law. The  
33 state attorney must be given notice of the motion at least 21  
34 days before the date of sentencing or disposition of this  
35 violation, and may present evidence in opposition to the  
36 requested relief or may otherwise demonstrate why the motion  
37 should be denied. At sentencing or disposition of this  
38 violation, the court shall rule on this motion and, if the court  
39 determines the person meets the criteria in subsection (1) and  
40 the removal of the registration requirement will not conflict  
41 with federal law, it may grant the motion and order the removal  
42 of the registration requirement. If the court denies the motion,  
43 the person is not authorized under this section to petition for  
44 removal of the registration requirement.

45 (3)(a) This subsection applies to a person who:

46 1. Is not a person described in subsection (2) because the  
47 violation of s. 794.011 or s. 800.04 was not committed on or  
48 after July 1, 2007;

49 2. Is subject to registration as a sexual offender or  
50 sexual predator for a violation of s. 794.011 or s. 800.04; and

51 3. Meets the criteria in subsection (1).

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

52        (b) A person may petition the court in which the sentence  
53 or disposition for the violation of s. 794.011 or s. 800.04  
54 occurred for removal of the requirement to register as a sexual  
55 offender or sexual predator. The person must allege in the  
56 petition that he or she meets the criteria in subsection (1) and  
57 removal of the registration requirement will not conflict with  
58 federal law. The state attorney must be given notice of the  
59 petition at least 21 days before the hearing on the petition  
60 and, may present evidence in opposition to the requested relief  
61 or may otherwise demonstrate why the petition should be denied.  
62 The court shall rule on the petition and, if the court  
63 determines the person meets the criteria in subsection (1) and  
64 removal of the registration requirement will not conflict with  
65 federal law, it may grant the petition and order the removal of  
66 the registration requirement. If the court denies the petition,  
67 the person is not authorized under this section to file any  
68 further petition for removal of the registration requirement.

69        (4) If a person provides to the Department of Law  
70 Enforcement a certified copy of the court's order removing the  
71 requirement that the person register as a sexual offender or  
72 sexual predator for the violation of s. 794.011 or s. 800.04,  
73 the registration requirement will not apply to the person and  
74 the department shall remove all information about the person  
75 from the public registry of sexual offenders and sexual  
76 predators maintained by the department. However, the removal of  
77 this information from the public registry does not mean that the  
78 public is denied access to information about the person's  
79 criminal history or record that is otherwise available as a  
80 public record.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

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

Remove line(s) 25-27 and insert:

for specified offenders; creating s. 943.04354, F.S.; allowing  
certain sexual predators and sexual offenders to petition for  
the removal of the registration requirement; providing that a  
court may grant the petition if certain criteria are met and  
removal of the registration requirement will not conflict with  
federal law;

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 0665

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 Seiler offered the following:

3  
4 **Amendment (with title amendment)**

5 Between lines 1032 and 1033 insert:

6 Section 8. Subsection (9) of section 947.005, Florida  
7 Statutes, is amended to read:

8 947.005 Definitions.--As used in this chapter, unless the  
9 context clearly indicates otherwise:

10 (9) "Qualified practitioner" means a psychiatrist licensed  
11 under chapter 458 or chapter 459, a psychologist licensed under  
12 chapter 490, or a social worker, a mental health counselor, or a  
13 marriage and family therapist licensed under chapter 491 who  
14 practices in accordance with his or her respective practice act  
15 ~~, as determined by rule of the respective boards, has the~~  
16 ~~coursework, training, qualifications, and experience to evaluate~~  
17 ~~and treat sex offenders.~~

18 Section 9. Subsection (6) of section 948.001, Florida  
19 Statutes, is amended to read:

20 948.001 Definitions.--As used in this chapter, the term:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

21 (6) "Qualified practitioner" means a psychiatrist licensed  
22 under chapter 458 or chapter 459, a psychologist licensed under  
23 chapter 490, or a social worker, a mental health counselor, or a  
24 marriage and family therapist licensed under chapter 491 who  
25 practices in accordance with his or her respective practice act  
26 ~~, as determined by rule of the respective boards, has the~~  
27 ~~coursework, training, qualifications, and experience to evaluate~~  
28 ~~and treat sex offenders.~~

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

31 Remove line 44 and insert:  
32 reregistration for specified offenders; amending ss.  
33 947.005 and 948.001, F.S.; revising the definition of  
34 the term "qualified practitioner" for purposes of  
35 certain sex offender treatment programs; amending s.

# COUNCIL MEETING REPORT

## Policy & Budget Council

4/23/2007 9:15:00AM

Location: 212 Knott Building

CS/HB 919 : Emergency Communications Systems

Favorable with Council Substitute

|                             | Yea | Nay                  | No Vote | Absentee<br>Yea | Absentee<br>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   |                      |         |                 |                 |
| <b>Total Yeas: 24</b>       |     | <b>Total Nays: 0</b> |         |                 |                 |

**Appearances:**

Terry Wester (Lobbyist) (State Employee) - Proponent  
 Dept. of Management Services  
 4030 Esplanade Way  
 Tallahassee Florida 32399  
 Phone: 850-414-6721

Committee meeting was reported out: Monday, April 23, 2007 5:12:08PM

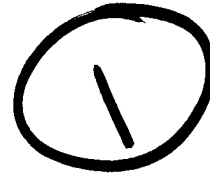
HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. CS/HB 919

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) Brown offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Section 365.171, Florida Statutes, is amended to read:

365.171 Emergency communications ~~telephone~~ number E911 state plan. "911."--

(1) SHORT TITLE.--This section may be ~~shall be known and~~ cited as the "Florida Emergency Communications Number E911 State Plan Telephone Act."

(2) LEGISLATIVE INTENT.--It is the intent of the Legislature that the communications number "911" be the designated emergency communications number. A public safety agency may not advertise or otherwise promote the use of any communications number for emergency response services other than "911." It is further the intent of the Legislature to establish and implement and continually update a cohesive statewide emergency communications ~~telephone~~ number "E911" ~~"911"~~ plan for enhanced 911 services which will provide citizens with rapid

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

23 direct access to public safety agencies by accessing ~~dialing the~~  
24 ~~telephone number~~ "911" with the objective of reducing the  
25 response time to situations requiring law enforcement, fire,  
26 medical, rescue, and other emergency services.

27 (3) DEFINITIONS.--As used in this section, the term:

28 (a) "Office" means the Technology Program within the  
29 Department of Management Services, as designated by the  
30 secretary of the department ~~State Technology Office.~~

31 (b) "Local government" means any city, county, or  
32 political subdivision of the state and its agencies.

33 (c) "Public agency" means the state and any city, county,  
34 city and county, municipal corporation, chartered organization,  
35 public district, or public authority located in whole or in part  
36 within this state which provides, or has authority to provide,  
37 firefighting, law enforcement, ambulance, medical, or other  
38 emergency services.

39 (d) "Public safety agency" means a functional division of  
40 a public agency which provides firefighting, law enforcement,  
41 medical, or other emergency services.

42 (4) STATE PLAN.--The office shall develop, maintain, and  
43 implement appropriate modifications for a statewide emergency  
44 communications E911 ~~telephone number "911"~~ system plan. The  
45 plan shall provide for:

46 (a) The ~~establishment of the~~ public agency emergency  
47 ~~telephone~~ communications requirements for each entity of local  
48 government in the state.

49 (b) A system to meet specific local government  
50 requirements. Such system shall include law enforcement,  
51 firefighting, and emergency medical services and may include  
52 other emergency services such as poison control, suicide  
53 prevention, and emergency management services.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

54 (c) Identification of the mutual aid agreements necessary  
55 to obtain an effective E911 "911" system.

56 (d) A funding provision that identifies ~~which shall~~  
57 ~~identify~~ the cost necessary to implement the E911 "911" system.

58 ~~(e) A firm implementation schedule which shall include the~~  
59 ~~installation of the "911" system in a local community within 24~~  
60 ~~months after the designated agency of the local government gives~~  
61 ~~a firm order to the telephone utility for a "911" system.~~

62  
63 The office shall be responsible for the implementation and  
64 coordination of such plan. The office shall adopt any necessary  
65 rules and schedules related to public agencies for implementing  
66 and coordinating the ~~such~~ plan, pursuant to chapter 120. The  
67 ~~public agency designated in the plan shall order such system~~  
68 ~~within 6 months after publication date of the plan if the public~~  
69 ~~agency is in receipt of funds appropriated by the Legislature~~  
70 ~~for the implementation and maintenance of the "911" system. Any~~  
71 ~~jurisdiction which has utilized local funding as of July 1,~~  
72 ~~1976, to begin the implementation of the state plan as set forth~~  
73 ~~in this section shall be eligible for at least a partial~~  
74 ~~reimbursement of its direct cost when, and if, state funds are~~  
75 ~~available for such reimbursement.~~

76 (5) SYSTEM DIRECTOR.--The secretary of the department  
77 ~~director of the office~~ or his or her designee is designated as  
78 the director of the statewide emergency communications ~~telephone~~  
79 number E911 "911" system and, for the purpose of carrying out  
80 the provisions of this section, is authorized to coordinate the  
81 activities of the system with state, county, local, and private  
82 agencies. ~~The director is authorized to employ not less than~~  
83 ~~five persons, three of whom will be at the professional level,~~  
84 ~~one at the secretarial level, and one to fill a fiscal position,~~



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

85 ~~for the purpose of carrying out the provisions of this section.~~

86 The director in implementing the system shall consult,  
87 cooperate, and coordinate with local law enforcement agencies.

88 (6) REGIONAL SYSTEMS.--~~Nothing in~~ This section does not  
89 ~~shall be construed to~~ prohibit or discourage the formation of  
90 multijurisdictional or regional systems; and any system  
91 established pursuant to this section may include the  
92 jurisdiction, or any portion thereof, of more than one public  
93 agency. It is the intent of the Legislature that E911 service be  
94 available throughout the state. Expenditure by counties of the  
95 E911 fee authorized and imposed under s. 365.172 should support  
96 this intent to the greatest extent feasible within the context  
97 of local service needs and fiscal capability. This section does  
98 not prohibit two or more counties from establishing a combined  
99 emergency E911 communications service by an interlocal agreement  
100 and using the fees authorized and imposed by s. 365.172 for such  
101 combined E911 service.

102 (7) TELECOMMUNICATIONS ~~TELEPHONE~~ INDUSTRY COORDINATION.--  
103 The office shall coordinate with the Florida Public Service  
104 Commission which shall encourage the Florida telecommunications  
105 ~~telephone~~ industry to activate facility modification plans for a  
106 timely E911 "911" implementation.

107 (8) COIN TELEPHONES.--The Florida Public Service  
108 Commission shall establish rules to be followed by the  
109 telecommunications companies ~~telephone utilities~~ in this state  
110 designed toward encouraging the provision of coin-free dialing  
111 of "911" calls wherever economically practicable and in the  
112 public interest.

113 (9) SYSTEM APPROVAL.--No emergency communications  
114 ~~telephone~~ number E911 "911" system shall be established and no

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

115 present system shall be expanded without prior approval of the  
116 office.

117 (10) COMPLIANCE.--All public agencies shall assist the  
118 office in their efforts to carry out the intent of this section,  
119 and such agencies shall comply with the developed plan.

120 ~~(11) EXISTING EMERGENCY TELEPHONE SERVICE.--Any emergency~~  
121 ~~telephone number established by any local government or state~~  
122 ~~agency prior to July 1, 1974, using a number other than "911"~~  
123 ~~shall be changed to "911" on the same implementation schedule~~  
124 ~~provided in paragraph (4)(c).~~

125 ~~(11)(12)~~ FEDERAL ASSISTANCE.--The secretary of the  
126 department office or his or her designee may apply for and  
127 accept federal funding assistance in the development and  
128 implementation of a statewide emergency communications telephone  
129 number E911 "911" system.

130 ~~(13) "911" FEE.--~~

131 ~~(a) Following approval by referendum as set forth in~~  
132 ~~paragraph (b), or following approval by a majority vote of its~~  
133 ~~board of county commissioners, a county may impose a "911" fee~~  
134 ~~to be paid by the local exchange subscribers within its~~  
135 ~~boundaries served by the "911" service. Proceeds from the "911"~~  
136 ~~fee shall be used only for "911" expenditures as set forth in~~  
137 ~~subparagraph 6. The manner of imposing and collecting said~~  
138 ~~payment shall be as follows:~~

139 1. ~~At the request of the county subscribing to "911"~~  
140 ~~service, the telephone company shall, insofar as is practicable,~~  
141 ~~bill the "911" fee to the local exchange subscribers served by~~  
142 ~~the "911" service, on an individual access line basis, at a rate~~  
143 ~~not to exceed 50 cents per month per line (up to a maximum of 25~~  
144 ~~access lines per account bill rendered). However, the fee may~~  
145 ~~not be assessed on any pay telephone in this state. A county~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

146 ~~collecting the fee for the first time may collect the fee for no~~  
147 ~~longer than 36 months without initiating the acquisition of its~~  
148 ~~"911" equipment.~~

149 ~~2. Fees collected by the telephone company pursuant to~~  
150 ~~subparagraph 1. shall be returned to the county, less the costs~~  
151 ~~of administration retained pursuant to paragraph (c). The county~~  
152 ~~shall provide a minimum of 90 days' written notice to the~~  
153 ~~telephone company prior to the collection of any "911" fees.~~

154 ~~3. Any county that currently has an operational "911"~~  
155 ~~system or that is actively pursuing the implementation of a~~  
156 ~~"911" system shall establish a fund to be used exclusively for~~  
157 ~~receipt and expenditure of "911" fee revenues collected pursuant~~  
158 ~~to this section. All fees placed in said fund, and any interest~~  
159 ~~accrued thereupon, shall be used solely for "911" costs~~  
160 ~~described in subparagraph 6. The money collected and interest~~  
161 ~~earned in this fund shall be appropriated for "911" purposes by~~  
162 ~~the county commissioners and incorporated into the annual county~~  
163 ~~budget. Such fund shall be included within the financial audit~~  
164 ~~performed in accordance with s. 218.39. A report of the audit~~  
165 ~~shall be forwarded to the office within 60 days of its~~  
166 ~~completion. A county may carry forward on an annual basis~~  
167 ~~unspent moneys in the fund for expenditures allowed by this~~  
168 ~~section, or it may reduce its fee. However, in no event shall a~~  
169 ~~county carry forward more than 10 percent of the "911" fee~~  
170 ~~billed for the prior year. The amount of moneys carried forward~~  
171 ~~each year may be accumulated in order to allow for capital~~  
172 ~~improvements described in this subsection. The carryover shall~~  
173 ~~be documented by resolution of the board of county commissioners~~  
174 ~~expressing the purpose of the carryover or by an adopted capital~~  
175 ~~improvement program identifying projected expansion or~~  
176 ~~replacement expenditures for "911" equipment and service~~

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177 ~~features, or both. In no event shall the "911" fee carryover~~  
178 ~~surplus moneys be used for any purpose other than for the "911"~~  
179 ~~equipment, service features, and installation charges authorized~~  
180 ~~in subparagraph 6. Nothing in this section shall prohibit a~~  
181 ~~county from using other sources of revenue for improvements,~~  
182 ~~replacements, or expansions of its "911" system. A county may~~  
183 ~~increase its fee for purposes authorized in this section.~~  
184 ~~However, in no case shall the fee exceed 50 cents per month per~~  
185 ~~line. All current "911" fees shall be reported to the office~~  
186 ~~within 30 days of the start of each county's fiscal period. Any~~  
187 ~~fee adjustment made by a county shall be reported to the office.~~  
188 ~~A county shall give the telephone company a 90-day written~~  
189 ~~notice of such fee adjustment.~~

190 ~~4. The telephone company shall have no obligation to take~~  
191 ~~any legal action to enforce collection of the "911" fee. The~~  
192 ~~telephone company shall provide quarterly to the county a list~~  
193 ~~of the names, addresses, and telephone numbers of any and all~~  
194 ~~subscribers who have identified to the telephone company their~~  
195 ~~refusal to pay the "911" fee.~~

196 ~~5. The county subscribing to "911" service shall remain~~  
197 ~~liable to the telephone company for any "911" service,~~  
198 ~~equipment, operation, or maintenance charge owed by the county~~  
199 ~~to the telephone company.~~

200  
201 ~~As used in this paragraph, "telephone company" means an~~  
202 ~~exchange telephone service provider of "911" service or~~  
203 ~~equipment to any county within its certificated area.~~

204 ~~6. It is the intent of the Legislature that the "911" fee~~  
205 ~~authorized by this section to be imposed by counties will not~~  
206 ~~necessarily provide the total funding required for establishing~~  
207 ~~or providing the "911" service. For purposes of this section,~~

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208 ~~"911" service includes the functions of database management,~~  
209 ~~call taking, location verification, and call transfer. The~~  
210 ~~following costs directly attributable to the establishment~~  
211 ~~and/or provision of "911" service are eligible for expenditure~~  
212 ~~of moneys derived from imposition of the "911" fee authorized by~~  
213 ~~this section: the acquisition, implementation, and maintenance~~  
214 ~~of Public Safety Answering Point (PSAP) equipment and "911"~~  
215 ~~service features, as defined in the Florida Public Service~~  
216 ~~Commission's lawfully approved "911" and related tariffs and/or~~  
217 ~~the acquisition, installation, and maintenance of other "911"~~  
218 ~~equipment, including call answering equipment, call transfer~~  
219 ~~equipment, ANI controllers, ALI controllers, ANI displays, ALI~~  
220 ~~displays, station instruments, "911" telecommunications systems,~~  
221 ~~teleprinters, logging recorders, instant playback recorders,~~  
222 ~~telephone devices for the deaf (TDD) used in the "911" system,~~  
223 ~~PSAP backup power systems, consoles, automatic call~~  
224 ~~distributors, and interfaces (hardware and software) for~~  
225 ~~computer-aided dispatch (CAD) systems; salary and associated~~  
226 ~~expenses for "911" call takers for that portion of their time~~  
227 ~~spent taking and transferring "911" calls; salary and associated~~  
228 ~~expenses for a county to employ a full-time equivalent "911"~~  
229 ~~coordinator position and a full-time equivalent staff assistant~~  
230 ~~position per county for the portion of their time spent~~  
231 ~~administrating the "911" system; training costs for PSAP call~~  
232 ~~takers in the proper methods and techniques used in taking and~~  
233 ~~transferring "911" calls; and expenses required to develop and~~  
234 ~~maintain all information (ALI and ANI databases and other~~  
235 ~~information source repositories) necessary to properly inform~~  
236 ~~call takers as to location address, type of emergency, and other~~  
237 ~~information directly relevant to the "911" call-taking and~~  
238 ~~transferring function. No wireless telephone service provider~~

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239 ~~shall be required to participate in any pilot project or to~~  
240 ~~otherwise implement a nonemergency "311" system or similar~~  
241 ~~nonemergency system. The "911" fee revenues shall not be used to~~  
242 ~~pay for any item not listed, including, but not limited to, any~~  
243 ~~capital or operational costs for emergency responses which occur~~  
244 ~~after the call transfer to the responding public safety entity~~  
245 ~~and the costs for constructing buildings, leasing buildings,~~  
246 ~~maintaining buildings, or renovating buildings, except for those~~  
247 ~~building modifications necessary to maintain the security and~~  
248 ~~environmental integrity of the PSAP and "911" equipment rooms.~~

249 ~~7. It is the goal of the Legislature that enhanced "911"~~  
250 ~~service be available throughout the state. Expenditure by~~  
251 ~~counties of the "911" fees authorized by this section should~~  
252 ~~support this goal to the greatest extent feasible within the~~  
253 ~~context of local service needs and fiscal capability. Nothing in~~  
254 ~~this section shall be construed to prohibit two or more counties~~  
255 ~~from establishing a combined emergency "911" telephone service~~  
256 ~~by interlocal agreement and utilizing the "911" fees authorized~~  
257 ~~by this section for such combined "911" service.~~

258 ~~(b) If a county elects to obtain approval of a "911" fee~~  
259 ~~by referendum, it shall arrange to place a question on the~~  
260 ~~ballot at the next regular or special election to be held within~~  
261 ~~the county, substantially as follows:~~

262 ~~\_\_\_\_\_ I am in favor of the "911" emergency telephone system~~  
263 ~~fee.~~

264 ~~\_\_\_\_\_ I am against the "911" emergency telephone system~~  
265 ~~fee.~~

266  
267 ~~If a majority of the electors voting on the question approve~~  
268 ~~the fee, it may be imposed by the county.~~

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269 ~~(c) Any county imposing a "911" fee in accordance with the~~  
270 ~~provisions of this subsection shall allow the telephone company~~  
271 ~~to retain as an administrative fee an amount equal to 1 percent~~  
272 ~~of the total "911" fee collected by the telephone company.~~

273 ~~(14) INDEMNIFICATION AND LIMITATION OF LIABILITY.--All~~  
274 ~~local governments are authorized to undertake to indemnify the~~  
275 ~~telephone company against liability in accordance with the~~  
276 ~~telephone company's lawfully filed tariffs. Regardless of any~~  
277 ~~indemnification agreement, a telephone company or commercial~~  
278 ~~mobile radio service provider as defined in s. 364.02 shall not~~  
279 ~~be liable for damages resulting from or in connection with "911"~~  
280 ~~service or identification of the telephone number, address, or~~  
281 ~~name associated with any person accessing "911" service, unless~~  
282 ~~the telephone company or commercial radio service provider acted~~  
283 ~~with malicious purpose or in a manner exhibiting wanton and~~  
284 ~~willful disregard of human rights, safety, or property in~~  
285 ~~providing such services.~~

286 ~~(12)~~(15) CONFIDENTIALITY OF RECORDS.--Any record,  
287 recording, or information, or portions thereof, obtained by a  
288 public agency or a public safety agency for the purpose of  
289 providing services in an emergency and which reveals the name,  
290 address, telephone number, or personal information about, or  
291 information which may identify any person requesting emergency  
292 service or reporting an emergency by accessing an emergency  
293 communications E911 ~~telephone number "911"~~ system is  
294 confidential and exempt from the provisions of s. 119.07(1) and  
295 s. 24(a), Art. I of the State Constitution, except that such  
296 record or information may be disclosed to a public safety  
297 agency. The exemption applies only to the name, address,  
298 telephone number or personal information about, or information  
299 which may identify any person requesting emergency services or

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300 reporting an emergency while such information is in the custody  
301 of the public agency or public safety agency providing emergency  
302 services. A telecommunications ~~telephone~~ company or commercial  
303 mobile radio service provider shall not be liable for damages to  
304 any person resulting from or in connection with such telephone  
305 company's or commercial mobile radio service provider's  
306 provision of any lawful assistance to any investigative or law  
307 enforcement officer of the State of Florida or political  
308 subdivisions thereof, of the United States, or of any other  
309 state or political subdivision thereof, in connection with any  
310 lawful investigation or other law enforcement activity by such  
311 law enforcement officer unless the telecommunications ~~telephone~~  
312 company or commercial mobile radio service provider acted in a  
313 wanton and willful manner.

314 ~~(16) FALSE "911" CALLS.--Whoever accesses the number "911"~~  
315 ~~for the purpose of making a false alarm or complaint or~~  
316 ~~reporting false information which could result in the emergency~~  
317 ~~response of any public safety agency is guilty of a misdemeanor~~  
318 ~~of the first degree, punishable as provided in s. 775.082 or s.~~  
319 ~~775.083.~~

320 Section 2. Section 365.172, Florida Statutes, is amended  
321 to read:

322 365.172 ~~Wireless~~ Emergency communications ~~telephone~~ number  
323 "E911."--

324 (1) SHORT TITLE.--This section may be cited as the  
325 "~~Wireless~~ Emergency Communications Number E911 Act."

326 (2) ~~FINDINGS, PURPOSE, AND LEGISLATIVE INTENT.--The~~  
327 ~~Legislature finds and declares that:~~

328 ~~(a) The mobile nature of wireless communications service~~  
329 ~~creates complexities for providing 911 emergency services.~~



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330 ~~(b) Wireless telephone service providers are required by~~  
331 ~~the Federal Communications Commission to provide wireless~~  
332 ~~enhanced 911 (E911) service in the form of automatic location~~  
333 ~~identification and automatic number identification pursuant to~~  
334 ~~the terms and conditions set forth in an order issued by the~~  
335 ~~Federal Communications Commission.~~

336 ~~(c) Wireless telephone service providers and counties that~~  
337 ~~operate 911 and E911 systems require adequate funding to recover~~  
338 ~~the costs of designing, purchasing, installing, testing, and~~  
339 ~~operating enhanced facilities, systems, and services necessary~~  
340 ~~to comply with the requirements for E911 services mandated by~~  
341 ~~the Federal Communications Commission and to maximize the~~  
342 ~~availability of E911 services throughout this state.~~

343 ~~(d) The revenues generated by the E911 fee imposed under~~  
344 ~~this section are required to fund the efforts of the counties,~~  
345 ~~the Wireless 911 Board under the State Technology Office, and~~  
346 ~~commercial mobile radio service providers to improve the public~~  
347 ~~health, safety, and welfare and serve a public purpose by~~  
348 ~~providing emergency telephone assistance through wireless~~  
349 ~~communications.~~

350 ~~(e) It is necessary and beneficial to levy a fee on~~  
351 ~~wireless services and to create the Wireless 911 Board to~~  
352 ~~administer fee proceeds as provided in this section.~~

353 ~~(f) It is the intent of the Legislature to:~~

354 ~~(a)1. Establish and implement a comprehensive statewide~~  
355 ~~emergency telecommunications telephone number system that will~~  
356 ~~provide users of voice communications services within the state~~  
357 ~~wireless telephone users with rapid direct access to public~~  
358 ~~safety agencies by accessing ~~dialing~~ the telephone number "911."~~

359 ~~(b)2. Provide funds to counties ~~local governments~~ to pay~~  
360 ~~certain costs associated with their E911 or the cost of~~

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361 ~~installing and operating wireless 911 systems, to contract for~~  
362 ~~E911 services,~~ and to reimburse wireless telephone service  
363 providers for costs incurred to provide 911 or E911 enhanced 911  
364 services.

365 ~~(c)3-~~ Levy a reasonable fee on users of voice  
366 communications services, unless otherwise provided in this  
367 section, subscribers of wireless telephone service to accomplish  
368 these purposes.

369 (d) Provide for an E911 board to administer the fee, with  
370 oversight by the office, in a manner that is competitively and  
371 technologically neutral as to all voice communications services  
372 providers.

373 (e) Ensure that the fee established is used exclusively  
374 for recovery by wireless providers and by counties for costs  
375 associated with developing and maintaining E911 systems and  
376 networks in a manner that is competitively and technologically  
377 neutral as to all voice communications services providers.

378  
379 It is further the intent of the Legislature that the fee  
380 authorized or imposed by this section not necessarily provide  
381 the total funding required for establishing or providing E911  
382 service.

383 (3) DEFINITIONS.--Only as used in this section and ss.  
384 365.171, 365.173, and 365.174, the term:

385 ~~(a) "Active prepaid wireless telephone" means a prepaid~~  
386 ~~wireless telephone that has been used by the customer during the~~  
387 ~~month to complete a telephone call for which the customer's card~~  
388 ~~or balance was decremented.~~

389 ~~(a)(b)~~ "Answering point" means the public safety agency  
390 that receives incoming 911 calls and dispatches appropriate  
391 public safety agencies to respond to the calls.

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392           (b) "Authorized expenditures" means expenditures of the  
393 fee, as specified in subsection (9).

394           (c) "Automatic location identification" means the  
395 capability of the E911 service which enables the automatic  
396 display of information that defines the approximate geographic  
397 location of the wireless telephone, or the location of the  
398 address of the wireline telephone, used to place a 911 call.

399           (d) "Automatic number identification" means the capability  
400 of the E911 service which enables the automatic display of the  
401 ~~10-digit~~ service number used to place a 911 call.

402           (e) "Board" or E911 Board means the board of directors of  
403 the E911 Wireless-911 Board established in subsection (5).

404           (f) "Building permit review" means a review for compliance  
405 with building construction standards adopted by the local  
406 government under chapter 553 and does not include a review for  
407 compliance with land development regulations.

408           (g) "Collocation" means the situation when a second or  
409 subsequent wireless provider uses an existing structure to  
410 locate a second or subsequent antennae. The term includes the  
411 ground, platform, or roof installation of equipment enclosures,  
412 cabinets, or buildings, and cables, brackets, and other  
413 equipment associated with the location and operation of the  
414 antennae.

415           (h) "Designed service" means the configuration and manner  
416 of deployment of service the wireless provider has designed for  
417 an area as part of its network.

418           (i) "E911" is the designation for an a-wireless enhanced  
419 911 system or ~~wireless~~ enhanced 911 service that is an emergency  
420 telephone system or service that provides a subscriber with  
421 ~~wireless~~ 911 service and, in addition, directs 911 calls to  
422 appropriate public safety answering points by selective routing

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423 based on the geographical location from which the call  
424 originated, or as otherwise provided in the state plan under s.  
425 365.171, and that provides for automatic number identification  
426 and automatic location-identification features. E911 service  
427 provided by a wireless provider means E911 as defined in the  
428 order in accordance with the requirements of the order.

429 (j) "Existing structure" means a structure that exists at  
430 the time an application for permission to place antennae on a  
431 structure is filed with a local government. The term includes  
432 any structure that can structurally support the attachment of  
433 antennae in compliance with applicable codes.

434 (k) "Fee" means the E911 fee authorized and imposed under  
435 subsection (8).

436 (l) "Fund" means the ~~Wireless~~ Emergency Communications  
437 Number E911 Telephone System Fund established in s. 365.173 and  
438 maintained under this section for the purpose of recovering the  
439 costs associated with providing 911 service or E911 service,  
440 including the costs of implementing the order. The fund shall be  
441 segregated into wireless and nonwireless categories.

442 (m) "Historic building, structure, site, object, or  
443 district" means any building, structure, site, object, or  
444 district that has been officially designated as a historic  
445 building, historic structure, historic site, historic object, or  
446 historic district through a federal, state, or local designation  
447 program.

448 (n) "Land development regulations" means any ordinance  
449 enacted by a local government for the regulation of any aspect  
450 of development, including an ordinance governing zoning,  
451 subdivisions, landscaping, tree protection, or signs, the local  
452 government's comprehensive plan, or any other ordinance  
453 concerning any aspect of the development of land. The term does

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454 not include any building construction standard adopted under and  
455 in compliance with chapter 553.

456 (o) "Local exchange carrier" means a "competitive local  
457 exchange telecommunications company" or a "local exchange  
458 telecommunications company" as defined in s. 364.02.

459 (p) "Local government" means any municipality, county, or  
460 political subdivision or agency of a municipality, county, or  
461 political subdivision.

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

464 (r) "Mobile telephone number" or "MTN" means the telephone  
465 number assigned to a wireless telephone at the time of initial  
466 activation.

467 (s) "Nonwireless category" means the revenues to the fund  
468 received from voice communications services providers other than  
469 wireless providers.

470 (t)~~(s)~~ "Office" means the Technology Program within the  
471 Department of Management Services, as designated by the  
472 secretary of the department ~~State Technology Office.~~

473 (u)~~(t)~~ "Order" means:

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

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

481 b. Memorandum and Order No. FCC 97-402 adopted on December  
482 23, 1997.

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

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

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485 2. Orders and rules subsequently adopted by the Federal  
486 Communications Commission relating to the provision of ~~wireless~~  
487 911 services, including Order Number FCC-05-116, adopted May 19,  
488 2005.

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

498 ~~(v)~~ ~~"Provider" or "wireless provider" means a person or~~  
499 ~~entity who provides service and either:~~

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

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

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

512 (y) "Rural county" means any county that has a population  
513 of fewer than 75,000.

514 (z) "Service identifier" means the service number, access  
515 line, or other unique subscriber identifier assigned to a

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516 subscriber and established by the Federal Communications  
517 Commission for purposes of routing calls whereby the subscriber  
518 has access to the E911 system.

519 ~~(z) "Service" means "commercial mobile radio service" as~~  
520 ~~provided under ss. 3(27) and 332(d) of the Federal~~  
521 ~~Telecommunications Act of 1996, 47 U.S.C., ss. 151 et seq., and~~  
522 ~~the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-~~  
523 ~~66, August 10, 1993, 107 Stat. 312. The term "service" includes~~  
524 ~~the term "wireless" and service provided by any wireless real-~~  
525 ~~time two-way wire communication device, including radio-~~  
526 ~~telephone communications used in cellular telephone service;~~  
527 ~~personal communications service; or the functional or~~  
528 ~~competitive equivalent of a radio-telephone communications line~~  
529 ~~used in cellular telephone service, a personal communications~~  
530 ~~service, or a network radio access line. The term does not~~  
531 ~~include wireless providers that offer mainly dispatch service in~~  
532 ~~a more localized, noncellular configuration; providers offering~~  
533 ~~only data, one-way, or stored-voice services on an~~  
534 ~~interconnected basis; providers of air-to-ground services; or~~  
535 ~~public coast stations.~~

536 ~~(aa) "Service number" means the unique 10-digit wireless~~  
537 ~~telephone number assigned to a service subscriber.~~

538 ~~(bb) "Sufficient positive balance" means a dollar amount~~  
539 ~~greater than or equal to the monthly wireless surcharge amount.~~

540 ~~(aa)(ee) "Tower" means any structure designed primarily to~~  
541 ~~support a wireless provider's antennae.~~

542 (bb) "Voice communications services" means two-way voice  
543 service, through the use of any technology, which actually  
544 provides access to E911 services, and includes communications  
545 services, as defined in s. 202.11, which actually provide access  
546 to E911 services and which are required to be included in the

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547 provision of E911 services pursuant to orders and rules adopted  
548 by the Federal Communications Commission. The term includes  
549 voice-over-Internet-protocol service. For the purposes of this  
550 section, the term "voice-over-Internet-protocol service" or  
551 "VoIP service" means interconnected VoIP services having the  
552 following characteristics:

553 1. The service enables real-time, two-way voice  
554 communications;

555 2. The service requires a broadband connection from the  
556 user's locations;

557 3. The service requires IP-compatible customer premises  
558 equipment; and

559 4. The service offering allows users generally to receive  
560 calls that originate on the public switched telephone network  
561 and to terminate calls on the public switched telephone network.

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

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

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

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



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578 not cause the existing structure to become a wireless  
579 communications facility.

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

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

585 (hh) "Wireless service" means "commercial mobile radio  
586 service" as provided under ss. 3(27) and 332(d) of the Federal  
587 Telecommunications Act of 1996, 47 U.S.C., ss. 151 et seq., and  
588 the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-  
589 66, August 10, 1993, 107 Stat. 312. The term includes service  
590 provided by any wireless real-time two-way wire communication  
591 device, including radio-telephone communications used in  
592 cellular telephone service; personal communications service; or  
593 the functional or competitive equivalent of a radio-telephone  
594 communications line used in cellular telephone service, a  
595 personal communications service, or a network radio access line.  
596 The term does not include wireless providers that offer mainly  
597 dispatch service in a more localized, noncellular configuration;  
598 providers offering only data, one-way, or stored-voice services  
599 on an interconnected basis; providers of air-to-ground services;  
600 or public coast stations.

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

606 (4) POWERS AND DUTIES OF THE OFFICE.--The office shall  
607 oversee the administration of the fee authorized and imposed on

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608 subscribers of voice communications services ~~statewide E911~~  
609 ~~service~~ under subsection (8).

610 (5) THE E911 WIRELESS ~~911~~ BOARD.--

611 (a) The E911 Wireless ~~911~~ Board is established to  
612 administer, with oversight by the office, the fee imposed under  
613 subsection (8), including receiving revenues derived from the  
614 fee; distributing portions of ~~the such~~ revenues to wireless  
615 providers, counties, and the office; accounting for receipts,  
616 distributions, and income derived by the funds maintained in the  
617 fund; and providing annual reports to the Governor and the  
618 Legislature for submission by the office on amounts collected  
619 and expended, the purposes for which expenditures have been  
620 made, and the status of ~~wireless~~ E911 service in this state. In  
621 order to advise and assist the office in carrying out the  
622 purposes of this section, the board, which shall have the power  
623 of a body corporate, has ~~shall have~~ the powers enumerated in  
624 subsection (6).

625 (b) The board shall consist of nine ~~seven~~ members, one of  
626 whom must be the system director designated under s. 365.171(5),  
627 or his or her designee, who shall serve as the chair of the  
628 board. The remaining eight ~~six~~ members of the board shall be  
629 appointed by the Governor and must be composed of four ~~three~~  
630 county 911 coordinators, consisting of a representative from a  
631 rural county, a representative from a medium county, a  
632 representative from a large county, and an at-large  
633 representative recommended by the Florida Association of  
634 Counties in consultation with the county 911 coordinators; two  
635 local exchange carrier members, one of which must be the local  
636 exchange carrier having the greatest number of access lines in  
637 the state; and two ~~three~~ members from the wireless  
638 telecommunications industry recommended by the Florida

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639 Telecommunications Industry Association in consultation with the  
640 wireless telecommunications industry. In recommending members  
641 from the wireless telecommunications industry, consideration  
642 must be given to wireless providers who are not affiliated with  
643 local exchange carriers. Not more than one member may be  
644 appointed to represent any single provider on the board.

645 (c) The system director, designated under s. 365.171(5),  
646 or his or her designee, must be a permanent member of the board.  
647 Each of the remaining eight ~~six~~ members of the board shall be  
648 appointed to a 4-year term and may not be appointed to more than  
649 two successive terms. However, for the purpose of staggering  
650 terms, two of the original board members shall be appointed to  
651 terms of 4 years, two shall be appointed to terms of 3 years,  
652 and four ~~two~~ shall be appointed to terms of 2 years, as  
653 designated by the Governor. A vacancy on the board shall be  
654 filled in the same manner as the original appointment.

655 (d) The first vacancy in a wireless provider  
656 representative position occurring after July 1, 2007, must be  
657 filled by appointment of a local exchange company  
658 representative. Until the appointment is made, there shall be  
659 only one local exchange company representative serving on the  
660 board, notwithstanding any other provision to the contrary.

661 (6) AUTHORITY OF THE BOARD; ANNUAL REPORT.--

662 (a) The board shall:

- 663 1. Administer the E911 fee.  
664 2. Implement, maintain, and oversee the fund.  
665 3. Review and oversee the disbursement of the revenues  
666 deposited into the fund as provided in s. 365.173.

667 a. The board may establish a schedule for implementing  
668 wireless E911 service by service area, and prioritize  
669 disbursements of revenues from the fund to providers and rural

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670 counties as provided in s. 365.173(2)(c) ~~s. 365.173(2)(b)~~ and  
671 (f) ~~(e)~~ pursuant to the schedule, in order to implement E911  
672 services in the most efficient and cost-effective manner.

673 b. Revenues in the fund collected and deposited into the  
674 fund for distribution as provided in s. 365.173(2)(b), but which  
675 have not been disbursed because sworn invoices as required by s.  
676 365.173(2)(c) ~~s. 365.173(2)(b)~~ have not been submitted to the  
677 board, may be used utilized by the board as needed to provide  
678 grants to rural counties and loans to medium counties for the  
679 purpose of upgrading E911 systems. The counties must use the  
680 funds only for capital expenditures directly attributable to  
681 establishing and provisioning E911 services, which may include  
682 next-generation deployment. Prior to the distribution of grants,  
683 the board shall provide 90 days' written notice to all counties  
684 and publish electronically an approved application process.  
685 County grant applications shall be prioritized based on the  
686 availability of funds, current system life expectancy, system  
687 replacement needs, and Phase II compliance per the Federal  
688 Communications Commission. No grants will be available to any  
689 county for next-generation deployment until all counties are  
690 Phase II complete. Grants provided to rural counties would be in  
691 addition to disbursements provided under s. 365.173(2)(c). Loans  
692 provided to medium counties shall be based on county hardship  
693 criteria as determined and approved by the board. Revenues  
694 utilized for this purpose shall be fully repaid to the fund in a  
695 manner and under a timeframe as determined and approved by the  
696 board. The board shall take all actions within its authority to  
697 ensure that county recipients of such grants use and loans  
698 utilize these funds only for the purpose under which they have  
699 been provided and may take any actions within its authority to  
700 secure county repayment of grant and loan revenues upon

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701 determination that the funds were not used ~~utilized~~ for the  
702 purpose under which they were provided.

703 c. The board shall reimburse all costs of a wireless  
704 provider in accordance with s. 365.173(2)(c) before taking any  
705 action to transfer additional funds.

706 d. By September 1, 2007, the board shall authorize the  
707 transfer of up to \$15 million to the counties from existing  
708 money within the fund established under s. 365.173(1). The money  
709 shall be disbursed equitably to all of the counties using a  
710 timeframe and distribution methodology established by the board  
711 before September 1, 2007, in order to prevent a loss to the  
712 counties in the ordinary and expected time value of money caused  
713 by any timing delay in remittance to the counties of wireline  
714 fees caused by the one-time transfer of collecting wireline fees  
715 by the counties to the board. All disbursements for this purpose  
716 must be returned to the fund from future remittances by the  
717 nonwireless category.

718 e. After taking the action required in sub-subparagraphs  
719 a.-d., the board may review and, with all members participating  
720 in the vote, adjust the percentage allocations or adjust the  
721 amount of the fee, or both, under paragraph (8)(h), and, if the  
722 board determines that the revenues in the wireless category  
723 exceed the amount needed to reimburse wireless providers for the  
724 cost to implement E911 services, the board may transfer revenue  
725 to the counties from the existing funds within the wireless  
726 category. The board shall disburse the funds equitably to all  
727 counties using a timeframe and distribution methodology  
728 established by the board.

729 4. Review documentation submitted by wireless providers  
730 which reflects current and projected funds derived from the ~~E911~~  
731 fee, and the expenses incurred and expected to be incurred, in

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732 order to comply with the E911 service requirements contained in  
733 the order for the purposes of:

734 a. Ensuring that wireless providers receive fair and  
735 equitable distributions of funds from the fund.

736 b. Ensuring that wireless providers are not provided  
737 disbursements from the fund which exceed the costs of providing  
738 E911 service, including the costs of complying with the order.

739 c. Ascertaining the projected costs of compliance with the  
740 requirements of the order and projected collections of the ~~E911~~  
741 fee.

742 d. Implementing changes to the allocation percentages or  
743 adjusting ~~reducing~~ the ~~E911~~ fee under paragraph (8)(i) ~~(8)(e)~~.

744 5. Meet monthly in the most efficient and cost-effective  
745 manner, including telephonically when practical, for the  
746 business to be conducted, to review and approve or reject, in  
747 whole or in part, applications submitted by wireless providers  
748 for recovery of moneys deposited into the wireless category, and  
749 to authorize the transfer of, and distribute, the fee allocation  
750 to the counties fund.

751 6. Hire and retain employees, which may include an  
752 independent executive director who shall possess experience in  
753 the area of telecommunications and emergency 911 issues, for the  
754 purposes of performing the technical and administrative  
755 functions for the board.

756 7. Make and enter into contracts, pursuant to chapter 287,  
757 and execute other instruments necessary or convenient for the  
758 exercise of the powers and functions of the board.

759 ~~8. Take all necessary and reasonable steps by July 1,~~  
760 ~~2000, to secure appropriate information and reports from~~  
761 ~~providers and otherwise perform all of the functions that would~~  
762 ~~be performed by an independent accounting firm prior to~~

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763 ~~completing the request for proposals process under subsection~~  
764 ~~(7).~~

765 8.9. Sue and be sued, and appear and defend in all actions  
766 and proceedings, in its corporate name to the same extent as a  
767 natural person.

768 9.10. Adopt, use, and alter a common corporate seal.

769 10.11. Elect or appoint the officers and agents that are  
770 required by the affairs of the board.

771 11.12. The board may adopt rules under ss. 120.536(1) and  
772 120.54 to implement this section and ss. 365.173 and 365.174.

773 12.13. Provide coordination, support, and technical  
774 assistance to counties to promote the deployment of advanced 911  
775 and E911 systems in the state.

776 13.14. Provide coordination and support for educational  
777 opportunities related to E911 911 issues for the E911 911  
778 community in this state.

779 14.15. Act as an advocate for issues related to E911 911  
780 system functions, features, and operations to improve the  
781 delivery of E911 911 services to the residents of and visitors  
782 to this state.

783 15.16. Coordinate input from this state at national forums  
784 and associations, to ensure that policies related to E911 911  
785 systems and services are consistent with the policies of the  
786 E911 911 community in this state.

787 16.17. Work cooperatively with the system director  
788 established in s. 365.171(5) to enhance the state of E911 911  
789 services in this state and to provide unified leadership for all  
790 E911 911 issues through planning and coordination.

791 17.18. Do all acts and things necessary or convenient to  
792 carry out the powers granted in this section in a manner that is  
793 competitively and technologically neutral as to all voice

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794 communications services providers, including, but not limited  
795 to, consideration of emerging technology and related cost  
796 savings, while taking into account embedded costs in current  
797 systems.

798 ~~18.19.~~ Have the authority to secure the services of an  
799 independent, private attorney via invitation to bid, request for  
800 proposals, invitation to negotiate, or professional contracts  
801 for legal services already established at the Division of  
802 Purchasing of the Department of Management Services.

803 (b) Board members shall serve without compensation;  
804 however, members are entitled to per diem and travel expenses as  
805 provided in s. 112.061.

806 (c) By February 28 of each year, the board shall prepare a  
807 report for submission by the office to the Governor, the  
808 President of the Senate, and the Speaker of the House of  
809 Representatives which addresses for the immediately preceding  
810 calendar year: reflects, for the immediately preceding calendar  
811 year, the quarterly and annual receipts and disbursements of  
812 moneys in the fund, the purposes for which disbursements of  
813 moneys from the fund have been made, and the availability and  
814 status of implementation of E911 service in this state.

815 ~~(d) By February 28, 2001, the board shall undertake and~~  
816 ~~complete a study for submission by the office to the Governor,~~  
817 ~~the President of the Senate, and the Speaker of the House of~~  
818 ~~Representatives which addresses:~~

819 1. The annual receipts, including the total amount of E911  
820 fee revenues collected by each provider, the total disbursements  
821 of money in the fund, including the amount of fund-reimbursed  
822 expenses incurred by each wireless provider to comply with the  
823 order, and the amount of moneys on deposit in the fund, all as  
824 of December 1, 2000.



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825 2. Whether the amount of the ~~E911~~ fee and the allocation  
826 percentages set forth in s. 365.173 have been or should be  
827 adjusted to comply with the requirements of the order or other  
828 provisions of this chapter, and the reasons for making or not  
829 making, if so, a recommended adjustment to the ~~E911~~ fee.

830 3. Any other issues related to providing ~~wireless~~ E911  
831 services.

832 4. The status of E911 services in this state.

833 (7) REQUEST FOR PROPOSALS FOR INDEPENDENT ACCOUNTING  
834 FIRM.--

835 (a) The board shall issue a request for proposals as  
836 provided in chapter 287 for the purpose of retaining an  
837 independent accounting firm. The independent accounting firm  
838 shall perform all material administrative and accounting tasks  
839 and functions required for administering the ~~E911~~ fee. The  
840 request for proposals must include, but need not be limited to:

841 1. A description of the scope and general requirements of  
842 the services requested.

843 2. A description of the specific accounting and reporting  
844 services required for administering the fund, including  
845 processing checks and distributing funds as directed by the  
846 board under s. 365.173.

847 3. A description of information to be provided by the  
848 proposer, including the proposer's background and qualifications  
849 and the proposed cost of the services to be provided.

850 (b) The board shall establish a committee to review  
851 requests for proposals which must include the statewide ~~E911 911~~  
852 system director designated under s. 365.171(5), or his or her  
853 designee, and two members of the board, one of whom is a county  
854 911 coordinator and one of whom represents a voice  
855 communications services provider ~~the wireless telecommunications~~

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856 ~~industry~~. The review committee shall review the proposals  
857 received by the board and recommend an independent accounting  
858 firm to the board for final selection. By agreeing to serve on  
859 the review committee, each member of the review committee shall  
860 verify that he or she does not have any interest or employment,  
861 directly or indirectly, with potential proposers which conflicts  
862 in any manner or degree with his or her performance on the  
863 committee.

864 (c) After July 1, 2004, the board may secure the services  
865 of an independent accounting firm via invitation to bid, request  
866 for proposals, invitation to negotiate, or professional  
867 contracts already established at the Division of Purchasing,  
868 Department of Management Services, for certified public  
869 accounting firms, or the board may hire and retain professional  
870 accounting staff to accomplish these functions.

871 (8) ~~WIRELESS~~ E911 FEE.--

872 (a) Each voice communications services home service  
873 provider shall collect the a monthly fee described in this  
874 subsection imposed on each customer whose place of primary use  
875 is within this state. Each provider, as part of its monthly  
876 billing process, shall bill the fee as follows. The fee shall  
877 not be assessed on any pay telephone in the state.

878 1. Each local exchange carrier shall bill the fee to the  
879 local exchange subscribers on a service-identifier basis, up to  
880 a maximum of 25 access lines per account bill rendered.

881 2. Except in the case of prepaid wireless service, each  
882 wireless provider shall bill the fee to a subscriber on a per-  
883 service-identifier basis for service identifiers whose primary  
884 place of use is within this state. Before July 1, 2009, the fee  
885 shall not be assessed on or collected from a provider with

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886 respect to an end user's service if that end user's service is a  
887 prepaid calling arrangement that is subject to s. 212.05(1)(e).

888 a. The board shall conduct a study to determine whether it  
889 is feasible to collect E911 fees from the sale of prepaid  
890 wireless service. If, based on the findings of the study, the  
891 board determines that a fee should not be collected from the  
892 sale of prepaid wireless service, it shall report its findings  
893 and recommendation to the Governor, the President of the Senate,  
894 and the Speaker of the House of Representatives by December 31,  
895 2008. If the board determines that a fee should be collected  
896 from the sale of prepaid wireless service, the board shall  
897 collect the fee beginning July 1, 2009.

898 b. For purposes of this section, the term:

899 (I) "Prepaid wireless service" means the right to access  
900 telecommunications services that must be paid for in advance and  
901 is sold in predetermined units or dollars enabling the  
902 originator to make calls such that the number of units or  
903 dollars declines with use in a known amount.

904 (II) "Prepaid wireless service providers" includes those  
905 persons who sell prepaid wireless service regardless of its  
906 form, either as a retailer or reseller.

907 c. The study must include an evaluation of methods by  
908 which E911 fees may be collected from end users and purchasers  
909 of prepaid wireless service on an equitable, efficient,  
910 competitively neutral, and nondiscriminatory basis and must  
911 consider whether the collection of fees on prepaid wireless  
912 service would constitute an efficient use of public funds given  
913 the technological and practical considerations of collecting the  
914 fee based on the varying methodologies prepaid wireless service  
915 providers and their agents use in marketing prepaid wireless  
916 service.

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917 d. The study must include a review and evaluation of the  
918 collection of E911 fees on prepaid wireless service at the point  
919 of sale within the state. This evaluation must be consistent  
920 with the collection principles of end user charges such as those  
921 in s. 212.05(1)(e).

922 e. No later than 90 days after this section becomes law,  
923 the board shall require all prepaid wireless service providers,  
924 including resellers, to provide the board with information that  
925 the board determines is necessary to discharge its duties under  
926 this section, including information necessary for its  
927 recommendation, such as total retail and reseller prepaid  
928 wireless service sales.

929 f. All subscriber information provided by a prepaid  
930 wireless service provider in response to a request from the  
931 board while conducting this study is subject to s. 365.174.

932 g. The study shall be conducted by an entity competent and  
933 knowledgeable in matters of state taxation policy if the board  
934 does not possess that expertise. The study must be paid from the  
935 moneys distributed to the board for administrative purposes  
936 under s. 365.173(2)(e) but may not exceed \$250,000.

937 3. All voice communications services providers not  
938 addressed under subparagraphs 1. and 2. shall bill the fee on a  
939 per-service-identifier basis for service identifiers whose  
940 primary place of use is within the state up to a maximum of 25  
941 service identifiers for each account bill rendered.

942  
943 The provider may list the fee as a separate entry on each bill,  
944 in which case the fee must be identified as a fee for E911  
945 services. A provider shall remit the fee to the board only if  
946 the fee is paid by the subscriber. If a provider receives a  
947 partial payment for a monthly bill from a subscriber, the amount

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948 received shall first be applied to the payment due the provider  
949 for providing voice communications service.

950 (b) A provider is not obligated to take any legal action  
951 to enforce collection of the fees for which any subscriber is  
952 billed. A county subscribing to 911 service remains liable to  
953 the provider delivering the 911 service or equipment for any 911  
954 service, equipment, operation, or maintenance charge owed by the  
955 county to the provider.

956 (c) For purposes of this section, the state and local  
957 governments are not subscribers customers.

958 (d) Each provider may retain 1 percent of the amount of  
959 the fees collected as reimbursement for the administrative costs  
960 incurred by the provider to bill, collect, and remit the fee.  
961 The remainder shall be delivered to the board and deposited by  
962 the board into the fund. The board shall distribute the  
963 remainder pursuant to s. 365.173.

964 (e) Effective September 1, 2007, voice communications  
965 services providers billing the fee to subscribers shall deliver  
966 revenues from the fee to the board within 60 days after the end  
967 of the month in which the fee was billed, together with a  
968 monthly report of the number of service identifiers in each  
969 county. Each wireless provider and other applicable provider  
970 identified in subparagraph (a)3. shall report the number of  
971 service identifiers for subscribers whose place of primary use  
972 is in each county. All provider subscriber information provided  
973 to the board is subject to s. 365.174. If a provider chooses to  
974 remit any fee amounts to the board before they are paid by the  
975 subscribers, a provider may apply to the board for a refund of,  
976 or may take a credit for, any such fees remitted to the board  
977 which are not collected by the provider within 6 months

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978 following the month in which the fees are charged off for  
979 federal income tax purposes as bad debt.

980 (f) The rate of the fee shall be set by the board after  
981 considering the factors set forth in paragraphs (h) and (i), but  
982 may not exceed shall be 50 cents per month per each service  
983 identifier number, beginning August 1, 1999. The fee shall apply  
984 uniformly and be imposed throughout the state, except for those  
985 counties that, before July 1, 2007, had adopted an ordinance or  
986 resolution establishing a fee less than 50 cents per month per  
987 access line. In those counties the fee established by ordinance  
988 may be changed only to the uniform statewide rate no sooner than  
989 30 days after notification is made by the county's board of  
990 county commissioners to the board.

991 (g) It is the intent of the Legislature that all revenue  
992 from the fee be used as specified in s. 365.173(2)(a)-(h).

993 (h) No later than November 1, 2007, the board may adjust  
994 the allocation percentages for distribution of the fund as  
995 provided in s. 365.173. When setting the percentages and  
996 contemplating any adjustments to the fee, the board shall  
997 consider the following:

998 1. The revenues currently allocated for wireless service  
999 provider costs for implementing E911 service and projected costs  
1000 for implementing E911 service, including recurring costs for  
1001 Phase I and Phase II and the effect of new technologies;

1002 2. The appropriate level of funding needed to fund the  
1003 rural grant program provided for in s. 365.173(2)(f); and

1004 3. The need to fund statewide, regional, and county grants  
1005 in accordance with sub-subparagraph (6)(a)3.b.

1006 ~~(b) The fee is established to ensure full recovery for~~  
1007 ~~providers and for counties, over a reasonable period, of the~~

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1008 ~~costs associated with developing and maintaining an E911 system~~  
1009 ~~on a technologically and competitively neutral basis.~~

1010 ~~(i)(e)~~ After July 1, 2001, The board may adjust the  
1011 allocation percentages or adjust provided in s. 365.173 or  
1012 ~~reduce~~ the amount of the fee, or both, if necessary to ensure  
1013 full cost recovery or prevent overrecovery of costs incurred in  
1014 the provision of E911 service, including costs incurred or  
1015 projected to be incurred to comply with the order. Any new  
1016 allocation percentages or reduced or increased fee may not be  
1017 adjusted for 1 year. The fee may not exceed 50 cents per month  
1018 per each service identifier number. The board-established fee,  
1019 and any board-adjustment of the fee, shall be uniform throughout  
1020 the state, except for the counties identified in paragraph (f).  
1021 No less than 90 days before the effective date of any adjustment  
1022 to the fee, the board shall provide written notice of the  
1023 adjusted fee amount and effective date to each voice  
1024 communications services provider from which the board is then  
1025 receiving the fee.

1026 ~~(j)(d)~~ State and local taxes do not apply to the fee.

1027 ~~(k)(e)~~ A local government may not levy the fee or any  
1028 additional fee on ~~wireless~~ providers or subscribers for the  
1029 provision of E911 service.

1030 (l) For purposes of this section, the definitions  
1031 contained in s. 202.11 and the provisions of s. 202.155 apply in  
1032 the same manner and to the same extent as the definitions and  
1033 provisions apply to the taxes levied under chapter 202 on mobile  
1034 communications services.

1035 (9) AUTHORIZED EXPENDITURES OF E911 FEE.--

1036 (a) For purposes of this section, E911 service includes  
1037 the functions of database management, call taking, location  
1038 verification, and call transfer.

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1039       (b) All costs directly attributable to the establishment  
1040 or provision of E911 service and contracting for E911 services  
1041 are eligible for expenditure of moneys derived from imposition  
1042 of the fee authorized by this section. These costs include the  
1043 acquisition, implementation, and maintenance of Public Safety  
1044 Answering Point (PSAP) equipment and E911 service features, as  
1045 defined in the Public Service Commission's lawfully approved 911  
1046 and E911 and related tariffs or the acquisition, installation,  
1047 and maintenance of other E911 equipment, including call  
1048 answering equipment, call transfer equipment, ANI controllers,  
1049 ALI controllers, ANI displays, ALI displays, station  
1050 instruments, E911 telecommunications systems, visual call  
1051 information and storage devices, recording equipment, telephone  
1052 devices and other equipment for the hearing impaired used in the  
1053 E911 system, PSAP backup power systems, consoles, automatic call  
1054 distributors, and interfaces, including hardware and software,  
1055 for computer-aided dispatch (CAD) systems, integrated CAD  
1056 systems for that portion of the systems used for E911 call  
1057 taking, network clocks, salary and associated expenses for E911  
1058 call takers for that portion of their time spent taking and  
1059 transferring E911 calls, salary and associated expenses for a  
1060 county to employ a full-time equivalent E911 coordinator  
1061 position and a full-time equivalent mapping or geographical data  
1062 position and a staff assistant position per county for the  
1063 portion of their time spent administrating the E911 system,  
1064 training costs for PSAP call takers, supervisors, and managers  
1065 in the proper methods and techniques used in taking and  
1066 transferring E911 calls, costs to train and educate PSAP  
1067 employees regarding E911 service or E911 equipment, and expenses  
1068 required to develop and maintain all information, including ALI  
1069 and ANI databases and other information source repositories,



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1070 necessary to properly inform calltakers as to location address,  
1071 type of emergency, and other information directly relevant to  
1072 the E911 call-taking and transferring function. Moneys derived  
1073 from the fee may also be used for next-generation E911 network  
1074 services, next-generation E911 database services, next-  
1075 generation E911 equipment, and wireless E911 routing systems.

1076 (c) The moneys may not be used to pay for any item not  
1077 listed in this subsection, including, but not limited to, any  
1078 capital or operational costs for emergency responses which occur  
1079 after the call transfer to the responding public safety entity  
1080 and the costs for constructing, leasing, maintaining, or  
1081 renovating buildings, except for those building modifications  
1082 necessary to maintain the security and environmental integrity  
1083 of the PSAP and E911 equipment rooms.

1084 (10) LIABILITY OF COUNTIES.--A county subscribing to 911  
1085 service remains liable to the local exchange carrier for any 911  
1086 service, equipment, operation, or maintenance charge owed by the  
1087 county to the local exchange carrier. As used in this  
1088 subsection, the term "local exchange carrier" means a local  
1089 exchange telecommunications service provider of 911 service or  
1090 equipment to any county within its certificated area.

1091 (11) INDEMNIFICATION AND LIMITATION OF LIABILITY.--Local  
1092 governments are authorized to undertake to indemnify local  
1093 exchange carriers against liability in accordance with the  
1094 lawfully filed tariffs of the company. Notwithstanding an  
1095 indemnification agreement, a voice communications services  
1096 provider is not liable for damages resulting from or in  
1097 connection with 911 or E911 service, or for identification of  
1098 the telephone number, or address, or name associated with any  
1099 person accessing 911 or E911 service, unless the voice  
1100 communications services provider acted with malicious purpose or

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1101 in a manner exhibiting wanton and willful disregard of the  
1102 rights, safety, or property of a person when providing such  
1103 services. A voice communications services provider is not liable  
1104 for damages to any person resulting from or in connection with  
1105 the provider's provision of any lawful assistance to any  
1106 investigative or law enforcement officer of the United States,  
1107 this state, or a political subdivision thereof, or of any other  
1108 state or political subdivision thereof, in connection with any  
1109 lawful investigation or other law enforcement activity by such  
1110 law enforcement officer.

1111 ~~(9) MANAGEMENT OF FUNDS.--~~

1112 ~~(a) Each provider, as a part of its monthly billing~~  
1113 ~~process, shall collect the fee imposed under subsection (8). The~~  
1114 ~~provider may list the fee as a separate entry on each bill, in~~  
1115 ~~which case the fee must be identified as a fee for E911~~  
1116 ~~services. A provider shall remit the fee only if the fee is paid~~  
1117 ~~by the subscriber. If a provider receives a partial payment for~~  
1118 ~~a monthly bill from a subscriber, the amount received shall~~  
1119 ~~first be applied to the payment due the provider for the~~  
1120 ~~provision of telecommunications service.~~

1121 ~~(b) In the case of prepaid wireless telephone service, the~~  
1122 ~~monthly wireless 911 surcharge imposed by subsection (8) shall~~  
1123 ~~be remitted based upon each prepaid wireless telephone~~  
1124 ~~associated with this state, for each wireless service customer~~  
1125 ~~that has a sufficient positive balance as of the last day of~~  
1126 ~~each month. The surcharge shall be remitted in any manner~~  
1127 ~~consistent with the wireless provider's existing operating or~~  
1128 ~~technological abilities, such as customer address, location~~  
1129 ~~associated with the MTN, or reasonable allocation method based~~  
1130 ~~upon other comparable relevant data. The surcharge amount or an~~  
1131 ~~equivalent number of minutes may be reduced from the prepaid~~

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1132 ~~subscriber's account since a direct billing may not be possible.~~  
1133 ~~However, collection of the wireless 911 surcharge in the manner~~  
1134 ~~of a reduction of value or minutes from the prepaid subscriber's~~  
1135 ~~account does not constitute a reduction in the sales price for~~  
1136 ~~purposes of taxes that are collected at the point of sale.~~

1137 ~~(c) A provider is not obligated to take any legal action~~  
1138 ~~to enforce collection of the fees for which any subscriber is~~  
1139 ~~billed. The provider shall provide to the board each quarter a~~  
1140 ~~list of the names, addresses, and service numbers of all~~  
1141 ~~subscribers who have indicated to the provider their refusal to~~  
1142 ~~pay the fee.~~

1143 ~~(d) Each provider may retain 1 percent of the amount of~~  
1144 ~~the fees collected as reimbursement for the administrative costs~~  
1145 ~~incurred by the provider to bill, collect, and remit the fee.~~  
1146 ~~The remainder shall be delivered to the board and deposited in~~  
1147 ~~the fund. The board shall distribute the remainder pursuant to~~  
1148 ~~s. 365.173.~~

1149 ~~(e) Each provider shall deliver revenues from the fee to~~  
1150 ~~the board within 60 days after the end of the month in which the~~  
1151 ~~fee was billed, together with a monthly report of the number of~~  
1152 ~~wireless customers whose place of primary use is in each county.~~  
1153 ~~A provider may apply to the board for a refund of, or may take a~~  
1154 ~~credit for, any fees remitted to the board which are not~~  
1155 ~~collected by the provider within 6 months following the month in~~  
1156 ~~which the fees are charged off for federal income tax purposes~~  
1157 ~~as bad debt. The board may waive the requirement that the fees~~  
1158 ~~and number of customers whose place of primary use is in each~~  
1159 ~~county be submitted to the board each month and authorize a~~  
1160 ~~provider to submit the fees and number of customers quarterly if~~  
1161 ~~the provider demonstrates that such waiver is necessary and~~  
1162 ~~justified.~~

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1163 ~~(f) For purposes of this section, the definitions~~  
1164 ~~contained in s. 202.11 and the provisions of s. 202.155 apply in~~  
1165 ~~the same manner and to the same extent as such definitions and~~  
1166 ~~provisions apply to the taxes levied pursuant to chapter 202 on~~  
1167 ~~mobile communications services.~~

1168 ~~(g) As used in this subsection, the term "provider"~~  
1169 ~~includes any person or entity that resells wireless service and~~  
1170 ~~was not assessed the fee by its resale supplier.~~

1171 ~~(10) PROVISION OF SERVICES.--In accordance with the order,~~  
1172 ~~a provider is not required to provide E911 service until:~~

1173 ~~(a) The provider receives a request in writing for such~~  
1174 ~~service from the county 911 coordinator and the affected~~  
1175 ~~answering point is capable of receiving and using the data~~  
1176 ~~elements associated with the service.~~

1177 ~~(b) Funds are available under s. 365.173(2)(b).~~

1178 ~~(c) The local exchange carrier is able to support the E911~~  
1179 ~~system.~~

1180 ~~(d) The service area has been scheduled for implementation~~  
1181 ~~of E911 service by the board pursuant to subparagraph (6)(a)3.~~  
1182 ~~If a county's 911 coordinator requests E911 service from a~~  
1183 ~~provider, the coordinator shall also request E911 service from~~  
1184 ~~all other providers in the area in a nondiscriminatory and fair~~  
1185 ~~manner.~~

1186 ~~(12)(11) FACILITATING E911 SERVICE IMPLEMENTATION.--To~~  
1187 ~~balance the public need for reliable E911 services through~~  
1188 ~~reliable wireless systems and the public interest served by~~  
1189 ~~governmental zoning and land development regulations and~~  
1190 ~~notwithstanding any other law or local ordinance to the~~  
1191 ~~contrary, the following standards shall apply to a local~~  
1192 ~~government's actions, as a regulatory body, in the regulation of~~  
1193 ~~the placement, construction, or modification of a wireless~~

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1194 communications facility. This subsection shall not, however, be  
1195 construed to waive or alter the provisions of s. 286.011 or s.  
1196 286.0115. For the purposes of this subsection only, "local  
1197 government" shall mean any municipality or county and any agency  
1198 of a municipality or county only. The term "local government"  
1199 does not, however, include any airport, as defined by s.  
1200 330.27(2), even if it is owned or controlled by or through a  
1201 municipality, county, or agency of a municipality or county.  
1202 Further, notwithstanding anything in this section to the  
1203 contrary, this subsection does not apply to or control a local  
1204 government's actions as a property or structure owner in the use  
1205 of any property or structure owned by such entity for the  
1206 placement, construction, or modification of wireless  
1207 communications facilities. In the use of property or structures  
1208 owned by the local government, however, a local government may  
1209 not use its regulatory authority so as to avoid compliance with,  
1210 or in a manner that does not advance, the provisions of this  
1211 subsection.

1212 (a) Collocation among wireless providers is encouraged by  
1213 the state.

1214 1.a. Collocations on towers, including nonconforming  
1215 towers, that meet the requirements in sub-sub-paragraphs (I),  
1216 (II), and (III), are subject to only building permit review,  
1217 which may include a review for compliance with this  
1218 subparagraph. Such collocations are not subject to any design or  
1219 placement requirements of the local government's land  
1220 development regulations in effect at the time of the collocation  
1221 that are more restrictive than those in effect at the time of  
1222 the initial antennae placement approval, to any other portion of  
1223 the land development regulations, or to public hearing review.

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1224 This sub-subparagraph shall not preclude a public hearing for  
1225 any appeal of the decision on the collocation application.

1226 (I) The collocation does not increase the height of the  
1227 tower to which the antennae are to be attached, measured to the  
1228 highest point of any part of the tower or any existing antenna  
1229 attached to the tower;

1230 (II) The collocation does not increase the ground space  
1231 area, commonly known as the compound, approved in the site plan  
1232 for equipment enclosures and ancillary facilities; and

1233 (III) The collocation consists of antennae, equipment  
1234 enclosures, and ancillary facilities that are of a design and  
1235 configuration consistent with all applicable regulations,  
1236 restrictions, or conditions, if any, applied to the initial  
1237 antennae placed on the tower and to its accompanying equipment  
1238 enclosures and ancillary facilities and, if applicable, applied  
1239 to the tower supporting the antennae. Such regulations may  
1240 include the design and aesthetic requirements, but not  
1241 procedural requirements, other than those authorized by this  
1242 section, of the local government's land development regulations  
1243 in effect at the time the initial antennae placement was  
1244 approved.

1245 b. Except for a historic building, structure, site,  
1246 object, or district, or a tower included in sub-subparagraph a.,  
1247 collocations on all other existing structures that meet the  
1248 requirements in sub-sub-subparagraphs (I)-(IV) shall be subject  
1249 to no more than building permit review, and an administrative  
1250 review for compliance with this subparagraph. Such collocations  
1251 are not subject to any portion of the local government's land  
1252 development regulations not addressed herein, or to public  
1253 hearing review. This sub-subparagraph shall not preclude a

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1254 public hearing for any appeal of the decision on the collocation  
1255 application.

1256 (I) The collocation does not increase the height of the  
1257 existing structure to which the antennae are to be attached,  
1258 measured to the highest point of any part of the structure or  
1259 any existing antenna attached to the structure;

1260 (II) The collocation does not increase the ground space  
1261 area, otherwise known as the compound, if any, approved in the  
1262 site plan for equipment enclosures and ancillary facilities;

1263 (III) The collocation consists of antennae, equipment  
1264 enclosures, and ancillary facilities that are of a design and  
1265 configuration consistent with any applicable structural or  
1266 aesthetic design requirements and any requirements for location  
1267 on the structure, but not prohibitions or restrictions on the  
1268 placement of additional collocations on the existing structure  
1269 or procedural requirements, other than those authorized by this  
1270 section, of the local government's land development regulations  
1271 in effect at the time of the collocation application; and

1272 (IV) The collocation consists of antennae, equipment  
1273 enclosures, and ancillary facilities that are of a design and  
1274 configuration consistent with all applicable restrictions or  
1275 conditions, if any, that do not conflict with sub-sub-  
1276 subparagraph (III) and were applied to the initial antennae  
1277 placed on the structure and to its accompanying equipment  
1278 enclosures and ancillary facilities and, if applicable, applied  
1279 to the structure supporting the antennae.

1280 c. Regulations, restrictions, conditions, or permits of  
1281 the local government, acting in its regulatory capacity, that  
1282 limit the number of collocations or require review processes  
1283 inconsistent with this subsection shall not apply to  
1284 collocations addressed in this subparagraph.

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1285 d. If only a portion of the collocation does not meet the  
1286 requirements of this subparagraph, such as an increase in the  
1287 height of the proposed antennae over the existing structure  
1288 height or a proposal to expand the ground space approved in the  
1289 site plan for the equipment enclosure, where all other portions  
1290 of the collocation meet the requirements of this subparagraph,  
1291 that portion of the collocation only may be reviewed under the  
1292 local government's regulations applicable to an initial  
1293 placement of that portion of the facility, including, but not  
1294 limited to, its land development regulations, and within the  
1295 review timeframes of subparagraph (d)2., and the rest of the  
1296 collocation shall be reviewed in accordance with this  
1297 subparagraph. A collocation proposal under this subparagraph  
1298 that increases the ground space area, otherwise known as the  
1299 compound, approved in the original site plan for equipment  
1300 enclosures and ancillary facilities by no more than a cumulative  
1301 amount of 400 square feet or 50 percent of the original compound  
1302 size, whichever is greater, shall, however, require no more than  
1303 administrative review for compliance with the local government's  
1304 regulations, including, but not limited to, land development  
1305 regulations review, and building permit review, with no public  
1306 hearing review. This sub-subparagraph shall not preclude a  
1307 public hearing for any appeal of the decision on the collocation  
1308 application.

1309 2. If a collocation does not meet the requirements of  
1310 subparagraph 1., the local government may review the application  
1311 under the local government's regulations, including, but not  
1312 limited to, land development regulations, applicable to the  
1313 placement of initial antennae and their accompanying equipment  
1314 enclosure and ancillary facilities.



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1315 3. If a collocation meets the requirements of subparagraph  
1316 1., the collocation shall not be considered a modification to an  
1317 existing structure or an impermissible modification of a  
1318 nonconforming structure.

1319 4. The owner of the existing tower on which the proposed  
1320 antennae are to be collocated shall remain responsible for  
1321 compliance with any applicable condition or requirement of a  
1322 permit or agreement, or any applicable condition or requirement  
1323 of the land development regulations to which the existing tower  
1324 had to comply at the time the tower was permitted, including any  
1325 aesthetic requirements, provided the condition or requirement is  
1326 not inconsistent with this paragraph.

1327 5. An existing tower, including a nonconforming tower, may  
1328 be structurally modified in order to permit collocation or may  
1329 be replaced through no more than administrative review and  
1330 building permit review, and is not subject to public hearing  
1331 review, if the overall height of the tower is not increased and,  
1332 if a replacement, the replacement tower is a monopole tower or,  
1333 if the existing tower is a camouflaged tower, the replacement  
1334 tower is a like-camouflaged tower. This subparagraph shall not  
1335 preclude a public hearing for any appeal of the decision on the  
1336 application.

1337 (b)1. A local government's land development and  
1338 construction regulations for wireless communications facilities  
1339 and the local government's review of an application for the  
1340 placement, construction, or modification of a wireless  
1341 communications facility shall only address land development or  
1342 zoning issues. In such local government regulations or review,  
1343 the local government may not require information on or evaluate  
1344 a wireless provider's business decisions about its service,  
1345 customer demand for its service, or quality of its service to or

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1346 from a particular area or site, unless the wireless provider  
1347 voluntarily offers this information to the local government. In  
1348 such local government regulations or review, a local government  
1349 may not require information on or evaluate the wireless  
1350 provider's designed service unless the information or materials  
1351 are directly related to an identified land development or zoning  
1352 issue or unless the wireless provider voluntarily offers the  
1353 information. Information or materials directly related to an  
1354 identified land development or zoning issue may include, but are  
1355 not limited to, evidence that no existing structure can  
1356 reasonably be used for the antennae placement instead of the  
1357 construction of a new tower, that residential areas cannot be  
1358 served from outside the residential area, as addressed in  
1359 subparagraph 3., or that the proposed height of a new tower or  
1360 initial antennae placement or a proposed height increase of a  
1361 modified tower, replacement tower, or collocation is necessary  
1362 to provide the provider's designed service. Nothing in this  
1363 paragraph shall limit the local government from reviewing any  
1364 applicable land development or zoning issue addressed in its  
1365 adopted regulations that does not conflict with this section,  
1366 including, but not limited to, aesthetics, landscaping, land use  
1367 based location priorities, structural design, and setbacks.

1368         2. Any setback or distance separation required of a tower  
1369 may not exceed the minimum distance necessary, as determined by  
1370 the local government, to satisfy the structural safety or  
1371 aesthetic concerns that are to be protected by the setback or  
1372 distance separation.

1373         3. A local government may exclude the placement of  
1374 wireless communications facilities in a residential area or  
1375 residential zoning district but only in a manner that does not  
1376 constitute an actual or effective prohibition of the provider's

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1377 service in that residential area or zoning district. If a  
1378 wireless provider demonstrates to the satisfaction of the local  
1379 government that the provider cannot reasonably provide its  
1380 service to the residential area or zone from outside the  
1381 residential area or zone, the municipality or county and  
1382 provider shall cooperate to determine an appropriate location  
1383 for a wireless communications facility of an appropriate design  
1384 within the residential area or zone. The local government may  
1385 require that the wireless provider reimburse the reasonable  
1386 costs incurred by the local government for this cooperative  
1387 determination. An application for such cooperative determination  
1388 shall not be considered an application under paragraph (d).

1389 4. A local government may impose a reasonable fee on  
1390 applications to place, construct, or modify a wireless  
1391 communications facility only if a similar fee is imposed on  
1392 applicants seeking other similar types of zoning, land use, or  
1393 building permit review. A local government may impose fees for  
1394 the review of applications for wireless communications  
1395 facilities by consultants or experts who conduct code compliance  
1396 review for the local government but any fee is limited to  
1397 specifically identified reasonable expenses incurred in the  
1398 review. A local government may impose reasonable surety  
1399 requirements to ensure the removal of wireless communications  
1400 facilities that are no longer being used.

1401 5. A local government may impose design requirements, such  
1402 as requirements for designing towers to support collocation or  
1403 aesthetic requirements, except as otherwise limited in this  
1404 section, but shall not impose or require information on  
1405 compliance with building code type standards for the  
1406 construction or modification of wireless communications

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1407 facilities beyond those adopted by the local government under  
1408 chapter 553 and that apply to all similar types of construction.

1409 (c) Local governments may not require wireless providers  
1410 to provide evidence of a wireless communications facility's  
1411 compliance with federal regulations, except evidence of  
1412 compliance with applicable Federal Aviation Administration  
1413 requirements under 14 C.F.R. s. 77, as amended, and evidence of  
1414 proper Federal Communications Commission licensure, or other  
1415 evidence of Federal Communications Commission authorized  
1416 spectrum use, but may request the Federal Communications  
1417 Commission to provide information as to a wireless provider's  
1418 compliance with federal regulations, as authorized by federal  
1419 law.

1420 (d)1. A local government shall grant or deny each properly  
1421 completed application for a collocation under subparagraph (a)1.  
1422 based on the application's compliance with the local  
1423 government's applicable regulations, as provided for in  
1424 subparagraph (a)1. and consistent with this subsection, and  
1425 within the normal timeframe for a similar building permit review  
1426 but in no case later than 45 business days after the date the  
1427 application is determined to be properly completed in accordance  
1428 with this paragraph.

1429 2. A local government shall grant or deny each properly  
1430 completed application for any other wireless communications  
1431 facility based on the application's compliance with the local  
1432 government's applicable regulations, including but not limited  
1433 to land development regulations, consistent with this subsection  
1434 and within the normal timeframe for a similar type review but in  
1435 no case later than 90 business days after the date the  
1436 application is determined to be properly completed in accordance  
1437 with this paragraph.

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1438           3.a. An application is deemed submitted or resubmitted on  
1439 the date the application is received by the local government. If  
1440 the local government does not notify the applicant in writing  
1441 that the application is not completed in compliance with the  
1442 local government's regulations within 20 business days after the  
1443 date the application is initially submitted or additional  
1444 information resubmitted, the application is deemed, for  
1445 administrative purposes only, to be properly completed and  
1446 properly submitted. However, the determination shall not be  
1447 deemed as an approval of the application. If the application is  
1448 not completed in compliance with the local government's  
1449 regulations, the local government shall so notify the applicant  
1450 in writing and the notification must indicate with specificity  
1451 any deficiencies in the required documents or deficiencies in  
1452 the content of the required documents which, if cured, make the  
1453 application properly completed. Upon resubmission of information  
1454 to cure the stated deficiencies, the local government shall  
1455 notify the applicant, in writing, within the normal timeframes  
1456 of review, but in no case longer than 20 business days after the  
1457 additional information is submitted, of any remaining  
1458 deficiencies that must be cured. Deficiencies in document type  
1459 or content not specified by the local government do not make the  
1460 application incomplete. Notwithstanding this sub-subparagraph,  
1461 if a specified deficiency is not properly cured when the  
1462 applicant resubmits its application to comply with the notice of  
1463 deficiencies, the local government may continue to request the  
1464 information until such time as the specified deficiency is  
1465 cured. The local government may establish reasonable timeframes  
1466 within which the required information to cure the application  
1467 deficiency is to be provided or the application will be  
1468 considered withdrawn or closed.

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1469           b. If the local government fails to grant or deny a  
1470 properly completed application for a wireless communications  
1471 facility within the timeframes set forth in this paragraph, the  
1472 application shall be deemed automatically approved and the  
1473 applicant may proceed with placement of the facilities without  
1474 interference or penalty. The timeframes specified in  
1475 subparagraph 2. may be extended only to the extent that the  
1476 application has not been granted or denied because the local  
1477 government's procedures generally applicable to all other  
1478 similar types of applications require action by the governing  
1479 body and such action has not taken place within the timeframes  
1480 specified in subparagraph 2. Under such circumstances, the local  
1481 government must act to either grant or deny the application at  
1482 its next regularly scheduled meeting or, otherwise, the  
1483 application is deemed to be automatically approved.

1484           c. To be effective, a waiver of the timeframes set forth  
1485 in this paragraph must be voluntarily agreed to by the applicant  
1486 and the local government. A local government may request, but  
1487 not require, a waiver of the timeframes by the applicant, except  
1488 that, with respect to a specific application, a one-time waiver  
1489 may be required in the case of a declared local, state, or  
1490 federal emergency that directly affects the administration of  
1491 all permitting activities of the local government.

1492           (e) The replacement of or modification to a wireless  
1493 communications facility, except a tower, that results in a  
1494 wireless communications facility not readily discernibly  
1495 different in size, type, and appearance when viewed from ground  
1496 level from surrounding properties, and the replacement or  
1497 modification of equipment that is not visible from surrounding  
1498 properties, all as reasonably determined by the local

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1499 government, are subject to no more than applicable building  
1500 permit review.

1501 (f) Any other law to the contrary notwithstanding, the  
1502 Department of Management Services shall negotiate, in the name  
1503 of the state, leases for wireless communications facilities that  
1504 provide access to state government-owned property not acquired  
1505 for transportation purposes, and the Department of  
1506 Transportation shall negotiate, in the name of the state, leases  
1507 for wireless communications facilities that provide access to  
1508 property acquired for state rights-of-way. On property acquired  
1509 for transportation purposes, leases shall be granted in  
1510 accordance with s. 337.251. On other state government-owned  
1511 property, leases shall be granted on a space available, first-  
1512 come, first-served basis. Payments required by state government  
1513 under a lease must be reasonable and must reflect the market  
1514 rate for the use of the state government-owned property. The  
1515 Department of Management Services and the Department of  
1516 Transportation are authorized to adopt rules for the terms and  
1517 conditions and granting of any such leases.

1518 (g) If any person adversely affected by any action, or  
1519 failure to act, or regulation, or requirement of a local  
1520 government in the review or regulation of the wireless  
1521 communication facilities files an appeal or brings an  
1522 appropriate action in a court or venue of competent  
1523 jurisdiction, following the exhaustion of all administrative  
1524 remedies, the matter shall be considered on an expedited basis.

1525 (13)-(12) MISUSE OF WIRELESS 911 OR E911 SYSTEM; PENALTY.--  
1526 911 and E911 service must be used solely for emergency  
1527 communications by the public. Any person who accesses the number  
1528 911 for the purpose of making a false alarm or complaint or  
1529 reporting false information that could result in the emergency

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1530 response of any public safety agency; any person who knowingly  
1531 uses or attempts to use such service for a purpose other than  
1532 obtaining public safety assistance;<sup>7</sup> or any person who knowingly  
1533 uses or attempts to use such service in an effort to avoid any  
1534 charge for service, commits a misdemeanor of the first degree,  
1535 punishable as provided in s. 775.082 or s. 775.083. After being  
1536 convicted of unauthorized use of such service four times, a  
1537 person who continues to engage in such unauthorized use commits  
1538 a felony of the third degree, punishable as provided in s.  
1539 775.082, s. 775.083, or s. 775.084. In addition, if the value of  
1540 the service or the service charge obtained in a manner  
1541 prohibited by this subsection exceeds \$100, the person  
1542 committing the offense commits a felony of the third degree,  
1543 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1544 ~~(14)(13)~~ STATE LAW NOT PREEMPTED.--This section and ss.  
1545 365.173 and 365.174 do not alter any state law that otherwise  
1546 regulates voice communications services providers ~~of~~  
1547 ~~telecommunications service~~.

1548 Section 3. Two and one-half full-time equivalent positions  
1549 are authorized with an associated salary rate of \$151,278, and  
1550 the sum of \$561,834 in recurring funds is appropriated for the  
1551 2007-2008 fiscal year from the Emergency Communications Number  
1552 E911 System Fund of the Department of Management Services from  
1553 revenue received pursuant to s. 365.173, Florida Statutes, for  
1554 expenditures related to the creation of the statewide E911  
1555 board.

1556 Section 4. For the 2007-2008 fiscal year, the sum of \$56  
1557 million in recurring funds is appropriated from the Emergency  
1558 Communications Number E911 System Fund in the Department of  
1559 Management Services to provide for the distribution of  
1560 nonwireless fees to counties.



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1561 Section 5. For the 2007-2008 fiscal year, the sum of  
1562 \$12,541,000 in recurring funds is appropriated from the  
1563 Emergency Communications Number E911 System Fund in the  
1564 Department of Management Services to provide for an increase in  
1565 the distribution to counties for wireless fees.

1566 Section 6. For the 2007-2008 fiscal year, the sum of \$25  
1567 million in nonrecurring funds is appropriated from the Emergency  
1568 Communications Number E911 System Fund and placed in reserve in  
1569 the Department of Management Services to provide grants to  
1570 counties pursuant to s. 365.172(6)(a)3.b., Florida Statutes. The  
1571 department is authorized to request the release of funds  
1572 pursuant to the provisions in chapter 216, Florida Statutes.

1573 Section 7. This act shall take effect upon becoming a law.  
1574

1575 ===== T I T L E A M E N D M E N T =====

1576 Remove the entire title and insert:  
1577

1578 A bill to be entitled

1579 An act relating to emergency communications systems;  
1580 amending s. 365.171, F.S.; redesignating the Florida  
1581 Emergency Telephone Act as the "Florida Emergency  
1582 Communications Number E911 State Plan Act"; providing  
1583 legislative intent; redefining the term "office" to mean  
1584 the Technology Program designated by the Secretary of  
1585 Management Services; revising the duties of the office  
1586 regarding the state E911 system plan; revising provisions  
1587 for content of the plan; designating the secretary as the  
1588 director of the statewide emergency communications number  
1589 E911 system; removing a provision authorizing the director  
1590 to employ certain persons; directing the Public Service  
1591 Commission to adopt rules relating to coin-free 911 calls

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

1592 to be followed by the telecommunications industry;  
1593 requiring approval of the office for establishing or  
1594 expanding an emergency communications number E911 system;  
1595 removing a provision for existing emergency telephone  
1596 service; authorizing the secretary of the department to  
1597 apply for and accept federal funding assistance; removing  
1598 provisions relating to imposition and collection of the  
1599 911 fee and to the indemnification of local telephone  
1600 companies; removing a penalty for reporting false  
1601 information that may result in an emergency response;  
1602 amending s. 365.172, F.S.; redesignating the Wireless  
1603 Emergency Communications Act as the "Emergency  
1604 Communications Number E911 Act"; providing legislative  
1605 intent; revising definitions; providing for administration  
1606 of the fees collected; redesignating the Wireless 911  
1607 Board as the E911 Board; revising membership, powers,  
1608 duties, and responsibilities of the board; redesignating  
1609 the Wireless E911 Fee as the E911 Fee; requiring a study  
1610 relating to collecting the fee on the sale of prepaid  
1611 wireless service; revising provisions for use of revenue  
1612 collected; providing for certain disbursements; providing  
1613 for rates and collection from consumers of voice  
1614 communication services; providing for the authorized use  
1615 of the fees collected; providing for indemnification and  
1616 limitation of liability for local exchange carriers;  
1617 providing penalties for the misuse of the E911 system;  
1618 authorizing additional positions and providing  
1619 appropriations; providing an effective date.  
1620

# COUNCIL MEETING REPORT

## Policy & Budget Council

4/23/2007 9:15:00AM

Location: 212 Knott Building

CS/HB 921 : Wireless Communications Funds

Favorable with Council Substitute

|                             | Yea | Nay                  | No Vote | Absentee<br>Yea | Absentee<br>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   |                      |         |                 |                 |
| <b>Total Yeas: 25</b>       |     | <b>Total Nays: 0</b> |         |                 |                 |

### Appearances:

Terry Wester (Lobbyist) (State Employee) - Proponent  
Dept. of Management Services  
4030 Esplanade Way  
Tallahassee Florida 32399  
Phone: 850-414-6721

Committee meeting was reported out: Monday, April 23, 2007 5:12:08PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. CS/HB 921

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) Murzin offered the following:

3  
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6  
7 Section 1. Section 365.173, Florida Statutes, is amended  
8 to read:

9 365.173 ~~Wireless~~ Emergency Communications Number E911  
10 Telephone System Fund.--

11 (1) All revenues derived from the ~~E911~~ fee levied on  
12 subscribers under s. 365.172 must be paid by the board into the  
13 State Treasury on or before the 15th day of each month. Such  
14 moneys must be accounted for in a special fund to be designated  
15 as the ~~Wireless~~ Emergency Communications Number E911 Telephone  
16 System Fund, a fund created in the ~~State~~ Technology Program, or  
17 other office as designated by the Secretary of Management  
18 Services, and, for accounting purposes, must be segregated into  
19 two separate categories:

20 (a) The wireless category; and

21 (b) The nonwireless category. ~~Office and~~  
22

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

23 All moneys must be invested by the Chief Financial Officer  
24 pursuant to s. 17.61. All moneys in such fund are to be expended  
25 by the ~~State Technology~~ office for the purposes provided in this  
26 section and s. 365.172. These funds are not subject to s.  
27 215.20.

28 (2) As determined by the board pursuant to s.  
29 365.172(8)(h), and subject to any modifications approved by the  
30 board pursuant to s. 365.172(6)(a)3. or (8)(i) ~~(8)(e)~~, the  
31 moneys in the fund shall be distributed and used only as  
32 follows:

33 (a) Sixty-seven ~~Forty-four~~ percent of the moneys in the  
34 wireless category shall be distributed each month to counties,  
35 based on the total number of service identifiers wireless  
36 subscriber billing addresses in each county, and shall be used  
37 exclusively for payment of:

38 1. Authorized expenditures ~~Recurring costs of providing~~  
39 911 or E911 service, as specified in s. 365.172(9) ~~provided by~~  
40 s. 365.171(13)(a)6.

41 2. Costs to comply with the requirements for E911 service  
42 contained in the order and any future rules related to the  
43 order.

44 (b) Ninety-seven percent of the moneys in the nonwireless  
45 category shall be distributed each month to counties based on  
46 the total number of service identifiers in each county, and  
47 shall be used exclusively for payment of authorized  
48 expenditures, as specified in s. 365.172(9).

49  
50 Any county that receives funds under paragraphs (a) and (b)  
51 ~~this paragraph~~ shall establish a fund to be used exclusively for  
52 the receipt and expenditure of the revenues collected under  
53 paragraphs (a) and (b) ~~this paragraph~~. All fees placed in the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

54 fund and any interest accrued shall be used solely for costs  
55 described in subparagraphs 1. and 2. The money collected and  
56 interest earned in this fund shall be appropriated for these  
57 purposes by the county commissioners and incorporated into the  
58 annual county budget. The fund shall be included within the  
59 financial audit performed in accordance with s. 218.39. A county  
60 may carry forward up to 20 ~~30~~ percent of the total funds  
61 disbursed to the county by the board during a calendar year for  
62 expenditures for capital outlay, capital improvements, or  
63 equipment replacement, if such expenditures are made for the  
64 purposes specified in subparagraphs(a) 1. and 2.; however, the  
65 20-percent limitation does not apply to funds disbursed to a  
66 county under s. 365.172(6)(a)3., and a county may carry forward  
67 any percentage of the funds, except that any grant provided  
68 shall continue to be subject to any condition imposed by the  
69 board this paragraph. In order to prevent an excess recovery of  
70 costs incurred in providing E911 service, a county that receives  
71 funds greater than the permissible E911 costs described in  
72 s.365.172(9), including the 20 percent carryforward allowance,  
73 must return the excess funds to the E911 board to be allocated  
74 under s. 365.172(6)(a).

75 (c)(b) Thirty ~~Fifty-four~~ percent of the moneys in the  
76 wireless category shall be distributed to wireless providers in  
77 response to sworn invoices submitted to the board by wireless  
78 providers to reimburse such wireless providers for the actual  
79 costs incurred to provide 911 or E911 service, including the  
80 costs of complying with the order. Such costs include costs and  
81 expenses incurred by wireless providers to design, purchase,  
82 lease, program, install, test, upgrade, operate, and maintain  
83 all necessary data, hardware, and software required to provide  
84 E911 service. ~~Up to 2 percent of the funds allocated to~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

85 ~~providers shall be retained by the board to be applied to costs~~  
86 ~~and expenses incurred for the purposes of managing,~~  
87 ~~administering, and overseeing the receipts and disbursements~~  
88 ~~from the fund and other activities as defined in s. 365.172(6).~~  
89 Any funds retained for such purposes in a calendar year which  
90 are not applied to such costs and expenses by March 31 of the  
91 following year shall be distributed to providers pursuant to  
92 this paragraph. Each wireless provider shall submit to the  
93 board, by August 1 of each year, a detailed estimate of the  
94 capital and operating expenses for which it anticipates that it  
95 will seek reimbursement under this paragraph during the ensuing  
96 state fiscal year. In order to be eligible for recovery during  
97 any ensuing state fiscal year, a wireless provider must submit  
98 all sworn invoices for allowable purchases made within the  
99 previous calendar year no later than March 31 of the fiscal  
100 year. By September 15 of each year, the board shall submit to  
101 the Legislature its legislative budget request for funds to be  
102 allocated to wireless providers under this paragraph during the  
103 ensuing state fiscal year. The budget request shall be based on  
104 the information submitted by the wireless providers and  
105 estimated surcharge revenues. Distributions of moneys in the  
106 fund by the board to wireless providers must be fair and  
107 nondiscriminatory. If the total amount of moneys requested by  
108 wireless providers pursuant to invoices submitted to the board  
109 and approved for payment exceeds the amount in the fund in any  
110 month, wireless providers that have invoices approved for  
111 payment shall receive a pro rata share of moneys in the fund and  
112 the balance of the payments shall be carried over to the  
113 following month or months until all of the approved payments are  
114 made. The board may adopt rules necessary to address the manner  
115 in which pro rata distributions are made when the total amount

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

116 of funds requested by wireless providers pursuant to invoices  
117 submitted to the board exceeds the total amount of moneys on  
118 deposit in the fund.

119 (d) Notwithstanding paragraphs (a) and (c), the amount of  
120 money that remained in the wireless 911 system fund on December  
121 31, 2006, must be disbursed to wireless providers for the  
122 recovery of allowable costs incurred in previous years ending  
123 December 31, 2006, and in accordance with paragraph (c). In  
124 order to be eligible for recovered costs incurred under  
125 paragraph (c), a wireless provider must submit sworn invoices to  
126 the board by December 31, 2007. The board must disburse the  
127 designated funds in the wireless 911 system fund on or after  
128 January 1, 2008.

129 (e) One percent of the moneys in the fund shall be  
130 retained by the board to be applied to costs and expenses  
131 incurred for the purposes of managing, administering, and  
132 overseeing the receipts and disbursements from the fund and  
133 other activities as defined in s. 365.172(6). Any funds retained  
134 for such purposes in a calendar year which are not applied to  
135 such costs and expenses by March 31 of the following year shall  
136 be redistributed as determined by the board.

137 (f)(e) Two percent of the moneys in the fund shall be used  
138 to make monthly distributions to rural counties for the purpose  
139 of providing facilities and network and service enhancements and  
140 assistance for the 911 or E911 systems operated by rural  
141 counties and for the provision of ~~reimbursable loans and grants~~  
142 by the office to rural counties for upgrading and replacing E911  
143 911 systems.

144 (g) By September 1, 2007, up to \$15 million of the  
145 existing 911 system fund shall be available for distribution by  
146 the board to the counties in order to prevent a loss in the



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

147 ordinary and expected time value of money caused by any timing  
148 delay in remittance to the counties of wireline fees caused by  
149 the one-time transfer of collecting wireline fees by the  
150 counties to the board. All disbursements for this purpose must  
151 be returned to the fund from the future remittance by the  
152 nonwireless category.

153 (h) If the wireless category has funds remaining in it on  
154 December 31 after disbursements have been made during the  
155 calendar year immediately prior to December 31, the board may  
156 disburse the excess funds in the wireless category in accordance  
157 with s. 365.172(6)(a)3.b.

158  
159 The Legislature recognizes that the ~~wireless E911~~ fee  
160 authorized under s. 365.172 may ~~will~~ not necessarily provide the  
161 total funding required for establishing or providing the E911  
162 ~~911~~ service. It is the intent of the Legislature that all  
163 revenue from the fee be used as specified in this subsection ~~s.~~  
164 ~~365.171(13)(a)6.~~

165 (3) ~~Through fiscal year 2008-2009,~~ The Auditor General  
166 shall annually audit the fund to ensure that moneys in the fund  
167 are being managed in accordance with this section and s.  
168 365.172. The Auditor General shall provide a report of the  
169 annual audit to the board.

170 Section 2. This act shall take effect upon becoming a law,  
171 if House Bill 919 or similar legislation is adopted in the  
172 legislative session or an extension thereof and becomes law.

173  
174 ===== T I T L E A M E N D M E N T =====

175 Remove the entire title and insert:

176  
177 A bill to be entitled

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

178 An act relating to wireless communications funds; amending s.  
179 365.173, F.S.; redesignating the Wireless Emergency Telephone  
180 System Fund as the "Emergency Communications Number E911 System  
181 Fund"; requiring that all revenues derived from a fee levied by  
182 a county on local exchange subscribers be paid into the State  
183 Treasury by a specified date and that the moneys be accounted  
184 for in a special fund; providing a methodology for the  
185 distribution of the funds; requiring counties to return money to  
186 the fund under certain circumstances; requiring a wireless  
187 provider to submit sworn invoices in order to support claims for  
188 reimbursement of allowable costs; requiring that funds in the  
189 E911 system fund on a specified date be returned to wireless  
190 providers for costs incurred before a specified date; providing  
191 procedures for reimbursement; requiring the Auditor General to  
192 annually audit the fund; providing an effective date.

193

# COUNCIL MEETING REPORT

## Policy & Budget Council

4/23/2007 9:15:00AM

Location: 212 Knott Building

CS/HB 977 : Primary Care Access Network

Favorable with Council Substitute

|                             | Yea | Nay                  | No Vote | Absentee<br>Yea | Absentee<br>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   |                      |         |                 |                 |
| <b>Total Yeas: 27</b>       |     | <b>Total Nays: 0</b> |         |                 |                 |

**Appearances:**

Mark Jeffries - Proponent  
 201 S. Rosalind Street - 5th Floor  
 Orlando Florida 32801  
 Phone: 407-836-5909

Committee meeting was reported out: Monday, April 23, 2007 5:12:08PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 977

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

2 Representative(s) Bean offered the following:

3

4 **Amendment (with title amendment)**

5 Remove line(s) 49-52 and insert:

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

7

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

9 Remove line(s) 12-13 and insert:

10 Specified date; providing an appropriation; providing an  
11 effective date.

000000

# COUNCIL MEETING REPORT

## Policy & Budget Council

4/23/2007 9:15:00AM

**Location:** 212 Knott Building  
**CS/HB 989 : Crime Victims**

| <input checked="" type="checkbox"/> Favorable | Yea | Nay                  | No Vote | Absentee<br>Yea | Absentee<br>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   |                      |         |                 |                 |
| <b>Total Yeas: 26</b>                         |     | <b>Total Nays: 0</b> |         |                 |                 |

**Appearances:**

Gwen Roache (State Employee) - Information Only  
 Attorney's General Office  
 Tallahassee Florida 32399  
 Phone: 850-414-3387

Committee meeting was reported out: Monday, April 23, 2007 5:12:08PM

# **COUNCIL MEETING REPORT**

## **Policy & Budget Council**

**4/23/2007 9:15:00AM**

**Location:** 212 Knott Building

Kimberly Case (Lobbyist) (State Employee) - Proponent

Attorney's General Office

The Capitol, PL 01

Tallahassee Florida 32399

Phone: 850-245-0155

Jennifer Dritt (Lobbyist) - Proponent

Florida Council Against Sexual Violence

1311 N. Paul Russell Rd. #204A

Tallahassee Florida 32301

Phone: 850-297-2000

**Committee meeting was reported out: Monday, April 23, 2007 5:12:08PM**

# COUNCIL MEETING REPORT

## Policy & Budget Council

4/23/2007 9:15:00AM

Location: 212 Knott Building

CS/HB 1033 : Agency Inspectors General

Favorable with Council Substitute

|                             | Yea | Nay                  | No Vote | Absentee<br>Yea | Absentee<br>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   |                      |         |                 |                 |
| <b>Total Yeas: 28</b>       |     | <b>Total Nays: 0</b> |         |                 |                 |

**Appearances:**

Chris Card (Lobbyist) - Proponent  
 2805 West San Rafael Street  
 Tampa Florida 33629  
 Phone: 813-843-1827

Committee meeting was reported out: Monday, April 23, 2007 5:12:08PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 1033

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) Bean offered the following:

3

4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:  
 6 Section 1. Section 20.055, Florida Statutes, is amended to  
 7 read:

8 20.055 Agency inspectors general.--

9 (1) For the purposes of this section:

10 (a) "State agency" means each department created pursuant  
 11 to this chapter, and also includes the Executive Office of the  
 12 Governor, the Department of Military Affairs, the Fish and  
 13 Wildlife Conservation Commission, the Office of Insurance  
 14 Regulation of the Financial Services Commission, the Office of  
 15 Financial Regulation of the Financial Services Commission, the  
 16 Public Service Commission, and the state courts system.

17 (b) "Agency head" means a public official such as the  
 18 Governor, a Cabinet officer, a secretary as defined in s.  
 19 20.03(5), or an executive director as defined in s. 20.03(6). It  
 20 also includes the chair of the Public Service Commission, the  
 21 Director of the Office of Insurance Regulation of the Financial  
 22 Services Commission, the Director of the Office of Financial



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23 Regulation of the Financial Services Commission, and the Chief  
24 Justice of the State Supreme Court. The term does not include  
25 the head of, or an officer of, a private entity operating as a  
26 for-profit or not-for-profit entity.

27 (c) "Individuals substantially affected" means natural  
28 persons who have established a real and sufficiently immediate  
29 injury in fact due to the findings, conclusions, or  
30 recommendations of a final report of a state agency inspector  
31 general, who are the subject of the audit or investigation, and  
32 who do not have or are not currently afforded an existing right  
33 to an independent review process. Employees of the state,  
34 including career service, probationary, other personal service,  
35 Selected Exempt Service, and Senior Management Service  
36 employees, are not covered by this definition. This definition  
37 also does not cover former employees of the state if the final  
38 report of the state agency inspector general relates to matters  
39 arising during a former employee's term of state employment.

40 (d) "Entities contracting with the state" means for-profit  
41 and not-for-profit organizations or businesses having a legal  
42 existence, such as corporations or partnerships, as opposed to  
43 natural persons, that have entered into a relationship with a  
44 state agency as defined in paragraph (a) to provide for  
45 consideration certain goods or services to the state agency or  
46 on behalf of the state agency. The relationship may be evidenced  
47 by payment by warrant or purchasing card, contract, purchase  
48 order, provider agreement, or other such mutually agreed upon  
49 relationship.

50 (e) "Additional material relevant" means evidence  
51 submitted to the state agency inspector general prior to release  
52 of the final report that likely would have affected the  
53 investigative findings. Such evidence is not merely cumulative

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54 of evidence considered by the state agency inspector general  
55 and, to be relevant, must tend to prove or disprove the matters  
56 at issue in the investigation. Newly discovered evidence may be  
57 considered if it was discovered subsequent to the agency  
58 inspector general's final report and the agency inspector  
59 general has affirmatively refused to reopen the investigation  
60 despite such evidence. Such evidence shall not have been  
61 withheld from the state agency inspector general during the  
62 original investigation.

63 (f) "Original investigation" means an official  
64 investigative review by a state agency inspector general of  
65 information relative to suspected violations of any law, rule,  
66 or agency policy resulting in written findings.

67 (2) The Office of Inspector General is hereby established  
68 in each state agency to provide a central point for coordination  
69 of and responsibility for activities that promote  
70 accountability, integrity, and efficiency in government. It  
71 shall be the duty and responsibility of each inspector general,  
72 with respect to the state agency in which the office is  
73 established, to:

74 (a) Advise in the development of performance measures,  
75 standards, and procedures for the evaluation of state agency  
76 programs.

77 (b) Assess the reliability and validity of the information  
78 provided by the state agency on performance measures and  
79 standards, and make recommendations for improvement, if  
80 necessary, prior to submission of those measures and standards  
81 to the Executive Office of the Governor pursuant to s.  
82 216.0166(1).

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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83 (c) Review the actions taken by the state agency to  
84 improve program performance and meet program standards and make  
85 recommendations for improvement, if necessary.

86 (d) Provide direction for, supervise, and coordinate  
87 audits, investigations, and management reviews relating to the  
88 programs and operations of the state agency, except that when  
89 the inspector general does not possess the qualifications  
90 specified in subsection (4), the director of auditing shall  
91 conduct such audits.

92 (e) Conduct, supervise, or coordinate other activities  
93 carried out or financed by that state agency for the purpose of  
94 promoting economy and efficiency in the administration of, or  
95 preventing and detecting fraud and abuse in, its programs and  
96 operations.

97 (f) Keep such agency head informed concerning fraud,  
98 abuses, and deficiencies relating to programs and operations  
99 administered or financed by the state agency, recommend  
100 corrective action concerning fraud, abuses, and deficiencies,  
101 and report on the progress made in implementing corrective  
102 action.

103 (g) Ensure effective coordination and cooperation between  
104 the Auditor General, federal auditors, and other governmental  
105 bodies with a view toward avoiding duplication.

106 (h) Review, as appropriate, rules relating to the programs  
107 and operations of such state agency and make recommendations  
108 concerning their impact.

109 (i) Ensure that an appropriate balance is maintained  
110 between audit, investigative, and other accountability  
111 activities.

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112           (j) Comply with the General Principles and Standards for  
113 Offices of Inspector General as published and revised by the  
114 Association of Inspectors General.

115           (3) (a) The inspector general shall be appointed by the  
116 agency head. For agencies under the direction of the Governor,  
117 the appointment shall be made after notifying the Governor and  
118 the Chief Inspector General in writing, at least 7 days prior to  
119 an offer of employment, of the agency head's intention to hire  
120 the inspector general.

121           (b) Each inspector general shall report to and be under  
122 the general supervision of the agency head and shall not be  
123 subject to supervision by any other employee of the state  
124 agency. The inspector general shall be appointed without regard  
125 to political affiliation.

126           (c) An inspector general may be removed from office by the  
127 agency head. For agencies under the direction of the Governor,  
128 the agency head shall notify the Governor and the Chief  
129 Inspector General, in writing, of the intention to terminate the  
130 inspector general at least 7 days prior to the removal. For  
131 state agencies under the direction of the Governor and Cabinet,  
132 the agency head shall notify the Governor and Cabinet in writing  
133 of the intention to terminate the inspector general at least 7  
134 days prior to the removal.

135           (d) The agency head or agency staff shall not prevent or  
136 prohibit the inspector general ~~or director of auditing~~ from  
137 initiating, carrying out, or completing any audit or  
138 investigation.

139           (4) To ensure that state agency audits are performed in  
140 accordance with applicable auditing standards, the inspector  
141 general or the director of auditing within the inspector  
142 general's office shall possess the following qualifications:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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143 (a) A bachelor's degree from an accredited college or  
144 university with a major in accounting, or with a major in  
145 business which includes five courses in accounting, and 5 years  
146 of experience as an internal auditor or independent postauditor,  
147 electronic data processing auditor, accountant, or any  
148 combination thereof. The experience shall at a minimum consist  
149 of audits of units of government or private business  
150 enterprises, operating for profit or not for profit; or

151 (b) A master's degree in accounting, business  
152 administration, or public administration from an accredited  
153 college or university and 4 years of experience as required in  
154 paragraph (a); or

155 (c) A certified public accountant license issued pursuant  
156 to chapter 473 or a certified internal audit certificate issued  
157 by the Institute of Internal Auditors or earned by examination,  
158 and 4 years of experience as required in paragraph (a).

159 (5) In carrying out the auditing duties and  
160 responsibilities of this act, each inspector general shall  
161 review and evaluate internal controls necessary to ensure the  
162 fiscal accountability of the state agency. The inspector general  
163 shall conduct financial, compliance, electronic data processing,  
164 and performance audits of the agency and prepare audit reports  
165 of his or her findings. The scope and assignment of the audits  
166 shall be determined by the inspector general; however, the  
167 agency head may at any time direct the inspector general to  
168 perform an audit of a special program, function, or  
169 organizational unit. The performance of the audit shall be under  
170 the direction of the inspector general, except that if the  
171 inspector general does not possess the qualifications specified  
172 in subsection (4), the director of auditing shall perform the  
173 functions listed in this subsection.

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174 (a) Such audits shall be conducted in accordance with the  
175 current International Standards for the Professional Practice of  
176 Internal Auditing as ~~and subsequent Internal Auditing Standards~~  
177 ~~or Statements on Internal Auditing Standards~~ published by the  
178 Institute of Internal Auditors, Inc., or, where appropriate, in  
179 accordance with generally accepted governmental auditing  
180 standards. All audit reports issued by internal audit staff  
181 shall include a statement that the audit was conducted pursuant  
182 to the appropriate standards.

183 (b) Audit workpapers and reports shall be public records  
184 to the extent that they do not include information which has  
185 been made confidential and exempt from the provisions of s.  
186 119.07(1) pursuant to law. However, when the inspector general  
187 or a member of the staff receives from an individual a complaint  
188 or information that falls within the definition provided in s.  
189 112.3187(5), the name or identity of the individual shall not be  
190 disclosed to anyone else without the written consent of the  
191 individual, unless the inspector general determines that such  
192 disclosure is unavoidable during the course of the audit or  
193 investigation.

194 (c) The inspector general and the staff shall have access  
195 to any records, data, and other information of the state agency  
196 he or she deems necessary to carry out his or her duties. The  
197 inspector general is also authorized to request such information  
198 or assistance as may be necessary from the state agency or from  
199 any federal, state, or local government entity.

200 (d) At the conclusion of each audit, the inspector general  
201 shall submit preliminary findings and recommendations to the  
202 person responsible for supervision of the program function or  
203 operational unit who shall respond to any adverse findings  
204 within 20 working days after receipt of the tentative findings.

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205 Such response and the inspector general's rebuttal to the  
206 response shall be included in the final audit report.

207 (e) At the conclusion of an audit in which the results of  
208 the audit are published and disbursed and the subject of the  
209 audit is a specific, singular entity contracting with the state,  
210 the inspector general shall submit findings to the subject who  
211 shall respond to any adverse findings within 20 working days.  
212 Such response and the inspector general's rebuttal to the  
213 response, if any, shall be included in the final audit report.

214 ~~(f)(e)~~ The inspector general shall submit the final report  
215 to the agency head and to the Auditor General.

216 ~~(g)(f)~~ The Auditor General, in connection with the  
217 independent postaudit of the same agency pursuant to s. 11.45,  
218 shall give appropriate consideration to internal audit reports  
219 and the resolution of findings therein. The Legislative Auditing  
220 Committee may inquire into the reasons or justifications for  
221 failure of the agency head to correct the deficiencies reported  
222 in internal audits that are also reported by the Auditor General  
223 and shall take appropriate action.

224 ~~(h)(g)~~ The inspector general shall monitor the  
225 implementation of the state agency's response to any report on  
226 the state agency issued by the Auditor General or by the Office  
227 of Program Policy Analysis and Government Accountability. No  
228 later than 6 months after the Auditor General or the Office of  
229 Program Policy Analysis and Government Accountability publishes  
230 a report on the state agency, the inspector general shall  
231 provide a written response to the agency head on the status of  
232 corrective actions taken. The Inspector General shall file a  
233 copy of such response with the Legislative Auditing Committee.

234 ~~(i)(h)~~ The inspector general shall develop long-term and  
235 annual audit plans based on the findings of periodic risk

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236 assessments. The plan, where appropriate, should include  
237 postaudit samplings of payments and accounts. The plan shall  
238 show the individual audits to be conducted during each year and  
239 related resources to be devoted to the respective audits. The  
240 Chief Financial Officer, to assist in fulfilling the  
241 responsibilities for examining, auditing, and settling accounts,  
242 claims, and demands pursuant to s. 17.03(1), and examining,  
243 auditing, adjusting, and settling accounts pursuant to s. 17.04,  
244 may utilize audits performed by the inspectors general and  
245 internal auditors. For state agencies under the Governor, the  
246 audit plans shall be submitted to the Governor's Chief Inspector  
247 General. The plan shall be submitted to the agency head for  
248 approval. A copy of the approved plan shall be submitted to the  
249 Auditor General.

250 (6) In carrying out the investigative duties and  
251 responsibilities specified in this section, each inspector  
252 general shall initiate, conduct, supervise, and coordinate  
253 investigations designed to detect, deter, prevent, and eradicate  
254 fraud, waste, mismanagement, misconduct, and other abuses in  
255 state government. For these purposes, each inspector general  
256 ~~state agency~~ shall:

257 (a) Receive complaints and coordinate all activities of  
258 the agency as required by the Whistle-blower's Act pursuant to  
259 ss. 112.3187-112.31895.

260 (b) Receive and consider the complaints which do not meet  
261 the criteria for an investigation under the Whistle-blower's Act  
262 and conduct, supervise, or coordinate such inquiries,  
263 investigations, or reviews as the inspector general deems  
264 appropriate.

265 (c) Report expeditiously to the Department of Law  
266 Enforcement or other law enforcement agencies, as appropriate,



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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267 whenever the inspector general has reasonable grounds to believe  
268 there has been a violation of criminal law.

269 (d) Conduct investigations and other inquiries free of  
270 actual or perceived impairment to the independence of the  
271 inspector general or the inspector general's office. This shall  
272 include freedom from any interference with investigations and  
273 timely access to records and other sources of information.

274 (e) At the conclusion of each investigation in which the  
275 subject of the investigation is a specific entity contracting  
276 with the state or an individual substantially affected by the  
277 findings, conclusions, and recommendations, the inspector  
278 general shall, consistent with chapter 119, submit findings to  
279 the subject who shall respond to any adverse findings within 10  
280 days. Such response and the inspector general's rebuttal to the  
281 response, if any, shall be included in the final investigative  
282 report.

283 (f)~~(e)~~ Submit in a timely fashion final reports on  
284 investigations conducted by the inspector general to the agency  
285 head, except for whistle-blower's investigations, which shall be  
286 conducted and reported pursuant to s. 112.3189.

287 (7) Each inspector general shall, not later than September  
288 30 of each year, prepare an annual report summarizing the  
289 activities of the office during the immediately preceding state  
290 fiscal year. The final report shall be furnished to the agency  
291 head. Such report shall include, but need not be limited to:

292 (a) A description of activities relating to the  
293 development, assessment, and validation of performance measures.

294 (b) A description of significant abuses and deficiencies  
295 relating to the administration of programs and operations of the  
296 agency disclosed by investigations, audits, reviews, or other  
297 activities during the reporting period.

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298 (c) A description of the recommendations for corrective  
299 action made by the inspector general during the reporting period  
300 with respect to significant problems, abuses, or deficiencies  
301 identified.

302 (d) The identification of each significant recommendation  
303 described in previous annual reports on which corrective action  
304 has not been completed.

305 (e) A summary of each audit and investigation completed  
306 during the reporting period.

307 (8) The inspector general in each agency under the  
308 Governor's jurisdiction shall timely report to the Chief  
309 Inspector General all written complaints received concerning the  
310 duties and responsibilities outlined in this section or any  
311 misconduct alleged related to the office of the inspector  
312 general or its employees.

313 (9) For agencies under the Governor's jurisdiction, the  
314 Chief Inspector General in the Executive Office of the Governor,  
315 as defined in s. 14.32, shall:

316 (a) Receive and consider all complaints against offices of  
317 inspectors general or their employees and conduct, supervise, or  
318 coordinate such inquiries, investigations, or reviews as the  
319 Chief Inspector General considers appropriate.

320 (b) Develop policies and procedures for reviewing  
321 complaints against a state agency office of inspector general or  
322 its employees, including, but not limited to, complaints  
323 regarding misconduct, failure to properly follow professional  
324 standards, or any other violation of agency policy, rule, or law  
325 which is consistent with the definitions in this section and s.  
326 14.32. The policies and procedures must identify exemptions from  
327 this process, including, but not limited to, whistle-blower  
328 investigations conducted in accordance with ss. 112.3187-

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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329 112.31895. These policies and procedures must afford entities  
330 contracting with state agencies, and individuals substantially  
331 affected by the findings, conclusions, and recommendations, a  
332 meaningful opportunity to express their complaint and present  
333 additional material relevant to the original investigation.  
334 Policies and procedures specified herein shall not be subject to  
335 rulemaking under chapter 120.

336 (c) Distribute the report of any investigation conducted  
337 or supervised by the Chief Inspector General to the office of  
338 the inspector general of the state agency, the agency head of  
339 the subject's employing agency, and the person that filed the  
340 complaint against the office of inspector general of the state  
341 agency or its employees.

342 (10) If a state agency inspector general's reported  
343 adverse findings regarding entities contracting with state  
344 agencies and individuals substantially affected by the findings,  
345 conclusions, and recommendations are determined to be not  
346 substantially justified by the Chief Inspector General, the  
347 agency shall reimburse reasonable legal fees and costs not to  
348 exceed \$50,000 specifically associated with filing and pursuing  
349 the complaints, which are incurred by the entities contracting  
350 with state agencies and individuals substantially affected by  
351 the findings, conclusions, and recommendations.

352 (11)~~(8)~~ Each agency inspector general shall, to the extent  
353 both necessary and practicable, include on his or her staff  
354 individuals with electronic data processing auditing experience.

355 Section 2. This act shall take effect July 1, 2007.

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

357 Remove the entire title and insert:

358 A bill to be entitled

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

359 An act relating to agency inspectors general; amending s.  
360 20.055, F.S.; providing definitions; requiring agency inspectors  
361 general to adopt certain principles and standards; requiring an  
362 inspector general to submit findings of an audit to specified  
363 persons or entities; requiring agencies under the Governor to  
364 notify the Chief Inspector General of inspector general  
365 appointments and terminations; prohibiting agency staff from  
366 preventing or prohibiting the inspector general or director of  
367 auditing from initiating, carrying out, or completing any audit  
368 or investigation; requiring audits to be conducted in accordance  
369 with the current International Standards for the Professional  
370 Practice of Internal Auditing; requiring the inspector general  
371 of each state agency to report certain written complaints to the  
372 Chief Inspector General; requiring the Chief Inspector General  
373 to fulfill certain duties and responsibilities; requiring a  
374 state agency to reimburse legal fees and costs that are incurred  
375 by certain individuals and entities under certain conditions;  
376 providing an effective date.

# COUNCIL MEETING REPORT

## Policy & Budget Council

4/23/2007 9:15:00AM

Location: 212 Knott Building

CS/HB 1223 : Hurricane Preparedness and Insurance

Favorable with Council Substitute

|                             | Yea | Nay                  | No Vote | Absentee<br>Yea | Absentee<br>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   |                      |         |                 |                 |
| <b>Total Yeas: 22</b>       |     |                      |         |                 |                 |
|                             |     | <b>Total Nays: 4</b> |         |                 |                 |

### Appearances:

Barney Bishop (Lobbyist) - Proponent  
 Associated Industries of Florida  
 Tallahassee Florida 32301  
 Phone: 850-224-7173

Committee meeting was reported out: Monday, April 23, 2007 5:12:08PM

# **COUNCIL MEETING REPORT**

## **Policy & Budget Council**

**4/23/2007 9:15:00AM**

**Location:** 212 Knott Building

Gabe Sheheane (Lobbyist) - Proponent

FL Chamber of Commerce

136 S. Bronough Street

Tallahassee Florida 32301

Phone: 850-284-8335

William Stander (Lobbyist) - Proponent

Property Casualty Insurers Association of America

P.O. Box 11174

Tallahassee Florida 32302

Phone: 850-681-2615

Mark Delegal (Lobbyist) - Proponent

State Farm Mutual Auto Ins. Co.

**Committee meeting was reported out: Monday, April 23, 2007 5:12:08PM**

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. CS/HB 1223

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

2 Representative(s) Hasner offered the following:

3

4 **Amendment (with title amendments)**

5 Remove line(s) 141 - 171:

6

7

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

9 Remove line(s) 11 - 19 and insert:

10 force; requiring the Chief

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. CS/HB 1223

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) Brown offered the following:

**Amendment**

Remove line(s) 268 - 269:

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

Delete line(s) 34 - 36 and insert:  
 Commission's voluntary "code plus" guidelines;

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Committee on \_\_\_\_\_

Date \_\_\_\_\_

Action Withdrawn

**HOUSE AMENDMENT FOR DRAFTING PURPOSES ONLY**

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

Amendment No. 3

Bill No. CS/HB 1223

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

Representative(s)/The Committee on SANDERS

offered the following amendment:

Amendment

on page 2, line 41,

Strike lines 41-274 and insert new Section 1

Section 1 Notwithstanding any provision of the Florida Insurance Code, any insurance company authorized to do business in Florida may promulgate, and the Office of Insurance Regulation may approve, immediate rate increases for windstorm insurance on all residential and non-residential property located within the geographic boundaries of state House District 25

new title needed - "Conceptual" title

# COUNCIL MEETING REPORT

## Policy & Budget Council

4/23/2007 9:15:00AM

Location: 212 Knott Building

CS/HB 1259 : Disposition of Unclaimed Property

Favorable with Council Substitute

|                             | Yea | Nay                  | No Vote | Absentee<br>Yea | Absentee<br>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   |                      |         |                 |                 |
| <b>Total Yeas: 19</b>       |     | <b>Total Nays: 0</b> |         |                 |                 |

Committee meeting was reported out: Monday, April 23, 2007 5:12:08PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 1259

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) Grant offered the following:

**Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:  
 6 Section 1. Section 501.95, Florida Statutes, is created to  
 7 read:

8 501.95 Gift certificates and credit memos.--

9 (1) As used in this section, the term:

10 (a) "Credit memo" means a certificate, card, stored value  
 11 card, or similar instrument issued in exchange for returned  
 12 merchandise when the certificate, card, or similar instrument is  
 13 redeemable for merchandise, food, or services regardless of  
 14 whether any cash may be paid to the owner of the certificate,  
 15 card, or instrument as part of the redemption transaction.

16 (b) "Gift certificate" means a certificate, gift card,  
 17 stored value card, or similar instrument issued in exchange for  
 18 monetary consideration when the certificate, card, or similar  
 19 instrument is redeemable for merchandise, food, or services  
 20 regardless of whether any cash may be paid to the owner of the  
 21 certificate, card, or instrument as part of the redemption

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

22 transaction, but this term shall not include tickets as  
23 specified in s. 717.1355.

24 (2) (a) A gift certificate or credit memo sold or issued  
25 for consideration in this state may not have an expiration date,  
26 expiration period, or any type of postsale charge or fee imposed  
27 on the gift certificate or credit memo, including, but not  
28 limited to, service charges, dormancy fees, account maintenance  
29 fees, or cash-out fees. However, a gift certificate may have an  
30 expiration date of not less than 3 years if it is provided as a  
31 charitable contribution when no consideration is given to the  
32 issuer by the consumer, or not less than 1 year if it is  
33 provided as a benefit pursuant to an employee-incentive program,  
34 consumer-loyalty program, or promotional program when no  
35 consideration is given to the issuer by the consumer, and the  
36 expiration date is prominently disclosed in writing to the  
37 consumer at the time it is provided. In addition, a gift  
38 certificate may have an expiration date if it is provided as  
39 part of a larger package related to a convention, conference,  
40 vacation, or sporting or fine arts event having a limited  
41 duration so long as the majority of the value paid by the  
42 recipient is attributable to the convention, conference,  
43 vacation, or event. An issuer may honor a gift certificate that  
44 has expired on or before the effective date of this act.

45 (b) Paragraph (a) does not apply to a gift certificate or  
46 credit memo sold or issued by a financial institution, as  
47 defined in s. 655.005, or by a money transmitter, as defined in  
48 s. 560.103, if the gift certificate or credit memo is redeemable  
49 by multiple unaffiliated merchants.

50 Section 2. Section 717.1045, Florida Statutes, is created  
51 to read:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

52        717.1045 Gift certificates and similar credit  
53        items.--Notwithstanding s. 717.117, an unredeemed gift  
54        certificate or credit memo as defined in s. 501.95 is not  
55        required to be reported as unclaimed property.

56        (1) The consideration paid for an unredeemed gift  
57        certificate or credit memo is the property of the issuer of the  
58        unredeemed gift certificate or credit memo.

59        (2) An unredeemed gift certificate or credit memo is  
60        subject only to any rights of a purchaser or owner thereof and  
61        is not subject to a claim made by any state acting on behalf of  
62        a purchaser or owner.

63        (3) It is the intent of the Legislature that this section  
64        apply to the custodial holding of unredeemed gift certificates  
65        and credit memos.

66        (4) However, a gift certificate or credit memo described  
67        in s. 501.95(2)(b) shall be reported as unclaimed property. The  
68        consideration paid for such a gift certificate or credit memo is  
69        the property of the owner of the gift certificate or credit  
70        memo.

71        Section 3. This act shall take effect upon becoming a law.

72  
73        ===== T I T L E   A M E N D M E N T =====

74        Remove the entire title and insert:

75                                A bill to be entitled

76        An act relating to gift certificates and similar credit  
77        items; creating s. 501.95, F.S.; defining the terms  
78        "credit memo" and "gift certificate"; prohibiting a gift  
79        certificate or credit memo sold or issued for  
80        consideration in this state from having an expiration  
81        date, expiration period, or any type of postsale charge or  
82        fee imposed on the gift certificate or credit memo;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

83 providing certain exceptions; creating s. 717.1045, F.S.;

84 providing that the holder of an unredeemed gift

85 certificate or credit memo is not required to report the

86 unredeemed gift certificate or credit memo as unclaimed

87 property to the Department of Financial Services;

88 providing that the consideration paid for an unredeemed

89 gift certificate or credit memo is the property of the

90 issuer, subject only to any rights of a purchaser or

91 owner, and is not subject to a claim made by any state

92 acting on behalf of a purchaser or owner; requiring that a

93 gift certificate or credit memo be reported as unclaimed

94 property; providing legislative intent; providing the

95 consideration paid for the gift certificate or credit memo

96 is the property of the owner of the gift certificate or

97 credit memo; providing an effective date.

98

# COUNCIL MEETING REPORT

## Policy & Budget Council

4/23/2007 9:15:00AM

**Location:** 212 Knott Building

**CS/HB 1267 : Property Insurance**

Favorable with Council Substitute

|                             | Yea | Nay                  | No Vote | Absentee<br>Yea | Absentee<br>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   |                      |         |                 |                 |
| <b>Total Yeas: 22</b>       |     | <b>Total Nays: 6</b> |         |                 |                 |

**Appearances:**

Balney Bishop (Lobbyist) - Opponent  
 Associated Industries of Florida  
 514 N. Adams Street  
 Tallahassee Florida 32301  
 Phone: 850-224-7173

Committee meeting was reported out: Monday, April 23, 2007 5:12:08PM

# **COUNCIL MEETING REPORT**

## **Policy & Budget Council**

**4/23/2007 9:15:00AM**

**Location:** 212 Knott Building  
Mark Delegal (Lobbyist) - Opponent  
State Farm Mutual Auto Ins. Co.

**Committee meeting was reported out: Monday, April 23, 2007 5:12:08PM**



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 1267

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

1 Council/Committee hearing bill:

2 Representative(s) Hasner offered the following:

3

4 **Amendment (with title amendments)**

5 Between line(s) 15 and 16 insert:

6 Section 1. Paragraphs (b), (c), and (g) of subsection (2) of  
7 section 215.5595, Florida Statutes, as amended by chapter 2007-  
8 1, Laws of Florida, are amended to read:

9 215.5595 Insurance Capital Build-Up Incentive Program.--

10 (2) The purpose of this section is to provide surplus  
11 notes to new or existing authorized residential property  
12 insurers under the Insurance Capital Build-Up Incentive Program  
13 administered by the State Board of Administration, under the  
14 following conditions:

15 (b) The insurer must contribute an amount of new capital  
16 to its surplus which is at least equal to the amount of the  
17 surplus note and must apply to the board by July 1, 2006. If an  
18 insurer applies after July 1, 2006, but before June 1, 2007, the  
19 amount of the surplus note is limited to one-half of the new  
20 capital that the insurer contributes to its surplus, except for  
21 an insurer writing only manufactured housing policies or a

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

22 domestic mutual insurer, for which the amount of the surplus  
23 note is equal to the amount of the new capital that the insurer  
24 contributes to its surplus. For purposes of this section, new  
25 capital must be in the form of cash or cash equivalents as  
26 specified in s. 625.012(1).

27 (c) The insurer's surplus, new capital, and the surplus  
28 note must total at least \$50 million, except for insurers  
29 writing residential property insurance covering only  
30 manufactured housing or a domestic mutual insurer. The insurer's  
31 surplus, new capital, and the surplus note must total at least  
32 \$14 million for insurers writing only residential property  
33 insurance covering manufactured housing policies as provided in  
34 paragraph (a). The surplus, new capital, and the surplus note  
35 for a domestic mutual insurer must total at least \$25 million.

36 (g) The total amount of funds available for the program is  
37 limited to the amount appropriated by the Legislature for this  
38 purpose. If the amount of surplus notes requested by insurers  
39 exceeds the amount of funds available, the board may prioritize  
40 insurers that are eligible and approved, with priority for  
41 funding given to insurers writing only manufactured housing  
42 policies and to domestic mutual insurers, regardless of the date  
43 of application, based on the financial strength of the insurer,  
44 the viability of its proposed business plan for writing  
45 additional residential property insurance in the state, and the  
46 effect on competition in the residential property insurance  
47 market.

48  
49  
50  
51 ===== 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)

52           Between line(s) 2 and 3 insert:  
53   215.5595, F.S.; providing eligibility of certain insurers for a  
54   surplus note from the Insurance Capital Build-Up Incentive  
55   Program; providing an aggregate requirement; amending s.

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Page 3 of 3

h1267-Hasner-Capital Build-up.doc

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No.CS/HB 1267

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

2 Representative(s) Brown offered the following:

3

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

5 Remove line(s) 387, 388, 447 and 448 and insert in both  
6 places:

7 premium for coverage from the authorized insurer is more than 25  
8 percent greater than the premium for comparable coverage from

9

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

11 Remove line(s) and insert:

12

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

14 Remove line(s) and insert:

15

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. CS/HB 1267

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

Council/Committee hearing bill: Policy & Budget

Representative(s) Brown offered the following:

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

Remove line(s) 671 through 674 and insert:

shall remain in effect until January 1, 2008 ~~for the 2007~~  
~~calendar year~~ except for any rate change that results in a lower  
 rate. The next rate change that may increase rates shall take  
 effect January 1, 2008, pursuant to a new rate filing  
 recommended

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

Remove line(s) and insert:

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

Remove line(s) and insert:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. CS/HB 1267

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

The substitute passed SA to

1 Council/Committee hearing bill: Policy & Budget Council #4  
2 Representative(s) Hays offered the following:

**Amendment (with title amendment)**

Between line(s) 687 and 689, insert:

Section 3. (1) The Citizens Property Insurance

Corporation Mission Review Task Force is created to analyze and  
compile available data and to develop a report setting forth the  
statutory and operational changes needed to return Citizens  
Property Insurance Corporation to its former role as a state-  
created, noncompetitive residual market mechanism that provides  
property insurance coverage to risks that are otherwise entitled  
but unable to obtain such coverage in the private insurance  
market. The task force shall submit a report to the Governor,  
the President of the Senate, and the Speaker of the House of  
Representatives by January 31, 2008. At a minimum, the task  
force shall analyze and evaluate relevant and applicable  
information and data and develop recommendations concerning:

(a) The nature of Citizens Property Insurance

Corporation's role in providing property insurance coverage when

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

21 and only if such coverage is not available from private  
22 insurers.

23 (b) The ability of the admitted market to offer policies  
24 to those consumers formerly insured through Citizens Property  
25 Insurance Corporation. This consideration shall include, but not  
26 be limited to, the availability of private market reinsurance  
27 and coverage through the Florida Hurricane Catastrophe Fund, the  
28 general adequacy of the admitted market's current rates, and the  
29 capacity of the industry to offer policies to former Citizens  
30 Property Insurance Corporation policyholders within existing  
31 writing ratio limitations.

32 (c) The appropriate relationship of rates charged by  
33 Citizens Property Insurance Corporation to rates charged by  
34 private insurers, with due consideration for the corporation's  
35 role as a noncompetitive residual market mechanism.

36 (d) The relationships between the exposure of Citizens  
37 Property Insurance Corporation to catastrophic hurricane losses,  
38 the corporation's history of purchasing inadequate or no  
39 reinsurance coverage, and the corporation's lack of adequate  
40 capital to meet its potential claim obligations without  
41 incurring large deficits.

42 (e) The adverse effects on the people and the economy of  
43 this state of the large, multiyear deficit assessments by  
44 Citizens Property Insurance Corporation that may be levied on  
45 businesses and households in this state, and steps that can be  
46 taken to reduce those effects.

47 (f) The operational implications of the variation in the  
48 number of policies in force over time in Citizens Property  
49 Insurance Corporation and the merits of outsourcing some or all  
50 of its operational responsibilities.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

51 (g) Changes in the mission and operations of Citizens  
52 Property Insurance Corporation to reduce or eliminate any  
53 adverse effect such mission and operations may be having on the  
54 promotion of sound and economic growth and development of the  
55 coastal areas of this state.

56 (2) The task force shall be composed of 17 members as  
57 follows:

58 (a) Three members appointed by the Speaker of the House of  
59 Representatives.

60 (b) Three members appointed by the President of the  
61 Senate.

62 (c) Three members appointed by the Governor who are not  
63 employed by or professionally affiliated with an insurance  
64 company or a subsidiary of an insurance company.

65 (d) Eight members appointed as representatives of private  
66 insurance companies as follows:

67 1. Two members representing two separate insurance  
68 companies in this state that each provide at least 300,000  
69 property insurance policies statewide at the time of the  
70 creation of the task force.

71 2. Two members representing two separate insurance  
72 companies in this state that each provide at least 100,000 but  
73 no more than 299,000 property insurance policies statewide at  
74 the time of the creation of the task force.

75 3. Two members representing two separate insurance  
76 companies in this state that each provide fewer than 100,000  
77 property insurance policies statewide at the time of the  
78 creation of the task force.

79 4. Two members appointed by the Chief Financial Officer  
80 representing insurance agents in this state, at least one of

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

81 whom represents the largest property and casualty insurance  
82 agent's association in this state.

83  
84 Of each pair of members appointed under subparagraphs 1., 2.,  
85 and 3., one shall be appointed by the President of the Senate  
86 and one by the Speaker of the House of Representatives.

87 (3) The task force shall conduct research, hold public  
88 meetings, receive testimony, employ consultants and  
89 administrative staff, and undertake other activities determined  
90 by its members to be necessary to complete its responsibilities.  
91 Citizens Property Insurance Corporation shall have appropriate  
92 senior staff attend task force meetings, shall respond to  
93 requests for testimony and data by the task force, and shall  
94 otherwise cooperate with the task force.

95 (4) A member of the task force may not delegate his or her  
96 attendance or voting power to a designee.

97 (5) Members of the task force shall serve without  
98 compensation but are entitled to receive reimbursement for  
99 travel and per diem as provided in s. 112.061, Florida Statutes.

100 (6) The appointments to the task force must be completed  
101 within 30 calendar days after the effective date of this act,  
102 and the task force must hold its initial meeting within 1 month  
103 after appointment of all members. The task force shall expire no  
104 later than 60 calendar days after submission of the report  
105 required in subsection (1).

106 Section 4. (1) Effective January 1, 2008, notwithstanding  
107 any other provision of this section, with respect to any  
108 residential property insurance, a rate filing, including, but  
109 not limited to, any rate changes, rating factors, territories,  
110 classification, discounts, and credits, with respect to any

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

111 policy form, including endorsements issued with the form, that  
112 results in an overall average statewide premium increase shall  
113 not be subject to a determination by the Office of Insurance  
114 Regulation that the rate is excessive or unfairly discriminatory  
115 or in violation of any other provision of law.

116 (2) The Office of Insurance Regulation may disapprove a  
117 rate as inadequate or disapprove a filing for the use of rating  
118 factors prohibited by the laws of this state. An insurer  
119 electing to implement a rate change under subsection (1) shall  
120 submit a filing to the office at least 40 days prior to the  
121 effective date of the rate change. The office shall have 30 days  
122 after the submission of the filing to review the filing and  
123 determine whether the rate is inadequate or uses rating factors  
124 prohibited by the laws of this state. Absent a finding by the  
125 office within such 30-day period that the rate is inadequate or  
126 that the insurer has used rating factors prohibited by the laws  
127 of this state, the filing is deemed approved. If the office  
128 finds during the 30-day period that the filing will result in  
129 inadequate premiums or otherwise endanger the insurer's  
130 solvency, the office shall suspend the rate change. If the  
131 insurer is implementing an overall rate increase that would  
132 continue to produce an inadequate rate, such increase shall  
133 proceed pending additional action by the office to ensure the  
134 adequacy of the rate.

135 (3) This section does not apply to rate filings for any  
136 insurance other than residential property insurance.

137 Section 5. The Chief Financial Officer shall provide a  
138 report on the economic impact on the state of a 1-in-250-year  
139 hurricane to the Governor, the President of the Senate, and the  
140 Speaker of the House of Representatives by March 1 of each year.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

141 The report shall include an estimate of the short-term and long-  
142 term fiscal impacts of such a storm on Citizens Property  
143 Insurance Corporation, the Florida Hurricane Catastrophe Fund,  
144 the private insurance and reinsurance markets, the state  
145 economy, and the state debt. The report may also include  
146 recommendations by the Chief Financial Officer for preparing for  
147 such a hurricane and reducing the economic impact of such a  
148 hurricane on the state. In preparing the analysis, the Chief  
149 Financial Officer shall coordinate with and obtain data from the  
150 Office of Insurance Regulation, Citizens Property Insurance  
151 Corporation, the Florida Hurricane Catastrophe Fund, the Florida  
152 Commission on Hurricane Loss Projection Methodology, the State  
153 Board of Administration, the Office of Economic and Demographic  
154 Research, and other state agencies.

155 Section 6. Subsection (3) of section 553.73, Florida  
156 Statutes, as amended by chapter 2007-1, Laws of Florida, is  
157 amended, and subsection (13) is added to that section, to read:

158 553.73 Florida Building Code.--

159 (3) The commission shall select from available national or  
160 international model building codes, or other available building  
161 codes and standards currently recognized by the laws of this  
162 state, to form the foundation for the Florida Building Code. The  
163 commission may modify the selected model codes and standards as  
164 needed to accommodate the specific needs of this state, but only  
165 to the extent that any such modifications strengthen, not  
166 weaken, the structural integrity of buildings constructed in  
167 compliance with provisions of the Florida Building Code relating  
168 to wind protection. Standards or criteria referenced by the  
169 selected model codes shall be similarly incorporated by  
170 reference. If a referenced standard or criterion requires

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

171 amplification or modification to be appropriate for use in this  
172 state, only the amplification or modification shall be  
173 specifically set forth in the Florida Building Code. The Florida  
174 Building Commission may approve technical amendments to the  
175 code, subject to the requirements of subsections (7) and (8),  
176 after the amendments have been subject to the following  
177 conditions:

178 (a) The proposed amendment has been published on the  
179 commission's website for a minimum of 45 days and all the  
180 associated documentation has been made available to any  
181 interested party before any consideration by any Technical  
182 Advisory Committee;

183 (b) In order for a Technical Advisory Committee to make a  
184 favorable recommendation to the commission, the proposal must  
185 receive a three-fourths vote of the members present at the  
186 Technical Advisory Committee meeting and at least half of the  
187 regular members must be present in order to conduct a meeting;

188 (c) After Technical Advisory Committee consideration and a  
189 recommendation for approval of any proposed amendment, the  
190 proposal must be published on the commission's website for not  
191 less than 45 days before any consideration by the commission;  
192 and

193 (d) Any proposal may be modified by the commission based  
194 on public testimony and evidence from a public hearing held in  
195 accordance with chapter 120.

196  
197 The commission shall incorporate within sections of the Florida  
198 Building Code provisions which address regional and local  
199 concerns and variations, but only to the extent that any such  
200 modifications strengthen, not weaken, the structural integrity

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

201 of buildings constructed in compliance with provisions of the  
202 Florida Building Code relating to wind protection. The  
203 commission shall make every effort to minimize conflicts between  
204 the Florida Building Code, the Florida Fire Prevention Code, and  
205 the Life Safety Code.

206 (13) Each county and municipality in this state shall, at  
207 a minimum, enforce the windborne debris protections and  
208 structural guidelines adopted by the American Society of Civil  
209 Engineers in the standard commonly referred to as ASCE 7-02.  
210 Notwithstanding s. 109, chapter 2000-141, Laws of Florida, the  
211 Florida Building Commission shall amend the Florida Building  
212 Code to require application of ASCE 7-02 throughout the state  
213 and to eliminate all exceptions providing less stringent  
214 requirements. Provisions of the Florida Building Code, including  
215 those contained in referenced standards and criteria, relating  
216 to wind resistance shall not be amended pursuant to this  
217 subsection to diminish construction requirements; however, the  
218 commission may amend the provisions to enhance those  
219 construction requirements.

220 Section 7. Subsection (2) of section 10 of chapter 2007-1,  
221 Laws of Florida, is amended to read:

222 Section 10.

223 (2) The Florida Building Commission shall develop  
224 voluntary "Code Plus" guidelines for increasing the hurricane  
225 resistance of buildings. The guidelines may be modeled on the  
226 requirements for the High Velocity Hurricane Zone and must  
227 identify products, systems, and methods of construction that the  
228 commission anticipates could result in stronger construction.  
229 The commission shall include these guidelines in its report to  
230 the President of the Senate and the Speaker of the House of

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

231 Representatives during the 2008 Regular Session of the  
232 Legislature.

233 Section 8. Section 9 of chapter 2007-1, Laws of Florida,  
234 is repealed.

235 Section 9. For the 2007-2008 fiscal year, the nonrecurring  
236 sum of \$250,000 is appropriated from the General Revenue Fund to  
237 the Department of Financial Services for the purpose of  
238 implementing the provisions of this act relating to the Citizens  
239 Property Insurance Corporation Mission Review Task Force.

240  
241  
242 ===== T I T L E A M E N D M E N T =====

243 Remove line(s) the entire title and insert:

244 A bill to be entitled

245 An act relating to hurricane preparedness and insurance;  
246 amending s. 627.351, F.S.; revising legislative findings  
247 to provide a finding that the lack of affordable property  
248 insurance threatens the public health, safety, and welfare  
249 and threatens the economic health of the state; revising  
250 provisions for determining eligibility for coverage under  
251 the corporation; reinstating certain rate filings by the  
252 corporation; prohibiting issuance of new certificates of  
253 authority to certain insurers; requiring rate filings of  
254 certain insurers to include certain parent company profits  
255 information; creating the Citizens Property Insurance  
256 Corporation Mission Review Task Force; providing purposes;  
257 requiring a report; providing report requirements;  
258 providing for appointment of members; providing  
259 responsibilities; specifying service without compensation;  
260 providing for reimbursement of per diem and travel

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

261 expenses; providing meeting requirements; requiring the  
262 corporation to assist the task force; providing for the  
263 expiration of the task force; exempting certain  
264 residential property insurance rate filings from being  
265 subject to determinations by the Office of Insurance  
266 Regulation of being excessive or unfairly discriminatory;  
267 authorizing the office to disapprove certain rates as  
268 inadequate or disapprove certain filings under certain  
269 circumstances; providing requirements and procedures for  
270 filing rates and review of rate filings by the office;  
271 providing for application only to residential property  
272 insurance; requiring the Chief Financial Officer to  
273 provide a report on the economic impact on the state of  
274 certain hurricanes; providing report requirements;  
275 amending s. 553.73, F.S.; limiting the authority of the  
276 Florida Building Commission to modify certain codes and  
277 standards under certain circumstances; requiring counties  
278 and municipalities to enforce certain windborne debris  
279 protections and structural guidelines; requiring the  
280 commission to amend the Florida Building Code to require  
281 application of certain standards and eliminate certain  
282 exceptions; prohibiting amendment of the Florida Building  
283 Code to diminish certain requirements; authorizing the  
284 commission to amend the code to enhance certain  
285 requirements; amending s. 10, ch. 2007-1, Laws of Florida;  
286 revising reporting requirements for the commission's  
287 voluntary "Code Plus" guidelines; repealing s. 9, ch.  
288 2007-1, Laws of Florida, relating to certain windborne  
289 debris protection requirements enforcement; providing an  
290 appropriation; providing effective dates.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. CS/HB 1267

COUNCIL/COMMITTEE ACTION

|                       |                |
|-----------------------|----------------|
| ADOPTED               | <u>Y</u> (Y/N) |
| ADOPTED AS AMENDED    | — (Y/N)        |
| ADOPTED W/O OBJECTION | <u>✓</u> (Y/N) |
| FAILED TO ADOPT       | — (Y/N)        |
| WITHDRAWN             | — (Y/N)        |
| OTHER                 | —              |

SA  
to A4

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

4 **Substitute Amendment for Amendment 4 (with title amendment)**

6 Between line(s) 687 and 688, insert:

8 Section 3. (1) The Citizens Property Insurance  
9 Corporation Mission Review Task Force is created to analyze and  
10 compile available data and to develop a report setting forth the  
11 statutory and operational changes needed to return Citizens  
12 Property Insurance Corporation to its former role as a state-  
13 created, noncompetitive residual market mechanism that provides  
14 property insurance coverage to risks that are otherwise entitled  
15 but unable to obtain such coverage in the private insurance  
16 market. The task force shall submit a report to the Governor,  
17 the President of the Senate, and the Speaker of the House of  
18 Representatives by January 31, 2008. At a minimum, the task  
19 force shall analyze and evaluate relevant and applicable  
20 information and data and develop recommendations concerning:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

21        (a) The nature of Citizens Property Insurance  
22 Corporation's role in providing property insurance coverage when  
23 and only if such coverage is not available from private  
24 insurers.

25        (b) The ability of the admitted market to offer policies  
26 to those consumers formerly insured through Citizens Property  
27 Insurance Corporation. This consideration shall include, but not  
28 be limited to, the availability of private market reinsurance  
29 and coverage through the Florida Hurricane Catastrophe Fund, the  
30 general adequacy of the admitted market's current rates, and the  
31 capacity of the industry to offer policies to former Citizens  
32 Property Insurance Corporation policyholders within existing  
33 writing ratio limitations.

34        (c) The appropriate relationship of rates charged by  
35 Citizens Property Insurance Corporation to rates charged by  
36 private insurers, with due consideration for the corporation's  
37 role as a noncompetitive residual market mechanism.

38        (d) The relationships between the exposure of Citizens  
39 Property Insurance Corporation to catastrophic hurricane losses,  
40 the corporation's history of purchasing inadequate or no  
41 reinsurance coverage, and the corporation's lack of adequate  
42 capital to meet its potential claim obligations without  
43 incurring large deficits.

44        (e) The adverse effects on the people and the economy of  
45 this state of the large, multiyear deficit assessments by  
46 Citizens Property Insurance Corporation that may be levied on  
47 businesses and households in this state, and steps that can be  
48 taken to reduce those effects.

49        (f) The operational implications of the variation in the  
50 number of policies in force over time in Citizens Property

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

51 Insurance Corporation and the merits of outsourcing some or all  
52 of its operational responsibilities.

53 (g) Changes in the mission and operations of Citizens  
54 Property Insurance Corporation to reduce or eliminate any  
55 adverse effect such mission and operations may be having on the  
56 promotion of sound and economic growth and development of the  
57 coastal areas of this state.

58 (2) The task force shall be composed of 17 members as  
59 follows:

60 (a) Three members appointed by the Speaker of the House of  
61 Representatives.

62 (b) Three members appointed by the President of the  
63 Senate.

64 (c) Three members appointed by the Governor who are not  
65 employed by or professionally affiliated with an insurance  
66 company or a subsidiary of an insurance company.

67 (d) Eight members appointed as representatives of private  
68 insurance companies as follows:

69 1. Two members representing two separate insurance  
70 companies in this state that each provide at least 300,000  
71 property insurance policies statewide at the time of the  
72 creation of the task force.

73 2. Two members representing two separate insurance  
74 companies in this state that each provide at least 100,000 but  
75 no more than 299,000 property insurance policies statewide at  
76 the time of the creation of the task force.

77 3. Two members representing two separate insurance  
78 companies in this state that each provide fewer than 100,000  
79 property insurance policies statewide at the time of the  
80 creation of the task force.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

81 4. Two members appointed by the Chief Financial Officer  
82 representing insurance agents in this state, at least one of  
83 whom represents the largest property and casualty insurance  
84 agent's association in this state.

85  
86 Of each pair of members appointed under subparagraphs 1., 2.,  
87 and 3., one shall be appointed by the President of the Senate  
88 and one by the Speaker of the House of Representatives.

89 (3) The task force shall conduct research, hold public  
90 meetings, receive testimony, employ consultants and  
91 administrative staff, and undertake other activities determined  
92 by its members to be necessary to complete its responsibilities.  
93 Citizens Property Insurance Corporation shall have appropriate  
94 senior staff attend task force meetings, shall respond to  
95 requests for testimony and data by the task force, and shall  
96 otherwise cooperate with the task force.

97 (4) A member of the task force may not delegate his or her  
98 attendance or voting power to a designee.

99 (5) Members of the task force shall serve without  
100 compensation but are entitled to receive reimbursement for  
101 travel and per diem as provided in s. 112.061, Florida Statutes.

102 (6) The appointments to the task force must be completed  
103 within 30 calendar days after the effective date of this act,  
104 and the task force must hold its initial meeting within 1 month  
105 after appointment of all members. The task force shall expire no  
106 later than 60 calendar days after submission of the report  
107 required in subsection (1).

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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 Remove line(s) 12 and insert:  
112  
113 information; creating the Citizens Property Insurance  
114 Corporation Mission Review Task Force; providing purposes;  
115 requiring a report; providing report requirements;  
116 providing for appointment of members; providing  
117 responsibilities; specifying service without compensation;  
118 providing for reimbursement of per diem and travel  
119 expenses; providing meeting requirements; requiring the  
120 corporation to assist the task force; providing for the  
121 expiration of the task force; providing effective dates.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. CS/HB 1267

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) Robaina offered the following:

**Amendment (with title amendment)**

Remove line(s) 329-347 and insert:

6 of nine ~~eight~~ individuals ~~who are residents of this state, from~~  
 7 ~~different geographical areas of this state.~~ The Governor shall  
 8 appoint three members of the board. ~~The Governor,~~ the Chief  
 9 Financial Officer, the President of the Senate, and the Speaker  
 10 of the House of Representatives shall each appoint two members  
 11 of the board. All board members shall possess demonstrated  
 12 expertise and/or knowledge in insurance, bond financing,  
 13 business management or corporate board membership. ~~At least one~~  
 14 ~~of the two members appointed by each appointing officer must~~  
 15 ~~have demonstrated expertise in insurance.~~ ~~The Chief Financial~~  
 16 ~~Officer shall designate one of the appointees as chair.~~ All  
 17 board members serve at the pleasure of the appointing officer.  
 18 All members of the board of governors are subject to removal at  
 19 will by the officers who appointed them. All board members,  
 20 including the chair, must be appointed to serve for 3-year terms  
 21 beginning annually on a date designated by the plan. Any board

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

22 vacancy shall be filled for the unexpired term by the appointing  
23 officer. ~~The Chief Financial Officer shall appoint a technical~~  
24 ~~advisory group to provide information and advice to the board of~~  
25 ~~governors in connection with the board's duties under this~~  
26 ~~subsection. . .~~ The Governor shall designate one of the nine  
27 board members as chair. The executive director of the  
28 corporation must have substantial insurance and managerial  
29 expertise and senior managers of the corporation shall be  
30 engaged by the board and serve at the pleasure of the board.  
31  
32

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

34 Remove line(s) 6 and insert:

35 threatens the economic health of the state; revising the  
36 corporation's board; revising

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. CS/HB 1267

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

Failed

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

**Amendment**

Remove line(s) 677-687 and insert:

Section 2. Notwithstanding any other provision of law:

7 (1) A new certificate of authority for the transaction of  
 8 residential property insurance may not be issued to any insurer  
 9 which is an affiliate or wholly owned subsidiary of an insurer  
 10 authorized to write residential property insurance in any other  
 11 state.

12 (2) After January 1, 2008, an insurer domiciled in this  
 13 state that is authorized to write residential property insurance  
 14 and is directly or indirectly a wholly owned subsidiary of an  
 15 insurer authorized to do business in any other state shall  
 16 include in every rate filing, information relating to the  
 17 profits of the parent company of the insurer domiciled in this  
 18 state. The office may disapprove a rate increase for an insurer  
 19 if the parent company reported in its most recent annual  
 20 statement a profit that resulted in a return to investors of  
 21 greater than 15%.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 1267

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) Bogdanoff offered the following:

**Amendment (with title amendments)**

Between line(s) 15 and 16 insert:

7 Section 1. (1) The State Board of Administration may sell  
 8 reinsurance below the Florida Hurricane Catastrophe Fund  
 9 retention level in the Florida Hurricane Catastrophe Fund within  
 10 the range of 30 to 60 percent online to private insurance  
 11 companies that agree to take out of Citizens Property Insurance  
 12 Corporation a specified number of individual policies held by  
 13 Citizens Property Insurance Corporation on a geographically  
 14 diverse basis.

15 (2) Policyholders of Citizens Property Insurance  
 16 Corporation must receive a discount no less than a rate  
 17 specified by the State Board of Administration, which must be no  
 18 less than 10 percent.

19 (3) The State Board of Administration may offer discounted  
 20 reinsurance rates to private insurance companies through offers  
 21 to negotiate via auction, individual negotiation, or any method

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

22 designed to achieve the best discounted rate for policyholders  
23 of Citizens Property Insurance Corporation.

24 (4) The State Board of Administration may determine how  
25 many policies a private company must assume from Citizens  
26 Property Insurance Corporation in order to purchase reinsurance  
27 from the state at the discounted rate.

28 (5) Private insurance companies must assume 100 percent of  
29 each policy taken from Citizens Property Insurance Corporation  
30 in exchange for the discounted reinsurance rate.

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

34 Remove line(s) 2 and insert:

35 An act relating to property insurance; authorizing the State  
36 Board of Administration to sell reinsurance to private insurance  
37 companies taking insurance policies from Citizens Property  
38 Insurance Corporation under certain circumstances; providing for  
39 a discount to policyholders of Citizens Property Insurance  
40 Corporation; authorizing the State Board of Administration to  
41 offer discounted reinsurance rates to private insurance  
42 companies under certain circumstances; authorizing the State  
43 Board of Administration to determine the number of policies  
44 taken from Citizens Property Insurance Corporation to get  
45 discounted reinsurance; providing requirements for private  
46 insurance companies to get a discounted reinsurance rate;  
47 amending s.

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Withdrawn

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Rep. Galvano moved the following amendment:

**Amendment**

On line 45, insert after the period:

Citizens Property Insurance Corporation, however, remains an insurer, as that term is defined in s. 624.03.

# COUNCIL MEETING REPORT

## Policy & Budget Council

4/23/2007 9:15:00AM

Location: 212 Knott Building

CS/HB 1283 : Black Business Investment

Favorable with Council Substitute

|                             | Yea | Nay                  | No Vote | Absentee<br>Yea | Absentee<br>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   |                      |         |                 |                 |
| <b>Total Yeas: 27</b>       |     | <b>Total Nays: 0</b> |         |                 |                 |

Committee meeting was reported out: Monday, April 23, 2007 5:12:08PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

Bill No. 1283

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) Cannon offered the following:

**Amendment (with title amendments)**

Remove line(s) 847-856 and insert:

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

Remove line(s) 127-128 and insert:

11  
 12 by the board through fiscal year 2005-2006; providing an  
 13 effective date.

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# COUNCIL MEETING REPORT

## Policy & Budget Council

4/23/2007 9:15:00AM

Location: 212 Knott Building

CS/HB 1309 : Adoption and Child Protection

Favorable with Council Substitute

|                             | Yea | Nay                  | No Vote | Absentee<br>Yea | Absentee<br>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   |                      |         |                 |                 |
| <b>Total Yeas: 28</b>       |     | <b>Total Nays: 0</b> |         |                 |                 |

Committee meeting was reported out: Monday, April 23, 2007 5:12:08PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. **HB 1309**

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 hearing bill: Policy and Budget

2 Representative Galvano offered the following:

3  
4 **Amendment (with title amendment)**

5 Remove lines 409-465 and insert:

6  
7 Section 5. Section 409.166, Florida Statutes, is  
8 amended to read:

9 409.166 Children within the child welfare system ~~Special~~  
10 ~~needs children; subsidized adoption~~  
11 assistance program.-

12 (1) LEGISLATIVE INTENT.--It is the intent of the  
13 Legislature to protect and promote each ~~every~~ child's right to  
14 the security and stability of a permanent family home. The  
15 Legislature intends to make adoption assistance, including  
16 financial aid, available to prospective adoptive parents to  
17 ~~financial aid which will~~ enable them to adopt a child in the  
18 state's foster care system who, because of his or her ~~special~~  
19 needs, has proven difficult to place in an adoptive home. ~~In~~  
20 ~~providing subsidies for children with special needs in foster~~  
21 ~~homes, it is the intent of the Legislature to reduce state~~

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

22 ~~expenditures for long term foster care. It is also the intent~~  
23 ~~of the Legislature that placement without subsidy be the~~  
24 ~~placement of choice unless it can be shown that such placement~~  
25 ~~is not in the best interest of the child.~~

26 (2) DEFINITIONS.--As used in this section, the term:

27 (a) "Special needs child" means:

28 1. A child whose permanent custody has been awarded to  
29 the department or to a licensed child-placing agency; and

30 2.1. A child who has established significant emotional  
31 ties with his or her foster parents; or

32 2. is not likely to be adopted because he or she is:

33 a. Eight years of age or older;

34 b. Developmentally disabled ~~Mentally retarded~~;

35 c. Physically or emotionally handicapped;

36 d. Of black or racially mixed parentage; or

37 e. A member of a sibling group of any age, provided  
38 two or more members of a sibling group remain together for  
39 purposes of adoption; and-

40 3. Except when the child is being adopted by the  
41 child's foster parents or relative caregivers, a reasonable,  
42 but unsuccessful effort has been made to place the child  
43 without providing a maintenance subsidy.

44 (b) "Adoption assistance" means financial assistance  
45 and services provided to a child and his or her  
46 adoptive family. Such assistance may include a maintenance  
47 subsidy, medical assistance, Medicaid assistance, and  
48 reimbursement of nonrecurring expenses associated with the  
49 legal adoption. The term also includes a tuition exemption at  
50 a postsecondary career program, community college, or state  
51 university, and a state employee adoption benefit under s.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

52 110.152.

53 (c) "Child within the child welfare system" or "child"  
54 means a special needs child as defined in this section and any  
55 other child who was removed from the child's caregiver due to  
56 abuse or neglect and whose permanent custody has been awarded to  
57 the department or to a licensed child-placing agency.

58 (d) ~~(b)~~ "Department" means the Department of Children  
59 and Family Services.

60 (e) "Licensed child-placing agency" has the same  
61 meaning as in s. 39.01.

62 (f) ~~(e)~~ "Maintenance subsidy" means a monthly payment  
63 as provided in subsection (4) ~~special services or money~~  
64 payments.

65 (3) ADMINISTRATION OF PROGRAM.--

66 (a) The department shall establish and administer an  
67 adoption program for ~~special needs~~ children to be carried out  
68 by the department or by contract with a licensed child-placing  
69 agency. The program shall attempt to increase the number of  
70 persons seeking to adopt ~~special needs~~ children and the number  
71 of finalized adoptions ~~adoption placements~~ and shall extend  
72 adoption assistance ~~subsidies and services~~, when needed, to  
73 the adopting parents of a ~~special needs~~ child.

74 (b) The department shall collect and maintain the  
75 necessary data and records to evaluate the effectiveness of  
76 the program in encouraging and promoting the adoption of  
77 children.

78 (4) ADOPTION ASSISTANCE.--

79 (a) A maintenance subsidy shall:

80 ~~(b) Authorization for subsidized adoption placement is~~  
81 ~~to~~ be granted only when all other resources available to a a

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

82 ~~place the child in question~~ have been thoroughly explored and  
83 ~~when~~ it can be clearly established that this is the most  
84 acceptable plan for providing permanent placement for the  
85 child. The maintenance Adoption subsidy must will not be used  
86 as a substitute for adoptive parent recruitment or as an  
87 inducement to adopting adopt a child who might be placed  
88 without providing a subsidy through nonsubsidized means.

89 However, it shall be the policy of the department that no  
90 child be denied adoption if providing a maintenance when  
91 subsidy would make adoption possible. The best interest of the  
92 child must shall be the deciding factor in every case. This  
93 section does not Nothing contained herein shall prohibit  
94 foster parents from applying to adopt a ~~special-needs~~ child  
95 placed in their care. Foster parents or relative caregivers  
96 must be asked if they would adopt without a maintenance  
97 subsidy.

98 ~~(c) The department shall keep the necessary records to~~  
99 ~~evaluate the effectiveness of the program in encouraging and~~  
100 ~~promoting the adoption of special needs children.~~

101 ~~(4) ELIGIBILITY FOR SERVICES.--~~

102 ~~(b)(a)~~ The department shall ~~may~~ pay ~~either one or both of~~  
103 the following maintenance subsidy subsidies to the adopting  
104 parents, subject to specific appropriation:

105 ~~1.~~ A payment in an amount of \$5,000 annually paid on a  
106 monthly basis for the For support and maintenance of a child  
107 until the 18th birthday of such child, ~~a monthly payment~~ or an  
108 amount other than \$5,000 annually as determined by the adoptive  
109 parents and the department and memorialized in a written  
110 agreement between the adoptive parents and the department. The  
111 agreement shall take into consideration the circumstances of the

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

112 adoptive parents and the needs of the child being adopted, ~~and~~  
113 ~~The amount of the subsidy may be adjusted readjusted~~  
114 ~~periodically based upon changes in the needs of the child or~~  
115 ~~circumstances of the adoptive parents. Changes shall not be made~~  
116 ~~without the concurrence of the adoptive parents. those~~  
117 ~~circumstances.~~ However, in no case shall the amount of the  
118 ~~adoption subsidy~~ monthly payment exceed the foster care  
119 maintenance payment ~~that~~ ~~which~~ would have been paid during the  
120 same period if the child had been in a foster family home. ~~Such~~  
121 ~~payment shall be negotiated yearly between the parents and the~~  
122 ~~department.~~

123 (c) The department may provide the following adoption  
124 assistance to the adopting parents, subject to specific  
125 appropriation:

126 Medical assistance initiated after the adoption of  
127 the child for medical, surgical, hospital, and related  
128 services needed as a result of a physical or mental condition  
129 of the child which existed before the adoption and not covered  
130 by Medicaid, Children's Medical Services, or Children's Mental  
131 Health Services. Such assistance for medical, surgical,  
132 hospital, and related services needed as a result of a  
133 physical or mental condition of the child which existed before  
134 the adoption, a subsidy which may be initiated at any time but  
135 shall terminate on or before the child's 18th birthday.

136 (5) ELIGIBILITY FOR SERVICES.--

137 (a) ~~(b)~~ As a condition of providing adoption assistance  
138 under this section for continuation of the subsidy, the  
139 adoptive parents must enter into an adoption-assistance  
140 agreement with the department which specifies the financial  
141 assistance and other services to be provided shall file a

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

142 ~~sworn statement with the department at least once each year to~~  
143 ~~include any social or financial conditions which may have~~  
144 ~~changed.~~

145 ~~(b)(e)~~ A child who is handicapped at the time of  
146 adoption shall be eligible for services through ~~of~~ the  
147 ~~Division of Children's Medical Services network established~~  
148 under part I of chapter 391 if the child was eligible for such  
149 services prior to the adoption.

150 ~~(6)(5)~~ WAIVER OF ADOPTION FEES.--The adoption fees  
151 shall be waived for all adoptive parents who ~~participate in~~  
152 ~~the program who~~ adopt children in the custody of  
153 the department. Fees may be waived for families who adopt  
154 children in the custody of a licensed child-placing agency  
155 ~~agencies~~ or who adopt children through independent adoptions,  
156 and who receive or may be eligible for maintenance subsidies  
157 through the department. Retroactive reimbursement of fees is  
158 ~~may not be~~ required for families who adopt children in the  
159 custody of licensed child-placing agencies.

160 ~~(7)(6)~~ REIMBURSEMENT FOR EXPENSES.-- The department is  
161 authorized to reimburse, retroactive to January 1, 1987, up to  
162 \$1,000 in nonrecurring expenses related to the adoption of a  
163 child which have been incurred by adoptive  
164 ~~parents who participate in the program for up to \$1,000 in~~  
165 ~~nonrecurring expenses the parents incurred relating to the~~  
166 ~~adoption.~~ For purposes of this subsection, "nonrecurring  
167 expenses" means one-time expenses, such as attorney's fees,  
168 court costs, birth certificate fees, travel expenses, agency  
169 fees, and physical examination fees.

170 ~~(8)(7)~~ RULES.-- The department shall adopt promulgate  
171 ~~all necessary rules to administer implement the provisions of~~

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

172 this section.

173 Section 6: The sum of \$2,991,305 in recurring funds from  
174 the General Revenue Fund, \$2,335,445 in recurring funds from the  
175 Federal Grants Trust Fund and \$346,772 in recurring funds from  
176 the Welfare Transition Trust Fund are appropriated to the  
177 Department of Children and Families for the purposes of  
178 providing maintenance subsidies as provided in s. 409.166.

179 Section 7. This act shall take effect July 1, 2007.

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

183

184 Remove lines 20-27 and insert:

185

186 references to changes made by the act; amending s. 409.166,  
187 F.S.; amending definitions; revising provisions relating to  
188 the adoption of children within the child welfare system;  
189 distinguishing between subsidies and adoption assistance;  
190 providing for an adoption-assistance agreement; providing  
191 for an appropriation; providing for an effective date.

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# COUNCIL MEETING REPORT

## Policy & Budget Council

4/23/2007 9:15:00AM

Location: 212 Knott Building

CS/HB 1451 : Procurement of Personal Property and Services

Favorable with Council Substitute

|                             | Yea | Nay                  | No Vote | Absentee<br>Yea | Absentee<br>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   |                      |         |                 |                 |
| <b>Total Yeas: 28</b>       |     |                      |         |                 |                 |
|                             |     | <b>Total Nays: 0</b> |         |                 |                 |

**Appearances:**

Jack Cory - Proponent  
 Daily Business Reader  
 110 E. College Avenue  
 Tallahassee Florida

Committee meeting was reported out: Monday, April 23, 2007 5:12:08PM

# **COUNCIL MEETING REPORT**

## **Policy & Budget Council**

**4/23/2007 9:15:00AM**

**Location:** 212 Knott Building

Richard D. Shelton (Lobbyist) - Proponent

Florida Press Association

2413 Delgado Drive

Tallahassee Florida 32304

Phone: 850-576-4382

Kraig Conn (Lobbyist) - Proponent

Florida League of Cities

301 S. Bronough Street

Tallahassee Florida 32301

Phone: 850-222-9684

**Committee meeting was reported out: Monday, April 23, 2007 5:12:08PM**

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 1451

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                 | <input checked="" type="checkbox"/> |       |



*Substitutive Amendment adopted*

1 Council/Committee hearing bill:  
2 Representative(s) offered the following:

**Amendment (with title amendments)**

5 Strike lines 23-92 and insert:

7 Section 1. Section 287.046, Florida Statutes, is created to  
8 read:

9 287.046 Construction or program management entities. -

10 (1) "Local government" as used in this section means a county,  
11 municipality, special district as defined in chapter 189, or  
12 other political subdivision of the state.

13 (2) A local government may select a construction management  
14 entity, pursuant to the process provided by s. 287.055, that  
15 would be responsible for construction project scheduling and  
16 coordination in both pre-construction and construction phases  
17 and is generally responsible for the successful, timely, and  
18 economical completion of the construction project. The

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

19 construction management entity must consist of or contract with  
20 licensed or registered professionals for the specific fields or  
21 areas of construction to be performed, as required by law. The  
22 construction management entity may retain necessary design  
23 professionals selected under the process provided in s. 287.055.  
24 At the option of the local government, the construction  
25 management entity, after having been selected and after  
26 competitive negotiations, may be required to offer either a  
27 guaranteed maximum price and a guaranteed completion date or a  
28 lump sum price and a guaranteed completion date; in which case,  
29 the construction management entity must secure an appropriate  
30 surety bond pursuant to s. 255.05 and must hold construction  
31 subcontracts. If a project, as defined in s. 287.055(2)(f),  
32 solicited by a local government under the process provided in s.  
33 287.055 includes a grouping of substantially similar  
34 construction, rehabilitation, or renovation activities as  
35 permitted under s. 287.055(2)(f), the local government, after  
36 competitive negotiations, may require the construction  
37 management entity to provide for a separate guaranteed maximum  
38 price or a separate lump sum price and a separate guaranteed  
39 completion date for each grouping of substantially similar  
40 construction, rehabilitation, or renovation activities included  
41 within the project.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

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(3) A local government may select a program management entity, pursuant to the process provided by s. 287.055, that would be responsible for schedule control, cost control, and coordination in providing or procuring planning, design, and construction services. The program management entity must consist of or contract with licensed or registered professionals for the specific areas of design or construction to be performed as required by law. The program management entity may retain necessary design professionals selected under the process provided in s. 287.055. At the option of the local government, the program management entity, after having been selected and after competitive negotiations, may be required to offer either a guaranteed maximum price and a guaranteed completion date or a lump sum price and guaranteed completion date, in which case the program management entity must secure an appropriate surety bond pursuant to s. 255.05 and must hold design and construction subcontracts. If a project, as defined in s. 287.055(2)(f), solicited by a local government under the process provided in s. 287.055 includes a grouping of substantially similar construction, rehabilitation, or renovation activities as permitted under s. 287.055(2)(f), the local government, after competitive negotiations, may require the program management

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

65 entity to provide for a separate guaranteed maximum price or a  
66 lump sum price and a separate guaranteed completion date for  
67 each grouping of substantially similar construction,  
68 rehabilitation, or renovation activities included within the  
69 project.

70 (4) Nothing in this section shall be construed to prohibit a  
71 local government from procuring construction management  
72 services, including the services of a program management entity,  
73 pursuant to the requirements of s. 255.20.

74 Section 2. Section 287.055 (9)(c), Florida Statutes, is  
75 amended to read:

76 (c) Except as otherwise provided in s. 337.11(7), the  
77 Department of Management Services shall adopt rules for the  
78 award of design-build contracts to be followed by state  
79 agencies. Each other agency must adopt rules or ordinances for  
80 the award of design-build contracts. Municipalities, political  
81 subdivisions, school districts, and school boards shall award  
82 design-build contracts by the use of a competitive proposal  
83 selection process as described in this subsection, or by the use  
84 of a qualifications-based selection process pursuant to  
85 subsections (3), (4), and (5) for entering into a contract  
86 whereby the selected firm will ~~subsequently,~~ subsequent to  
87 competitive negotiations, establish either a guaranteed maximum

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

88 price and guaranteed completion date or a lump sum price and  
89 guaranteed completion date. If the procuring agency elects the  
90 option of qualifications-based selection, during the selection  
91 of the design-build firm the procuring agency shall employ or  
92 retain a licensed design professional appropriate to the project  
93 to serve as the agency's representative.

94 Renumber subsequent Sections.

95

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

97

98 Remove line 3 and insert:

99 services; creating s. 287.046, F.S., relating to construction or  
100 program management entities; providing a definition; providing  
101 for selection of construction or program management entities;  
102 amending s. 287.055, F.S., relating to the

103

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 1451

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 \_\_\_\_\_

SA  
19

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

3  
 4 Substitute **Amendment to Amendment (01)(with title**  
 5 **amendment)**

6 Remove everything after the enacting clause and insert:

7  
 8 Section 1. Section 287.046, Florida Statutes, is created  
 9 to read:

10 287.046 Construction management entities; program  
 11 management entities.--

12 (1) "Local government" as used in this section means a  
 13 county, municipality, or special district as defined in chapter  
 14 189, or other political subdivision of the state.

15 (2) A local government may select a construction  
 16 management entity, pursuant to the process provided by s.  
 17 287.055, that would be responsible for construction project  
 18 scheduling and coordination in both preconstruction and  
 19 construction phases and is generally responsible for the  
 20 successful, timely, and economical completion of the  
 21 construction project. The construction management entity must  
 22 consist of or contract with licensed or registered professionals

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

23 for the specific fields or areas of construction to be  
24 performed, as required by law. The construction management  
25 entity may retain necessary design professionals selected under  
26 the process provided in s. 287.055. At the option of the local  
27 government, the construction management entity, after having  
28 been selected and after competitive negotiations, may be  
29 required to offer either a guaranteed maximum price and a  
30 guaranteed completion date or a lump-sum price and a guaranteed  
31 completion date, in which case the construction management  
32 entity must secure an appropriate surety bond pursuant to s.  
33 255.05 and must hold construction subcontracts. If a project, as  
34 defined in s. 287.055(2)(f), solicited by a local government  
35 under the process provided in s. 287.055 includes a grouping of  
36 substantially similar construction, rehabilitation, or  
37 renovation activities as permitted under s. 287.055(2)(f), the  
38 local government, after competitive negotiations, may require  
39 the construction management entity to provide for a separate  
40 guaranteed maximum price or a separate lump-sum price and a  
41 separate guaranteed completion date for each grouping of  
42 substantially similar construction, rehabilitation, or  
43 renovation activities included within the project.

44 (3) A local government may select a program management  
45 entity, pursuant to the process provided by s. 287.055, that  
46 would be responsible for schedule control, cost control, and  
47 coordination in providing or procuring planning, design, and  
48 construction services. The program management entity must  
49 consist of or contract with licensed or registered professionals  
50 for the specific areas of design or construction to be performed  
51 as required by law. The program management entity may retain  
52 necessary design professionals selected under the process  
53 provided in s. 287.055. At the option of the local government,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

54 the program management entity, after having been selected and  
55 after competitive negotiations, may be required to offer either  
56 a guaranteed maximum price and a guaranteed completion date or a  
57 lump-sum price and a guaranteed completion date, in which case  
58 the program management entity must secure an appropriate surety  
59 bond pursuant to s. 255.05 and must hold design and construction  
60 subcontracts. If a project, as defined in s. 287.055(2)(f),  
61 solicited by a local government under the process provided in s.  
62 287.055 includes a grouping of substantially similar  
63 construction, rehabilitation, or renovation activities as  
64 permitted under s. 287.055(2)(f), the local government, after  
65 competitive negotiations, may require the program management  
66 entity to provide for a separate guaranteed maximum price or a  
67 lump sum price and a separate guaranteed completion date for  
68 each grouping of substantially similar construction,  
69 rehabilitation, or renovation activities included within the  
70 project.

71 (4) Nothing in this section shall be construed to prohibit  
72 a local government from procuring construction management  
73 services, including the services of a program management entity,  
74 pursuant to the requirements of s. 255.20.

75 Section 2. Paragraph (g) of subsection (2) and paragraph  
76 (c) of subsection (9) of section 287.055, Florida Statutes, are  
77 amended to read:

78 287.055 Acquisition of professional architectural,  
79 engineering, landscape architectural, or surveying and mapping  
80 services; definitions; procedures; contingent fees prohibited;  
81 penalties.--

82 (2) DEFINITIONS.--For purposes of this section:

83 (g) A "continuing contract" is a contract for professional  
84 services entered into in accordance with all the procedures of

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

85 this act between an agency and a firm whereby the firm provides  
86 professional services to the agency for projects in which  
87 construction costs do not exceed \$1.5 million ~~\$1 million~~, for  
88 study activity when the fee for such professional service does  
89 not exceed \$150,000 ~~\$50,000~~, or for work of a specified nature  
90 as outlined in the contract required by the agency, with no time  
91 limitation except that the contract must provide a termination  
92 clause. ~~Firms providing professional services under continuing~~  
93 ~~contracts shall not be required to bid against one another.~~

94 (9) APPLICABILITY TO DESIGN-BUILD CONTRACTS.--

95 (c) Except as otherwise provided in s. 337.11(7), the  
96 Department of Management Services shall adopt rules for the  
97 award of design-build contracts to be followed by state  
98 agencies. Each other agency must adopt rules or ordinances for  
99 the award of design-build contracts. Municipalities, political  
100 subdivisions, school districts, and school boards shall award  
101 design-build contracts by the use of a competitive proposal  
102 selection process as described in this subsection, or by the use  
103 of a qualifications-based selection process pursuant to  
104 subsections (3), (4), and (5) for entering into a contract  
105 whereby the selected firm will, subsequent to competitive  
106 negotiations, subsequently establish either a guaranteed maximum  
107 price and guaranteed completion date or a lump-sum price and  
108 guaranteed completion date. If the procuring agency elects the  
109 option of qualifications-based selection, during the selection  
110 of the design-build firm the procuring agency shall employ or  
111 retain a licensed design professional appropriate to the project  
112 to serve as the agency's representative. Procedures for the use  
113 of a competitive proposal selection process must include as a  
114 minimum the following:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

115 1. The preparation of a design criteria package for the  
116 design and construction of the public construction project.

117 2. The qualification and selection of no fewer than three  
118 design-build firms as the most qualified, based on the  
119 qualifications, availability, and past work of the firms,  
120 including the partners or members thereof.

121 3. The criteria, procedures, and standards for the  
122 evaluation of design-build contract proposals or bids, based on  
123 price, technical, and design aspects of the public construction  
124 project, weighted for the project.

125 4. The solicitation of competitive proposals, pursuant to  
126 a design criteria package, from those qualified design-build  
127 firms and the evaluation of the responses or bids submitted by  
128 those firms based on the evaluation criteria and procedures  
129 established prior to the solicitation of competitive proposals.

130 5. For consultation with the employed or retained design  
131 criteria professional concerning the evaluation of the responses  
132 or bids submitted by the design-build firms, the supervision or  
133 approval by the agency of the detailed working drawings of the  
134 project; and for evaluation of the compliance of the project  
135 construction with the design criteria package by the design  
136 criteria professional.

137 6. In the case of public emergencies, for the agency head  
138 to declare an emergency and authorize negotiations with the best  
139 qualified design-build firm available at that time.

140 Section 3. Subsection (27) is added to section 287.057,  
141 Florida Statutes, to read:

142 287.057 Procurement of commodities or contractual  
143 services.--

144 (27) An agency must procure a contract by competitive  
145 solicitation if the contract authorizes a contractor to use



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

146 governmental authority to provide a service to public or private  
147 entities or authorizes a contractor to use government property  
148 for the purpose of selling goods or services and if, over the  
149 contract term, the sum of estimated gross revenues to be  
150 generated under the contract for the state, the contractor, or  
151 both exceeds the threshold amount for CATEGORY TWO in s.  
152 287.017.

153 Section 4. If any provision of this act or the application  
154 thereof to any person or circumstance is held invalid, the  
155 invalidity shall not affect other provisions or applications of  
156 the act which can be given effect without the invalid provision  
157 or application, and to this end the provisions of this act are  
158 declared severable.

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

160

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

162 Remove the entire title and insert:

163

164 A bill to be entitled

165 An act relating to procurement of personal property and  
166 services; creating s. 287.046, F.S.; authorizing local  
167 governments to select construction management entities and  
168 program management entities; specifying the  
169 responsibilities of such entities; providing procedures  
170 and requirements with respect to such entities; providing  
171 construction of the section; amending s. 287.055, F.S.;  
172 revising the definition of "continuing contract"; revising  
173 provisions relating to the award of design-build contracts  
174 for professional architectural, engineering, landscape  
175 architectural, or surveying and mapping services by  
176 municipalities, political subdivisions, school districts,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

177 and school boards; amending s. 287.057, F.S.; requiring  
178 that additional types of contracts by state agencies be  
179 procured by competitive solicitation; providing  
180 severability; providing an effective date.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 1451

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

Withdrawn

1 Council/Committee hearing bill: Policy & Budget Council

2 Representative Seiler offered the following:

3

4 **Amendment (with title amendment)**

5 Remove lines 106-122.

6

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

8 Remove lines 11-18 and insert:

9 procured by competitive solicitation; providing

# COUNCIL MEETING REPORT

## Policy & Budget Council

4/23/2007 9:15:00AM

Location: 212 Knott Building

CS/HB 1515 : Charlotte County

|   | Yea | Nay                  | No Vote | Absentee<br>Yea | Absentee<br>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   |                      |         |                 |                 |
| <b>Total Yeas: 20</b>                         |     | <b>Total Nays: 0</b> |         |                 |                 |

**Appearances:**

Sam Ard (Lobbyist) - Proponent  
 Kitson - Evergreen  
 P.O. Box 10406  
 Tallahassee Florida 32302  
 Phone: 850-577-6500

Committee meeting was reported out: Monday, April 23, 2007 5:12:08PM

# **COUNCIL MEETING REPORT**

## **Policy & Budget Council**

**4/23/2007 9:15:00AM**

**Location:** 212 Knott Building

Winn Peeples (Lobbyist) - Proponent

Kitson - Evergreen

521 N. Adams Street

Tallahassee Florida 32301

Phone: 850-524-2033

Chris Roper (Lobbyist) - Information Only

Kitson - Evergreen

420 South Orange Avenue #1200

Orlando Florida 32801

Phone: 407-423-4000

**Committee meeting was reported out: Monday, April 23, 2007 5:12:08PM**

# COUNCIL MEETING REPORT

## Policy & Budget Council

4/23/2007 9:15:00AM

Location: 212 Knott Building

HB 7115 : Ad Valorem Taxation of Homestead Property

| <input checked="" type="checkbox"/> Favorable | Yea | Nay                  | No Vote | Absentee<br>Yea | Absentee<br>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   |                      |         |                 |                 |
| <b>Total Yeas: 26</b>                         |     | <b>Total Nays: 0</b> |         |                 |                 |

**Appearances:**

Joe Marivo (Lobbyist) - Proponent  
 Florida Dept. of Veterans Affairs  
 4040 Esplanade Way #152  
 Tallahassee Florida 32399  
 Phone: 850-487-1533

Committee meeting was reported out: Monday, April 23, 2007 5:12:08PM

# COUNCIL MEETING REPORT

## Policy & Budget Council

4/23/2007 9:15:00AM

**Location:** 212 Knott Building

**HB 7143 : Leasing of Private Property by State Agencies**

Favorable with Council Substitute

|                             | Yea | Nay                  | No Vote | Absentee<br>Yea | Absentee<br>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   |                      |         |                 |                 |
| <b>Total Yeas: 27</b>       |     | <b>Total Nays: 0</b> |         |                 |                 |

**Appearances:**

Secretary Linda South (Lobbyist) (State Employee) - Proponent  
 Dept. of Management Services  
 4050 Esplanade Way  
 Tallahassee Florida 32399  
 Phone: 850-488-6825

Committee meeting was reported out: Monday, April 23, 2007 5:12:08PM

# **COUNCIL MEETING REPORT**

## **Policy & Budget Council**

**4/23/2007 9:15:00AM**

**Location:** 212 Knott Building

Keevin Williams (Lobbyist) - Proponent

FL Black Business Investment Board

2019 Centre Point Blvd. #101

Tallahassee Florida 32308

Phone: 850-8784566

**Committee meeting was reported out: Monday, April 23, 2007 5:12:08PM**



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 7143

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

Substitute Amendment passed

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

**Amendment (with title amendment)**

Between lines 583 and 584, insert:

Section 4. In order to provide for an orderly transition and implementation of the leasing process and notwithstanding any provision of this act to the contrary, no contract between the Department of Management Services and any tenant broker entered into prior to January 1, 2007, shall be abrogated by the operation of this act. A tenant broker commencing any leasing transaction pursuant to the contract between the department and the tenant broker ending October 15, 2007, resulting in the execution of a lease subsequent to the effective date of this act shall be compensated under the terms of the contract.

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

Between lines 49 and 50, insert:

providing that no contract between the department and any tenant broker entered into prior to January 1, 2007, shall be abrogated

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

21 | by the operation of this act; providing compensation for certain  
22 | tenant brokers;

000000

Page 2 of 2

h7143-Attkisson-amendmentdraft21120.doc

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 7143

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                 | —                                   |       |

SA  
to A1

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

**Substitute Amendment for Amendment (01) by Representative**

Between lines 583 and 584 insert:

Section 4. Recognizing that a term contract consistent with the requirements of this act cannot be competitively established prior to the effective date of this act and notwithstanding any provision of this act to the contrary, with the prior written approval of the Department of Management Services an agency may utilize the services of a tenant broker currently under contract with the Department notwithstanding that such contract was procured prior to March 1, 2007. Funds generated through the payment of commissions by third party landlords shall, following the effective date of this act, be deposited into a trust fund of the Department of Management Services and distributed to the tenant broker through the appropriations process provided for in this act or other provision of law. This provision shall not be construed to abrogate any existing contract between the department and a tenant broker, and is intended to clarify the procedure for payment to the tenant broker, for commissions

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

22 earned through successfully completed transactions under a  
23 contract procured prior to March 1, 2007.

24

25

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

27       Between line(s) 49 and 50 insert:

28 providing the procedure for payment to the tenant broker, for  
29 commissions earned;

# COUNCIL MEETING REPORT

## Policy & Budget Council

4/23/2007 9:15:00AM

Location: 212 Knott Building

HB 7181 : Immigrant Victims of Human Trafficking and Other Serious Crimes

| <input checked="" type="checkbox"/> Favorable | Yea | Nay                  | No Vote | Absentee<br>Yea | Absentee<br>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   |                      |         |                 |                 |
| <b>Total Yeas: 25</b>                         |     | <b>Total Nays: 0</b> |         |                 |                 |

Committee meeting was reported out: Monday, April 23, 2007 5:12:08PM

# COUNCIL MEETING REPORT

## Policy & Budget Council

4/23/2007 9:15:00AM

**Location:** 212 Knott Building

**HB 7189 : Florida Kidcare**

Favorable with Council Substitute

|                             | Yea | Nay                  | No Vote | Absentee<br>Yea | Absentee<br>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   |                      |         |                 |                 |
| <b>Total Yeas: 26</b>       |     |                      |         |                 |                 |
|                             |     | <b>Total Nays: 0</b> |         |                 |                 |

**Appearances:**

Karen Woodall (Lobbyist) - Proponent  
 579 East Call Street  
 Tallahassee Florida 32301  
 Phone: 850-222-7607

Committee meeting was reported out: Monday, April 23, 2007 5:12:08PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 7189

COUNCIL/COMMITTEE ACTION

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



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

3

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

5 Remove line(s) 1281 and insert:

6 Section 21. The sum of \$8,967,334 in recurring funds from the  
 7 General Revenue Fund and \$11,843,373 from the Medical Care Trust  
 8 Fund is appropriated to the Agency for Health Care  
 9 Administration for the purpose of implementing s.  
 10 409.814(1)(b) and the sum of \$464,407 in recurring funds from the  
 11 General Revenue Fund, \$107,829 from the Grant and Donations  
 12 Trust Fund, and \$1,089,833 from the Medical Care Trust is  
 13 appropriated to the Agency for Health Care Administration for  
 14 the purpose of implementing s. 409.814(3)(b), Florida Statutes.  
 15 Section 22. This act shall take effect July 1, 2007.

16

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

18 Remove line(s) 60 and insert:

19 repeal; providing an appropriation; providing an effective date.

20

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. \_\_\_\_\_ (for drafter's use only)

Bill No. HB 7189

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) Ausley offered the following:

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

5 Remove line(s) 1047 and insert:

6  
7 should be made, including statutory changes. The evaluation  
8 shall assess whether an independent entity should exist to  
9 monitor and review administration of the Kidcare program, and if  
10 so, make recommendations as to the makeup and functions of such  
11 an entity. The agency shall

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 7189

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) Taylor offered the following:

4 **Amendment**

5 Remove line(s) 1145 and insert:

6 nonpayment of family premiums. Subject to a specific  
7 appropriation in the General Appropriations Act for this  
8 purpose, the Florida Healthy Kids Corporation shall establish  
9 penalties or waiting periods of not fewer than 30 days for  
10 reinstatement of coverage upon voluntary cancellation for  
11 nonpayment of family premiums.

# COUNCIL MEETING REPORT

## Policy & Budget Council

4/23/2007 9:15:00AM

Location: 212 Knott Building

PCB PBC 07-08 : Corporate Income Tax Trust Fund

Favorable

|                             | Yea | Nay                  | No Vote | Absentee<br>Yea | Absentee<br>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   |                      |         |                 |                 |
| <b>Total Yeas: 18</b>       |     | <b>Total Nays: 9</b> |         |                 |                 |

**Appearances:**

Denise Lasiter (Lobbyist) - Proponent  
SUFS

Committee meeting was reported out: Monday, April 23, 2007 5:12:08PM