



Policy and Budget Council

April 15, 2008
9:00 a.m.
212 Knott Building

ACTION Packet

Marco Rubio
Speaker

Ray Sansom
Chair

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building

AMENDED

Summary:

Policy & Budget Council

Tuesday April 15, 2008 09:00 am

HB 19 Heard At Previous Meeting

HB 21 Temporarily Deferred

HB 51 Heard At Previous Meeting

CS/HB 111 Heard At Previous Meeting

CS/HB 127 Favorable with Council Substitute Yeas: 30 Nays: 0

CS/HB 217 Heard At Previous Meeting

CS/HB 225 Heard At Previous Meeting

CS/HB 235 Heard At Previous Meeting

CS/HB 293 Favorable with Council Substitute Yeas: 33 Nays: 0

HB 405 Favorable with Council Substitute Yeas: 31 Nays: 0

CS/HJR 421 Heard At Previous Meeting

HB 489 Favorable Yeas: 33 Nays: 0

CS/HB 491 Favorable with Council Substitute Yeas: 30 Nays: 1

CS/HB 527 Favorable Yeas: 33 Nays: 0

CS/HB 593 Heard At Previous Meeting

CS/HB 601 Favorable with Council Substitute Yeas: 33 Nays: 0

CS/HB 609 Not Considered

CS/HB 647 Favorable Yeas: 31 Nays: 0

HB 679 Favorable with Council Substitute Yeas: 29 Nays: 5

HB 699 Heard At Previous Meeting

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

AMENDED

Location: 212 Knott Building

HB 793	Favorable	Yeas: 31	Nays: 0
CS/HB 861	Favorable	Yeas: 31	Nays: 0
CS/HB 863	Favorable	Yeas: 32	Nays: 0
CS/HB 903	Favorable with Council Substitute	Yeas: 21	Nays: 11
HB 909	Favorable	Yeas: 19	Nays: 8
HJR 949	Favorable	Yeas: 21	Nays: 10
HB 1027	Favorable	Yeas: 32	Nays: 0
HB 1059	Favorable	Yeas: 32	Nays: 1
HB 1061	Favorable with Council Substitute	Yeas: 31	Nays: 0
CS/HB 1141	Favorable	Yeas: 33	Nays: 0
CS/HB 1163	Favorable with Council Substitute	Yeas: 29	Nays: 2
CS/HB 1167	Favorable with Council Substitute	Yeas: 27	Nays: 0
HB 1175	Favorable with Council Substitute	Yeas: 34	Nays: 0
CS/HB 1245	Favorable	Yeas: 33	Nays: 0
CS/HB 1259	Favorable with Council Substitute	Yeas: 21	Nays: 11
CS/HB 1271	Favorable with Council Substitute	Yeas: 34	Nays: 0
CS/HB 1373	Heard At Previous Meeting		
CS/HB 1379	Heard At Previous Meeting		
HB 1503	Favorable	Yeas: 33	Nays: 0
HB 7021	Heard At Previous Meeting		
HB 7057	Temporarily Deferred		
HB 7059	Favorable with Council Substitute	Yeas: 30	Nays: 0

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

AMENDED

Location: 212 Knott Building

HB 7087	Favorable with Council Substitute	Yeas: 31	Nays: 0
HB 7093	Favorable	Yeas: 32	Nays: 0
HB 7095	Favorable with Council Substitute	Yeas: 30	Nays: 0
HB 7097	Favorable with Council Substitute	Yeas: 32	Nays: 0
HB 7099	Favorable with Council Substitute	Yeas: 28	Nays: 0
HB 7101	Not Considered		
HB 7111	Favorable with Council Substitute	Yeas: 30	Nays: 0
HB 7113	Favorable	Yeas: 32	Nays: 0
HB 7115	Favorable	Yeas: 31	Nays: 0
HB 7117	Favorable	Yeas: 32	Nays: 1
HB 7119	Favorable	Yeas: 32	Nays: 0
HB 7123	Favorable with Council Substitute	Yeas: 28	Nays: 0
HJR 7125	Favorable with Council Substitute	Yeas: 26	Nays: 9

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building

AMENDED

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		
Bill Galvano	X		
Michael Grant	X		
Adam Hasner	X		
Dorothy Hukill	X		
Will Kendrick	X		
Dick Kravitz	X		
Carlos Lopez-Cantera	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		
Will Weatherford	X		
Juan Zapata	X		
Totals:	35	0	0

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building

AMENDED

HB 19 : Coverage for Mental and Nervous Disorders

Heard At Previous Meeting

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

AMENDED

Location: 212 Knott Building

HB 21 : State Aid to Public Libraries

Temporarily Deferred

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building

AMENDED

HB 51 : Partial Payment of Property Taxes

Heard At Previous Meeting

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building

CS/HB 111 : Hurricane Preparedness

AMENDED



Heard At Previous Meeting

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

AMENDED

Location: 212 Knott Building

CS/HB 127 : Property Appraisers

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown	X				
Dean Cannon	X				
Joyce Cusack	X				
Bill Galvano	X				
Michael Grant			X		
Adam Hasner	X				
Dorothy Hukill	X				
Will Kendrick	X				
Dick Kravitz	X				
Carlos Lopez-Cantera	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				
Will Weatherford			X		
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 30		Total Nays: 0			

Appearances:

HB 127

Brian Pitts - Information Only

Justice-2-Jesus

1119 Newton Avenue South

St. Petersburg Florida 33705

Phone: (727) 897-9291

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. CS/127

COUNCIL/COMMITTEE ACTION

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

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

Amendment (with directory and title amendments)

5 Remove line(s) 14-27 and insert:

6 Section 1. Subsection (10 is added to section 195.096,
 7 Florida Statutes, to read:

8 195.096 Review of assessment rolls.-

9 (10) In addition to the review of assessment rolls of the
 10 county as set forth in this section , the assessment of any
 11 property subject to ad valorem taxation owned by the property
 12 appraiser of the county shall be subject to review by the
 13 department as provided in this subsection. For such property
 14 individually or jointly owned by the property appraiser, for all
 15 property held in trust or other representative capacity for the
 16 benefit of the property appraiser, and for all property owned by
 17 a closely held corporation or partnership in which the property
 18 appraiser owns more than a 25 percent interest, the department
 19 shall review no less frequently than once every two years the
 20 assessment of such property during its review of the assessment
 21 rolls pursuant to this section. The property appraiser shall

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

22 identify to the department such property to be reviewed by the
23 department and make available any data requested by the
24 department to permit the department to perform such review. In
25 conducting such review, the department shall comply with all
26 standards with which property appraisers are required to comply.
27 The department shall complete such reviews within the timeframes
28 set forth for review of assessment rolls under this section.

29
30
31 **T I T L E A M E N D M E N T**

32 Remove line(s) 3-10 and insert:

33 195.096, F.S.; requiring the Department of Revenue to review the
34 assessment of certain property owned or controlled by property
35 appraisers; requiring property appraisers to identify such
36 property and make certain information available to the
37 department; providing review requirements for the department;
38 providing an effective date.

39

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building

AMENDED

CS/HB 217 : Tax on Sales, Use, and Other Transactions

Heard At Previous Meeting

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

AMENDED

Location: 212 Knott Building

CS/HB 225 : Telephone Caller Identification

Heard At Previous Meeting

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building
CS/HB 235 : Community Colleges

AMENDED

Heard At Previous Meeting

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building

AMENDED

CS/HB 293 : Corporate Income Tax Credits

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown	X				
Dean Cannon			X		
Joyce Cusack	X				
Bill Galvano	X				
Michael Grant	X				
Adam Hasner	X				
Dorothy Hukill	X				
Will Kendrick	X				
Dick Kravitz	X				
Carlos Lopez-Cantera	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				
Will Weatherford	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 33		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

①

Amendment No. 1

Bill No. 293

COUNCIL/COMMITTEE ACTION

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

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

3
 4 **Amendment (with title amendments)**
 5 Remove lines 237 - 244 and insert:
 6 (c) Within 30 days after receipt of a completed
 7 application containing the information necessary for the office
 8 to certify a potential qualified equity investment, the office
 9 shall grant or deny

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

Remove line(s) 12 and 13 and insert:
 Providing an application process; providing for the
 certification of an investment;

2

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

Bill No. 293

COUNCIL/COMMITTEE ACTION

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

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

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 4
 5
 6
 7

Amendment

Remove line 472 and insert:

immediate preceding tax year, audited by an independent

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building

AMENDED

HB 405 : Health Insurance Claims Payments

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown	X				
Dean Cannon			X		
Joyce Cusack	X				
Bill Galvano	X				
Michael Grant	X				
Adam Hasner	X				
Dorothy Hukill	X				
Will Kendrick	X				
Dick Kravitz	X				
Carlos Lopez-Cantera	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 Seifer	X				
Priscilla Taylor	X				
Anthony Traviesa	X				
Baxter Troutman			X		
Shelley Vana	X				
Will Weatherford	X				
Juan Zapata	X				
Ray Sansom (Chair)			X		
Total Yeas: 31		Total Nays: 0			

Appearances:

EMS

Terry Meek (Lobbyist) - Proponent
 Florida Ambulance Association
 P.O. 13441
 Tallahassee Florida

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COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

AMENDED

Location: 212 Knott Building

Dan Azzariti (General Public) - Proponent
Florida Fire Chiefs
5919 Main St.
New Port Richey Florida 34652
Phone: (727) 853-1032

Direct Payment for EMS Ambulance Transports
Walter Kopka (General Public) - Proponent
Collier County EMS/Fire
2705 Horseshoe Dr.
Naples Florida 34104
Phone: (239) 825-5870

Health Insurance Claims Payments
Stephen R. Winn (Lobbyist) - Proponent
Florida Osteopathic Medical Association
2007 Apalachee Pkwy.
Tallahassee Florida 32301
Phone: (850) 878-7364

Direct Pay-Support
Robert Sims (General Public) - Proponent
Lifeguard Ambulance of Florida
4211 Jerry L. Maygarden Rd.
Pensacola Florida 32504
Phone: (850) 473-6776

Health Insurance Claims
Jeff Scott (Lobbyist) - Proponent
FL Medical Assoc.
123 S. Calhoun St.
Tallahassee Florida 32301
Phone: (850) 224-6496

Sandra Mortham (Lobbyist) - Proponent
FL Assoc. of Counties
6675 Weeping Willow Way
Tallahassee Florida 32311
Phone: (850) 671-1998

Insurance
Nancy Moreau (Lobbyist) - Proponent
FL Pediatric Society/FL Chapter American Academy of Pediatrics
1895 Vineland Lane
Tallahassee Florida 32317
Phone: (850) 942-7031

Direct Payment of Benefits to Ambulance Providers
Stuart McElhaney (General Public) - Proponent
Florida Fire Chiefs Association
3230 SE Maricamp Rd.
Ocala Florida 34471
Phone: (352) 291-8000

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COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

AMENDED

Location: 212 Knott Building

Paul Lambert (Lobbyist) - Proponent
Florida Chiropractic Assoc.
208 West Carolina Street
Tallahassee Florida 32301
Phone: (850) 224-9393

Direct Pay

Pat Kostic (General Public) - Proponent
Escambia County EMS
6575 N. "W" St.
Pensacola Florida 32505
Phone: (850) 471-6400

Direct Payment for Ambulance Services

Walter Kopka (General Public) - Proponent
Collier County Government
2705 Horseshoe Drive
Naples Florida 34104
Phone: (239) 825-5870

Certification of Public School Educators

Tamike Hughes-Leek (General Public) - Proponent
Member, Delta Sigma Theta Sorority
3437 39th Lane S. Unit 42-C
St. Petersburg Florida 33711
Phone: (727) 204-7989

EMS

Joseph Goodwin (General Public) - Proponent
Coastal Ambulance
486 Gus Hipp Blvd.
Rockledge Florida 32955
Phone: (321) 633-7050

EMS Assignment of Benefits

Walt Eismann (General Public) - Proponent
Florida Ambulance Assoc.
3747 Silver Star Road
Orlando Florida 32808
Phone: (407) 822-3700

Andreina Figueroa (Lobbyist) - Proponent

City of Hialeah
1441 Brickell Ave. 15th Floor
Miami Florida 33131
Phone: (305) 536-1112

Health Insurance Claims Payment

Mercedes R. Clark (General Public) - Proponent
Delta Days at the State Capitol
730 Woods Avenue
Orlando Florida 32805
Phone: (407) 423-8652

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COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

AMENDED

Location: 212 Knott Building

Healthcare -- Direct Pay

Jim Brainerd (Lobbyist) - Proponent

Polk County

2814 Rabbit Hall Rd.

Tallahassee Florida 32308

Phone: (850) 508-6716

HB 405 Assignment of Benefits

Bryan Andrews - Proponent

Lake Sumter EMS

2761 W. Old Hwy 441

Mount Dora Florida 32757

Phone: (352) 385-2530

Silent PPO

Jose Gonzalez (Lobbyist) - Opponent

Associated Industries of Florida

Waive in Support

Chris Nuland (Lobbyist) - Proponent

Florida Chapter, ACP

1000 Riverside Ave #115

Jacksonville Florida

Phone: (904) 355-1555

Leslie Foy (Lobbyist) - Opponent

United Health Group

101 E. College Ave.

Tallahassee Florida

Claims Payment

Nick Iarossi (Lobbyist) - Opponent

AAPPO

101 E. College Ave. Suite 303

Tallahassee Florida 32311

Phone: (850) 222-9075

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (01)

Bill No. CS/HB 405

COUNCIL/COMMITTEE ACTION

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

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

3
4 **Amendment with Title Amendment**

5 Between lines 35 and 36 insert:

6 Section 1. Section 624.443, Florida Statutes is amended to read:

7
 8 624.443 Place of business; maintenance of records. Each
 9 arrangement shall have and maintain its principal place of
 10 business in this state and shall therein make available to the
 11 office complete records of its assets, transactions, and affairs
 12 in accordance with such methods and systems as are customary
 13 for, or suitable to, the kind or kinds of business transacted.
 14 The Office may waive this requirement if an arrangement has been
 15 operating in another state for at least twenty-five years,
 16 licensed in such state for at least ten years, and has a minimum
 17 fund balance of \$25 million at the time of licensure.

18
19 (Re-number subsequent sections)
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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (01)

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

Between lines 2 and 3 insert:

amending s.624.443, F.S.; providing for waiver of requirement of
arrangement's principal's place of business being in this state
under certain conditions;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 42 (for drafter's use only)

Bill No. CS/HB 405

COUNCIL/COMMITTEE ACTION

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

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

4 **Amendment**

5 Remove line(s) 113-114 and insert:
6 benefits directly to any contracted hospital, ambulance
7 provider, physician, dentist, or other person who provided
8 services, the health maintenance organization shall

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

AMENDED

Location: 212 Knott Building

CS/HJR 421 : Additional Homestead Exemption

Heard At Previous Meeting

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building
HB 489 : Sexual Violence

AMENDED

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson			X		
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown			X		
Dean Cannon	X				
Joyce Cusack	X				
Bill Galvano	X				
Michael Grant	X				
Adam Hasner	X				
Dorothy Hukill	X				
Will Kendrick	X				
Dick Kravitz	X				
Carlos Lopez-Cantera	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				
Will Weatherford	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 33		Total Nays: 0			

Appearances:

Terri Poore (Lobbyist) - Proponent
 Florida Council Against Sexual Violence
 1311 N. Paul Russell Rd A204
 Tallahassee Florida 32301
 Phone: (850) 228-3428

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building

AMENDED

CS/HB 491 : Certification of Public School Educators

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown	X				
Dean Cannon			X		
Joyce Cusack	X				
Bill Galvano	X				
Michael Grant			X		
Adam Hasner	X				
Dorothy Hukill	X				
Will Kendrick	X				
Dick Kravitz	X				
Carlos Lopez-Cantera	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				
Will Weatherford	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 30		Total Nays: 1			

Appearances:

Teacher Certification
 Constance Higginbotham (At Request Of Chair) - Information Only
 Clay County Education Association
 2301 Park Avenue
 Orange Park Florida 32073
 Phone: (904) 264-8810

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

AMENDED

Location: 212 Knott Building
Certification of Public School Education
Y'Desha Alsup (General Public) - Proponent
Delta Sigma Theta Sorority, Inc.
4362 Fairfield Avenue South
St. Petersburg Florida 33711
Phone: (850) 339-5335

ESOL Training Requirements for Reading Teachers
Tony Demma (Lobbyist) (At Request Of Chair) - Proponent
Clay County Education Association
2544 Blairstone Pines Drive
Tallahassee Florida 32301
Phone: (850) 878-5212

HB 491
Carrie Fraser (Lobbyist) (State Employee) - Proponent
Department of Education
325 West Gaines Street
Tallahassee Florida 32399
Phone: (850) 245-0507

HB 491
Federick Jenks - Information Only
ESOL Students in Florida
350 Old Dirt Road
Tallahassee Florida 32314
Phone: (850) 893-3994

Certification of Public School Educators
Shanita Webb (General Public) - Proponent
Okaloosa County Alumnae Chapter of Delta Sigma Theta Sorority, Inc.
235 Limestone Circle
Crestview Florida 32539
Phone: (850) 682-3633

HB 491
Federick Jenks - Information Only
ESOL Students in Florida
350 Old Dirt Road
Tallahassee Florida 32314
Phone: (850) 893-3994

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 0491

COUNCIL/COMMITTEE ACTION

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

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

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

6 Section 1. Teachers who complete 300 inservice hours or
 7 the equivalent for a reading endorsement shall be credited with
 8 120 inservice hours towards their English for Speakers of Other
 9 Languages (ESOL) endorsement or certification. These teachers
 10 must complete 180 inservice hours of ESOL training to become
 11 ESOL endorsed or certified. The 180 inservice hours must include
 12 the following: 60 inservice hours of applied linguistics or
 13 documented completion of such training; 60 inservice hours of
 14 methods of teaching ESOL or documented completion of such
 15 training; and 60 inservice hours of practicum/demonstration of
 16 mastery or documented completion of such training. Documentation
 17 of these inservice requirements is subject to approval by the
 18 Department of Education.

19 Section 2. Reading and English for Speakers of Other
 20 Languages (ESOL) task force.--

21 (1) Effective upon this act becoming a law, there is
 22 created the Reading and English for Speakers of Other Languages

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

23 (ESOL) Inservice Requirements Task Force with the purpose of
24 studying existing statutory requirements and recommending policy
25 to strengthen their components. The task force shall be composed
26 of the following 14 members:

27 (a) The Commissioner of Education, or his or her designee,
28 who shall serve as chair.

29 (b) The Director of the Florida Center for Reading
30 Research.

31 (c) Three kindergarten through grade 12 teachers, one of
32 whom shall be certified in reading, one of whom shall be
33 certified in ESOL, and one of whom shall be certified in both
34 areas. One member shall be appointed each by the Governor, the
35 President of the Senate, and the Speaker of the House of
36 Representatives.

37 (d) One district school superintendent each from a small,
38 medium, and large school district, to be appointed by the
39 Commissioner of Education.

40 (e) A representative from the Florida Association of
41 Bilingual and ESOL Supervisors.

42 (f) A representative from the Florida Education
43 Association.

44 (g) A representative from a college or university who has
45 knowledge of teacher preparation programs for reading and ESOL.

46 (h) A representative from the Florida Association of Staff
47 Development.

48 (i) A representative from the Florida Organization of
49 Instructional Leaders.

50 (j) A representative of a statewide group that represents
51 students with disabilities.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

52 (2) The members of the task force shall be appointed by
53 July 1, 2008, and shall convene the initial meeting of the task
54 force by September 1, 2008.

55 (3) The task force is assigned to the Department of
56 Education for administrative purposes. Members of the task force
57 shall serve without compensation but are entitled to per diem
58 and travel expenses under s.112.061, Florida Statutes. Members
59 of the task force are subject to the Code of Ethics for Public
60 Officers and Employees under part III of chapter 112, Florida
61 Statutes.

62 (4) By February 1, 2009, the task force shall submit a
63 report to the Governor, the President of the Senate, and the
64 Speaker of the House of Representatives that includes, but is
65 not limited to, information and recommendations regarding the
66 inservice requirements for reading and ESOL teachers in the
67 state.

68 (5) Upon delivery of its final report and recommendations,
69 the task force is abolished.

70 Section3. Except as otherwise expressly provided in this
71 act, this act shall take effect July 1, 2008.

72

73

74

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

75

Remove the entire title and insert:

76

A bill to be entitled

77

An act relating to certification of public school educators;

78

providing that teachers who complete certain inservice

79

requirements for a reading endorsement shall receive credit

80

towards an English for Speakers of Other Languages endorsement

81

or certification; specifying inservice requirements; creating

82

the Reading and English for Speakers of Others Languages

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

83 Inservice Requirements Task Force; providing purpose and
84 membership; requiring a report; providing for termination;
85 providing effective dates.

86

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building

AMENDED

CS/HB 527 : Brownfield Site Redevelopment

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown			X		
Dean Cannon	X				
Joyce Cusack	X				
Bill Galvano	X				
Michael Grant	X				
Adam Hasner	X				
Dorothy Hukill	X				
Will Kendrick	X				
Dick Kravitz	X				
Carlos Lopez-Cantera	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				
Will Weatherford	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 33		Total Nays: 0			

Appearances:

Brownfields
 Kenya Cory (Lobbyist) - Proponent
 Assoc. Industries of Florida
 PO Box 1347
 Tallahassee Florida 32302
 Phone: (850) 681-1065

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building

Jason Lichtstein (General Public) - Proponent

Florida Brownfields Assoc.

106 E. College Avenue Suite 1200

Tallahassee Florida 32301

Phone: (850) 521-8018

AMENDED

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building

AMENDED

CS/HB 593 : Florida Research Commercialization Matching Grant Program

Heard At Previous Meeting

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building

AMENDED

CS/HB 601 : Department of Business and Professional Regulation

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown			X		
Dean Cannon	X				
Joyce Cusack	X				
Bill Galvano	X				
Michael Grant	X				
Adam Hasner	X				
Dorothy Hukill	X				
Will Kendrick	X				
Dick Kravitz	X				
Carlos Lopez-Cantera	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				
Will Weatherford	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 33		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (01)

Bill No. CS/HB 601

COUNCIL/COMMITTEE ACTION

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

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

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

5 Remove line(s) 2084-2113 and insert:

6 Section 44. Section 718.509, Florida Statutes, is amended,
7 and section 498.019, Florida Statutes, is transferred,
8 renumbered as subsections (1) and (2) of that section, and
9 amended, to read:

10 718.509 Division of Florida ~~Land Sales,~~ Condominiums,
11 Timeshares, and Mobile Homes Trust Fund.--~~All funds collected by~~
12 ~~the division and any amount paid for a fee or penalty under this~~
13 ~~chapter shall be deposited in the State Treasury to the credit~~
14 ~~of the Division of Florida Land Sales, Condominiums, and Mobile~~
15 ~~Homes Trust Fund created by s. 498.019.~~

16 ~~498.019 Division of Florida Land Sales, Condominiums, and~~
17 ~~Mobile Homes Trust Fund.--~~

18 (1) There is created within the State Treasury the
19 Division of Florida ~~Land Sales,~~ Condominiums, Timeshares, and
20 Mobile Homes Trust Fund to be used for the administration and

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (01)

21 operation of this chapter and chapters 718, 719, 721, and 723 by
22 the division.

23 (2) All moneys collected by the division from fees, fines,
24 or penalties or from costs awarded to the division by a court or
25 administrative final order shall be paid into the Division of
26 Florida ~~Land Sales,~~ Condominiums, Timeshares, and Mobile Homes
27 Trust Fund. The Legislature shall appropriate funds from this
28 trust fund sufficient to carry out the provisions of this
29 chapter and the provisions of law with respect to each category
30 of business covered by the ~~this~~ trust fund. The division shall
31 maintain separate revenue accounts in the trust fund for each of
32 the businesses regulated by the division. The division shall
33 provide for the proportionate allocation among the accounts of
34 expenses incurred by the division in the performance of its
35 duties with respect to each of these businesses. As part of its
36 normal budgetary process, the division shall prepare an annual
37 report of revenue and allocated expenses related to the
38 operation of each of these businesses which may be used to
39 determine fees charged by the division. This subsection shall
40 operate pursuant to the provisions of s. 215.20.

41
42
43 -----
44 **T I T L E A M E N D M E N T**

45 Remove line(s) 78-81 and insert:

46 providing conforming changes; amending s. 718.509, F.S., and
47 renumbering and amending s. 498.019, F.S.; consolidating and
48 revising provisions relating to the creation, purposes, and
49 sources of funds of the Division of Florida Condominiums,
50 Timeshares, and Mobile Homes Trust Fund; revising

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (02)

Bill No. **CS/HB 601**

COUNCIL/COMMITTEE ACTION

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

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

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

5 Remove line 904 and insert:

6 498.017, 498.021, 498.022, 498.023, 498.024, 498.025,

7
8
9 -----
10 **T I T L E A M E N D M E N T**

11 Remove line 49 and insert:

12 ss. 498.001, 498.003, 498.005, 498.007, 498.017,

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

AMENDED

Location: 212 Knott Building

CS/HB 609 : Tower Crane and Tower Crane Operator Certification

Not Considered

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building

AMENDED

CS/HB 647 : Excise Tax on Documents

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
<input checked="" type="checkbox"/> Favorable					
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown			X		
Dean Cannon	X				
Joyce Cusack	X				
Bill Galvano	X				
Michael Grant	X				
Adam Hasner	X				
Dorothy Hukill	X				
Will Kendrick	X				
Dick Kravitz			X		
Carlos Lopez-Cantera	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				
Will Weatherford	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 31		Total Nays: 0			

Appearances:

Excise Tax on Documents
 Robert W. (Lobbyist) - Proponent
 Broward County Property Appraisers
 115 S. Andrews
 Fort Lauderdale Florida 33308
 Phone: (954) 445-5732

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building
HB 679 : Residential Properties

AMENDED

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown			X		
Dean Cannon	X				
Joyce Cusack		X			
Bill Galvano	X				
Michael Grant	X				
Adam Hasner	X				
Dorothy Hukill	X				
Will Kendrick	X				
Dick Kravitz	X				
Carlos Lopez-Cantera	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				
Will Weatherford	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 29		Total Nays: 5			

Appearances:

Swimming Pool Safety
 Bruce Kershner (Lobbyist) - Opponent
 United Pool and Spa Assoc.
 231 West Bay Avenue
 Longwood Florida 32750
 Phone: (407) 830-1882

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

AMENDED

Location: 212 Knott Building

Swimming Pool Safety

Jennifer Hayfield (Lobbyist) - Opponent

Fl. Swimming Pool Assoc.

2555 Porter Lake Dr. #106

Sarasota Florida 34240

Phone: (941) 345-3263

Florida Building Code Provisions for Pools

Jim Richmond (Lobbyist) (State Employee) - Information Only

Florida Building Commission

2555 Shumard Oak Blvd.

Tallahassee Florida 32399

Phone: (850) 922-1675

Pool Safety

Anthony Sirianni (General Public) - Proponent

Pool Safety Consortium

4517 Wetherill Rd.

Bethesda MD 20816

Phone: (240) 793-0893

Pete Dunbar (Lobbyist) - Proponent

Community Action Network

Tallahassee Florida 32312

Phone: (850) 222-3533

Pool Safety

Gary S. Duren (General Public) - Proponent

Pool Safety Commission

6812 Camp Road

Keystone Heights Florida 32656

Phone: (352) 473-4070

Pool Safety

Frank Mayernick (Lobbyist) - Proponent

Pool Safety Consortium

215 S. Monroe St. Suite 701

Tallahassee Florida 32301

Phone: (850) 251-8898

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

Bill No. CS/HB 679

COUNCIL/COMMITTEE ACTION

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

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

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

5 Insert between lines 561 and 562:

6 Section 10. Paragraph (d) of subsection (1) of section
7 34.01, Florida Statutes, is amended to read:

8 34.01 Jurisdiction of county court.--

9 (1) County courts shall have original jurisdiction:

10 (d) Of disputes occurring in the homeowners' associations
11 as described in part IV of chapter 720 s. 720.311(2)(a), which
12 shall be concurrent with jurisdiction of the circuit courts.

13 Section 11. Subsection (2) of section 720.302, Florida
14 Statutes, is amended to read:

15 720.302 Purposes, scope, and application.--

16 (2) The Legislature recognizes that it is not in the best
17 interest of homeowners' associations or the individual
18 association members thereof to create or impose a bureau or
19 other agency of state government to regulate the affairs of
20 homeowners' associations. However, in accordance with part IV of
21 chapter 720 s. 720.311, the Legislature finds that homeowners'
22 associations and their individual members will benefit from an

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

23 expedited alternative process for resolution of ~~election and~~
24 ~~recall disputes and presuit mediation of other~~ disputes
25 involving covenant enforcement in homeowner's associations and
26 deed restricted communities using the procedures provided in
27 part IV of ~~and authorizes the department to hear, administer,~~
28 ~~and determine these disputes as more fully set forth in this~~
29 chapter. Further, the Legislature recognizes that certain
30 contract rights have been created for the benefit of homeowners'
31 associations and members thereof as well as deed restricted
32 communities before the effective date of this act and that ch.
33 720 is ss. 720.301-720.407 are not intended to impair such
34 contract rights, including, but not limited to, the rights of
35 the developer to complete the community as initially
36 contemplated.

37 Section 12. Section 720.311, Florida Statutes, is repealed
38 for disputes subject to dispute resolution by the department
39 under this section which arise after the effective date of this
40 act.

41 Section 13. Part IV of chapter 720, Florida Statutes, to
42 be entitled "Dispute Resolution" consisting of sections 720.501,
43 720.502, 720.503, and 720.504, 720.505, 720.506, 720.507,
44 720.508, 720.509, and 720.510, is created to read:

45 720.501 Short title.--This part may be cited as the "Home
46 Court Advantage Dispute Resolution Act."

47 720.502 Legislative findings.--The Legislature finds that
48 alternative dispute resolution has made progress in reducing
49 court dockets and trials and in offering a more efficient, cost-
50 effective option to litigation.

51 720.503 Applicability of this part.--

52 (1) Unless otherwise provided in this part, before a
53 dispute described herein between a homeowners' association and

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

54 a parcel owner or owners, or a dispute between parcel owners
55 within the same homeowners association, may be filed in court
56 the dispute is subject to presuit mediation pursuant to s.
57 720.505 or presuit arbitration pursuant to s.720.507, at the
58 option of the aggrieved party who initiates the first formal
59 action of alternative dispute resolution under this part. The
60 parties may mutually agree to participate in both presuit
61 mediation and by presuit arbitration prior to suit being filed
62 by either party.

63 (2) Unless otherwise provided in this part, the mediation
64 and arbitration provisions of this part are limited to disputes
65 between an association and a parcel owner or owners or between
66 parcel owners regarding the use of or changes to the parcel or
67 the common areas under the governing documents and other
68 disputes involving violations of the recorded declaration of
69 covenants or other governing documents, disputes arising
70 concerning enforcement of the governing documents or any
71 amendments thereto, and disputes involving access to the
72 official records of the association. A dispute concerning title
73 to any parcel or common area, interpretation or enforcement of
74 any warranty, the levy of a fee or assessment, the collection of
75 an assessment levied against a party, the eviction or other
76 removal of a tenant from a parcel, alleged breaches of fiduciary
77 duty by one or more directors, or any action to collect mortgage
78 indebtedness or to foreclosure a mortgage shall not be subject
79 to the provisions of this part.

80 (3) All disputes arising after the effective date of this
81 part involving the election of the board of directors for an
82 association or the recall of any member of the board or officer
83 of the association shall not be eligible for presuit mediation

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

84 under s. 720.505, but shall be subject to the provisions
85 concerning presuit arbitration under s. 720.507.

86 (4) In any dispute subject to presuit mediation or presuit
87 arbitration under this part for which emergency relief is
88 required, a motion for temporary injunctive relief may be filed
89 with the court without first complying with the presuit
90 mediation or presuit arbitration requirements of this part.
91 After any issues regarding emergency or temporary relief are
92 resolved, the court may refer the parties to a mediation program
93 administered by the courts or require mediation or arbitration
94 under this part.

95 (5) The mailing of a statutory notice of presuit mediation
96 or presuit arbitration as provided in this part shall toll the
97 applicable statute of limitations during the pendency of the
98 mediation or arbitration and for a period of 30 days following
99 the conclusion of either proceeding. The 30 day period will
100 start upon the filing of the mediator's notice of impasse or the
101 arbitrator's written arbitration award. If the parties mutually
102 agree to participate in both presuit mediation and presuit
103 arbitration under this part, then the tolling of the applicable
104 statute of limitations for each such alternative dispute
105 resolution proceeding shall be consecutive.

106 720.504 Notice of violation.--Prior to giving the statutory
107 notice to proceed under presuit medication or presuit
108 arbitration under this part, the aggrieved association or parcel
109 owner shall first provide written notice of the alleged
110 violation to the alleged violator in the manner provided by this
111 section.

112 (1) The notice of violation shall be delivered to the
113 alleged violator by certified mail, return receipt requested, or
14 the notice of violation may be hand delivered and the person

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

15 making delivery shall file with their notice of mediation either
116 the proof of receipt of mailing or an affidavit stating the date
117 and time of the delivery of the notice of violation. If the
118 notice is delivered by certified mail, return receipt requested
119 and the alleged violator fails or refuses to accept delivery,
120 notice shall be considered properly delivered for purposes of
121 this section on the date of the first attempted delivery.

122 (2) The notice of violation shall state with specificity
123 the nature of the alleged violation, including the date, time
124 and location of each violation and the action requested to abate
125 or otherwise correct the violation. The notice shall also
126 include the text of any provision in the governing documents,
127 including the rules and regulations, of the association that
128 have allegedly been violated.

129 (3) Unless the parties otherwise agree in writing to a
30 longer time period for abatement, the party receiving the notice
131 of violation shall have 10 days from the date of receipt of
132 notice to correct the violation. If the alleged violation has
133 not been abated within or otherwise corrected within the 10-day
134 period, the party alleging the violation may proceed under this
135 part at any time thereafter within the applicable statute of
136 limitations.

137 (4) A copy of the notice and the text of the provision in
138 the governing documents or the rules and regulations of the
139 association that has allegedly been violated, along with proof
140 of service of the notice of violation and a copy of any written
141 responses received from the alleged violator, shall be included
142 as an exhibit to any demand for mediation or arbitration under
143 this part.

144 720.505 Presuit mediation.--

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

45 (1) Disputes between an association and a parcel owner or
146 owners and between parcel owners must be submitted to presuit
147 mediation before the dispute may be filed in court, or at the
148 election of the party initiating the presuit procedures such
149 dispute may be submitted to presuit arbitration pursuant to s.
150 720.507, before the dispute may be filed in court. An aggrieved
151 party who elects to utilize the presuit mediation procedure
152 under this section shall serve on the responding party a written
153 notice of presuit mediation in substantially the following form:
154

155 STATUTORY NOTICE OF PRESUIT MEDIATION

156 THE ALLEGED AGGRIEVED PARTY, _____,
157 HEREBY DEMANDS THAT _____, AS THE
158 RESPONDING PARTY, ENGAGE IN MANDATORY PRESUIT
159 MEDIATION IN CONNECTION WITH A DISPUTE(S) WITH YOU,
60 WHICH BY STATUTE ARE OF A TYPE THAT ARE SUBJECT TO
161 PRESUIT MEDIATION:
162

163 ATTACHED IS A COPY OF THE PRIOR NOTICE OF VIOLATION
164 WHICH DETAILS THE SPECIFIC NATURE OF THE DISPUTE(S) TO
165 BE MEDIATED AND THE AUTHORITY SUPPORTING A FINDING OF
166 A VIOLATION AS TO EACH DISPUTE, INCLUDING, BUT NOT
167 LIMITED TO, THE APPLICABLE PROVISIONS OF THE GOVERNING
168 DOCUMENTS OF THE ASSOCIATION BELIEVED TO APPLY TO THE
169 DISPUTE BETWEEN THE PARTIES, AND A COPY OF THE NOTICE
170 YOU RECEIVED OR REFUSED AND COPIES OF ANY WRITTEN
171 RESPONSE(S) RECEIVED FROM YOU ABOUT THIS DISPUTE.
172

173 PURSUANT TO PART IV OF CHAPTER 720, FLORIDA STATUTES,
174 THIS DEMAND TO RESOLVE THE DISPUTE THROUGH PRESUIT
75 MEDIATION IS REQUIRED BEFORE A LAWSUIT CAN BE FILED

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76 CONCERNING THE DISPUTE. PURSUANT TO FLORIDA STATUTES,
177 THE PARTIES ARE REQUIRED TO ENGAGE IN PRESUIT
178 MEDIATION WITH A NEUTRAL THIRD-PARTY MEDIATOR IN ORDER
179 TO ATTEMPT TO RESOLVE THIS DISPUTE WITHOUT COURT
180 ACTION, AND THE AGGRIEVED PARTY DEMANDS THAT YOU
181 PARTICIPATE IN THIS PROCESS. UNLESS YOU RESPOND TO
182 THIS NOTICE BY FILING WITH THE AGGRIEVED PARTY A
183 NOTICE OF OPTING OUT AND DEMAND FOR ARBITRATION UNDER
184 S. 720.506, YOUR FAILURE TO PARTICIPATE IN THE
185 MEDIATION PROCESS MAY RESULT IN A LAWSUIT BEING FILED
186 IN COURT AGAINST YOU WITHOUT FURTHER NOTICE.

187
188 THE PROCESS OF MEDIATION INVOLVES A SUPERVISED
189 NEGOTIATION PROCESS IN WHICH A TRAINED, NEUTRAL THIRD-
190 PARTY MEDIATOR MEETS WITH BOTH PARTIES AND ASSISTS
91 THEM IN EXPLORING POSSIBLE OPPORTUNITIES FOR RESOLVING
192 PART OR ALL OF THE DISPUTE. BY AGREEING TO PARTICIPATE
193 IN PRESUIT MEDIATION, YOU ARE NOT BOUND IN ANY WAY TO
194 CHANGE YOUR POSITION. FURTHERMORE, THE MEDIATOR HAS NO
195 AUTHORITY TO MAKE ANY DECISIONS IN THIS MATTER OR TO
196 DETERMINE WHO IS RIGHT OR WRONG AND MERELY ACTS AS A
197 FACILITATOR TO ENSURE THAT EACH PARTY UNDERSTANDS THE
198 POSITION OF THE OTHER PARTY AND THAT ALL OPTIONS FOR
199 REASONABLE SETTLEMENT ARE FULLY EXPLORED.

200
201 IF AN AGREEMENT IS REACHED, IT SHALL BE REDUCED TO
202 WRITING AND BECOME A BINDING AND ENFORCEABLE CONTRACT
203 BETWEEN THE PARTIES. A RESOLUTION OF ONE OR MORE
204 DISPUTES IN THIS FASHION AVOIDS THE NEED TO LITIGATE
205 THESE ISSUES IN COURT. THE FAILURE TO REACH AN
06 AGREEMENT, OR THE FAILURE OF A PARTY TO PARTICIPATE IN

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07 THE PROCESS, RESULTS IN THE MEDIATOR DECLARING AN
208 IMPASSE IN THE MEDIATION, AFTER WHICH THE AGGRIEVED
209 PARTY MAY PROCEED TO FILE A LAW SUIT ON ALL
210 OUTSTANDING, UNSETTLED DISPUTES. IF YOU HAVE FAILED OR
211 REFUSED TO PARTICIPATE IN THE ENTIRE MEDIATION
212 PROCESS, YOU WILL NOT BE ENTITLED TO RECOVER
213 ATTORNEY'S FEES IF YOU PREVAIL IN A SUBSEQUENT COURT
214 PROCEEDING INVOLVING THE SAME DISPUTE.

215
216 THE AGGRIEVED PARTY HAS SELECTED FROM A LIST OF
217 ELIGIBLE QUALIFIED MEDIATORS AT LEAST FIVE CERTIFIED
218 MEDIATORS WHO THE AGGRIEVED PARTY BELIEVES TO BE
219 NEUTRAL AND QUALIFIED TO MEDIATE THE DISPUTE. YOU
220 HAVE THE RIGHT TO SELECT ANY ONE OF THESE MEDIATORS.
221 THE FACT THAT ONE PARTY MAY BE FAMILIAR WITH ONE OR
22 MORE OF THE LISTED MEDIATORS DOES NOT MEAN THAT THE
223 MEDIATOR CANNOT ACT AS A NEUTRAL AND IMPARTIAL
224 FACILITATOR. THE NAMES OF THE MEDIATORS THAT THE
225 AGGRIEVED PARTY HEREBY SUBMITS TO YOU FROM WHOM YOU
226 MAY CHOOSE ONE, AND THEIR CURRENT ADDRESSES, TELEPHONE
227 NUMBERS AND HOURLY RATES, ARE AS FOLLOWS:

228
229 (LIST THE NAMES, ADDRESSES, TELEPHONE NUMBERS, AND
230 HOURLY RATES OF THE MEDIATORS. OTHER PERTINENT
231 INFORMATION ABOUT THE BACKGROUND OF THE MEDIATORS MAY
232 BE INCLUDED AS AN ATTACHMENT.)

233
234 YOU MAY CONTACT THE OFFICES OF THESE MEDIATORS TO
235 CONFIRM THAT EACH OF THE ABOVE LISTED MEDIATORS WILL
236 BE NEUTRAL AND WILL NOT SHOW ANY FAVORITISM TOWARD
37 EITHER PARTY. UNLESS OTHERWISE AGREED TO BY THE

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238 PARTIES, PART IV OF CHAPTER 720, FLORIDA STATUTES,
239 REQUIRES THAT THE PARTIES SHARE THE COSTS OF PRESUIT
240 MEDIATION EQUALLY, INCLUDING THE FEE CHARGED BY THE
241 MEDIATOR. AN AVERAGE MEDIATION MAY REQUIRE 3 TO 4
242 HOURS OF THE MEDIATOR'S TIME, INCLUDING SOME
243 PREPARATION TIME, AND THE PARTIES WOULD NEED TO
244 EQUALLY SHARE THE MEDIATOR'S FEES AS WELL AS BE
245 RESPONSIBLE FOR ALL OF THEIR OWN ATTORNEY'S FEES IF
246 THEY CHOOSE TO EMPLOY AN ATTORNEY IN CONNECTION WITH
247 THE MEDIATION. HOWEVER, USE OF AN ATTORNEY IS NOT
248 REQUIRED AND IS AT THE OPTION OF EACH PARTY. THE
249 MEDIATORS MAY REQUIRE THE ADVANCE PAYMENT OF SOME OR
250 ALL OF THE ANTICIPATED FEES. THE AGGRIEVED PARTY
251 HEREBY AGREES TO PAY OR PREPAY ONE-HALF OF THE
252 SELECTED MEDIATOR'S ESTIMATED FEES AND TO FORWARD THIS
53 AMOUNT OR SUCH OTHER REASONABLE ADVANCE DEPOSITS AS
254 THE MEDIATOR REQUIRES FOR THIS PURPOSE UPON THE
255 SELECTION OF THE MEDIATOR. ANY FUNDS DEPOSITED WILL BE
256 RETURNED TO YOU IF THESE FUNDS ARE IN EXCESS OF YOUR
257 SHARE OF THE MEDIATOR FEES INCURRED.
258
259 TO BEGIN YOUR PARTICIPATION IN PRESUIT MEDIATION TO
260 TRY TO RESOLVE THE DISPUTE WITH YOU AND AVOID FURTHER
261 LEGAL ACTION, PLEASE SIGN BELOW AND CLEARLY INDICATE
262 WHICH MEDIATOR IS ACCEPTABLE TO YOU FROM THE FIVE
263 MEDIATORS LISTED BY THE AGGRIEVED PARTY ABOVE.
264
265 YOU MUST RESPOND IN WRITING TO THIS STATUTORY NOTICE
266 OF PRESUIT MEDIATION WITHIN 20 DAYS. IN YOUR RESPONSE
267 YOU MUST PROVIDE A LISTING OF AT LEAST THREE DATES AND
68 TIMES IN WHICH YOU ARE AVAILABLE TO PARTICIPATE IN THE

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'69 MEDIATION THAT ARE WITHIN 90 DAYS AFTER THE POSTMARKED
270 DATE OF THE MAILING OF THIS NOTICE OF PRESUIT
271 MEDIATION OR WITHIN 90 DAYS AFTER THE DATE YOU WERE
272 SERVED WITH A COPY OF THIS NOTICE. THE AGGRIEVED PARTY
273 WILL THEN ASK THE MEDIATOR TO SCHEDULE A MUTUALLY
274 CONVENIENT TIME AND PLACE FOR THE MEDIATION CONFERENCE
275 TO BE HELD. IF YOU DO NOT PROVIDE A LIST OF AVAILABLE
276 DATES AND TIMES, THE MEDIATOR IS AUTHORIZED TO
277 SCHEDULE A MEDIATION CONFERENCE WITHOUT TAKING YOUR
278 SCHEDULE AND CONVENIENCE INTO CONSIDERATION. IN NO
279 EVENT SHALL THE MEDIATION CONFERENCE BE LATER THAN 90
280 DAYS AFTER THE NOTICE OF PRESUIT MEDIATION WAS FIRST
281 SERVED UNLESS ALL PARTIES MUTUALLY AGREE OTHERWISE.
282 IN THE EVENT THAT YOU FAIL TO RESPOND WITHIN 20 DAYS
283 AFTER THE DATE OF THIS NOTICE, FAIL TO PROVIDE THE
84 MEDIATOR WITH DATES AND TIMES IN WHICH YOU ARE
285 AVAILABLE FOR THE MEDIATION CONFERENCE, FAIL TO AGREE
286 TO AT LEAST ONE OF THE MEDIATORS THAT THE AGGRIEVED
287 PARTY HAS LISTED, FAIL TO PAY OR PREPAY TO THE
288 MEDIATOR ONE-HALF OF THE COSTS INVOLVED, OR FAIL TO
289 APPEAR AND PARTICIPATE AT THE SCHEDULED MEDIATION, THE
290 AGGRIEVED PARTY WILL BE AUTHORIZED TO PROCEED WITH THE
291 FILING OF A LAWSUIT AGAINST YOU WITHOUT FURTHER
292 NOTICE. IN ANY SUBSEQUENT COURT ACTION, THE AGGRIEVED
293 PARTY MAY SEEK AN AWARD OF REASONABLE ATTORNEY'S FEES
294 AND COSTS INCURRED IN ATTEMPTING TO OBTAIN MEDIATION.
295
296 PLEASE GIVE THIS MATTER YOUR IMMEDIATE ATTENTION. BY
297 LAW, YOUR RESPONSE MUST BE MAILED BY CERTIFIED, FIRST-
298 CLASS MAIL, RETURN RECEIPT REQUESTED, TO THE AGGRIEVED
99 PARTY LISTED ABOVE AT THE ADDRESS SHOWN ON THIS NOTICE

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00 AND POSTMARKED NO MORE THAN 20 DAYS AFTER THE DATE OF
301 THE POSTMARKED DATE FOR THIS NOTICE OR WITHIN 20 DAYS
302 AFTER THE DATE UPON WHICH YOU WERE SERVED WITH A COPY
303 OF THIS NOTICE.

304 _____
305 _____
306 SIGNATURE OF AGGRIEVED PARTY

307 _____
308 _____
309 PRINTED NAME OF AGGRIEVED PARTY

310 _____
311 RESPONDING PARTY: YOUR SIGNATURE BELOW INDICATES YOUR
312 ACCEPTANCE OF THE AGREEMENT TO MEDIATE.

313 _____
314 AGREEMENT TO MEDIATE

15 _____
316 THE UNDERSIGNED HEREBY AGREES TO PARTICIPATE IN
317 PRESUIT MEDIATION AND AGREES TO ATTEND A MEDIATION
318 CONDUCTED BY THE FOLLOWING MEDIATOR(S) LISTED BELOW AS
319 ACCEPTABLE TO MEDIATE THIS DISPUTE:

320 _____
321 (LIST ONE ACCEPTABLE MEDIATOR FROM THOSE LISTED BY THE
322 AGGRIEVED PARTY.)

323 _____
324 THE UNDERSIGNED HEREBY REPRESENTS THAT HE OR SHE CAN
325 ATTEND AND PARTICIPATE IN THE PRESUIT MEDIATION AT THE
326 FOLLOWING DATES AND TIMES:

327 _____
328 (LIST AT LEAST THREE AVAILABLE DATES AND TIMES WITHIN
329 THE 90-DAY TIME LIMIT DESCRIBED ABOVE.)

30

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31 I/WE FURTHER AGREE TO PAY OR PREPAY ONE-HALF OF THE
32 MEDIATOR'S FEES AND TO FORWARD SUCH ADVANCE DEPOSITS
33 AS THE MEDIATOR MAY REQUIRE FOR THIS PURPOSE.

334
335 _____
336 SIGNATURE OF RESPONDING PARTY #1

337 _____
338 TELEPHONE CONTACT INFORMATION

339 _____
340 SIGNATURE AND TELEPHONE CONTACT INFORMATION OF
341 RESPONDING PARTY #2, IF APPLICABLE. IF THE PROPERTY IS
342 OWNED BY MORE THAN ONE PERSON, ALL PARCEL OWNERS OR
343 UNIT OWNERS WHO ARE SUBJECT OF THE DISPUTE MUST SIGN
344 OR HAVE A PERSON ACTING UNDER AUTHORITY OF A POWER OF
345 ATTORNEY SIGN.

46
347 (2) (a) Service of the notice of presuit mediation shall be
348 effected either by personal service, as provided in chapter 48,
349 or by certified mail, return receipt requested, in a letter in
350 substantial conformity with the form provided in subsection (1),
351 with an additional copy being sent by regular first-class mail,
352 to the address of the responding party as it last appears on the
353 books and records of the association or if not available, then
354 as it last appears in the official records of the county
355 property appraiser where the parcel in dispute is located. The
356 responding party has either 20 days after the postmarked date of
357 the mailing of the statutory notice or 20 days after the date
358 the responding party is served with a copy of the notice to
359 serve a written response to the aggrieved party. The response
360 shall be served by certified mail, return receipt requested,
61 with an additional copy being sent by regular first-class mail,

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362 to the address shown on the statutory notice. The date of the
363 postmark on the envelope for the response shall constitute the
364 date that the response is served. Once the parties have agreed
365 on a mediator, the mediator may schedule or reschedule the
366 mediation for a date and time mutually convenient to the parties
367 within 90 days after the date of service of the statutory
368 notice. After such 90-day period, the mediator may reschedule
369 the mediation only upon the mutual written agreement of all the
370 parties.

371 (b) The parties shall share the costs of presuit mediation
372 equally, including the fee charged by the mediator, if any,
373 unless the parties agree otherwise, and the mediator may require
374 advance payment of his or her reasonable fees and costs. Each
375 party shall be responsible for their own attorney's fees if a
376 party chooses to be represented by an attorney at the mediation.

377 (c) The party responding to the aggrieved party may either
378 provide a notice of opting out under s. 720.506, and demand
379 arbitration, or the responding party shall sign the agreement to
380 mediate included in the notice of presuit mediation and clearly
381 indicate the name of the mediator who is acceptable from the
382 five names provided by the aggrieved party; and the responding
383 party must provide in their response a list of dates and times
384 in which the responding party is available to participate in the
385 mediation within 90 days after the date the responding party was
386 served, either by process server or by certified mail, with the
387 statutory notice of presuit mediation.

388 (d) The mediator who has been selected and agreed to
389 mediate must schedule the mediation conference at a mutually
390 convenient time and place within that 90-day period, but if the
391 responding party does not provide a list of available dates and
92 times, the mediator is authorized to schedule a mediation

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93 conference without taking the responding party's schedule and
394 convenience into consideration. Within 10 days after the
395 designation of the mediator, the mediator shall coordinate with
396 the parties and notify the parties in writing of the date, time,
397 and place of the mediation conference.

398 (e) The mediation conference must be held on the scheduled
399 date and may be rescheduled if a rescheduled date is approved by
400 the mediator. However, in no event shall the mediation be held
401 later than 90 days after the notice of presuit mediation was
402 first served, unless all parties mutually agree in writing
403 otherwise. If the presuit mediation is not completed within the
404 required time limits the mediator shall declare an impasse
405 unless the mediation date is extended by mutual written
406 agreement by all parties and approved by the mediator.

407 (f) If the responding party fails to respond within 30
08 days after the date of service of the statutory notice of
409 presuit mediation, fails to agree either to at least one of the
410 mediators listed by the aggrieved party in the notice, fails to
411 pay or prepay to the mediator one-half of the costs of the
412 mediator, or fails to appear and participate at the scheduled
413 mediation, the aggrieved party shall be authorized to proceed
414 with the filing of a lawsuit without further notice.

415 (g)1. The failure of any party to respond to the statutory
416 notice of presuit mediation within 20 days, the failure to agree
417 upon a mediator, the failure to provide a listing of dates and
418 times in which the responding party is available to participate
419 in the mediation within 90 days after the date the responding
420 party was served with the statutory notice of presuit mediation,
421 the failure to make payment of fees and costs within the time
422 established by the mediator, or the failure to appear for a
23 scheduled mediation session without the approval of the

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124 mediator, shall in each instance constitute a failure or refusal
425 to participate in the mediation process and shall operate as an
426 impasse in the presuit mediation by such party, entitling the
427 other party to file a lawsuit in court and to seek an award of
428 the costs and attorney's fees associated with the mediation.

429 2. Persons who fail or refuse to participate in the entire
430 mediation process may not recover attorney's fees and costs in
431 subsequent litigation relating to the same dispute between the
432 same parties. If any presuit mediation session cannot be
433 scheduled and conducted within 90 days after the offer to
434 participate in mediation was filed, through no fault of either
435 party, then an impasse shall be deemed to have occurred unless
436 the parties mutually agree in writing to extend this deadline.
437 In the event of such impasse, each party will be responsible for
438 its own costs and attorney's fees and one-half of any mediator
39 fees and filing fees, and either party may file a lawsuit in
440 court regarding the dispute.

441 720.506 Opt-out of presuit mediation. - A party served
442 with a notice of presuit mediation under s. 720.505, may opt out
443 of presuit mediation and demand that the dispute proceed under
444 non-binding arbitration in the following manner provided in this
445 section:

446 (1) In lieu of a response to the notice of presuit
447 mediation as required under s. 720.505, the responding party may
448 serve upon the aggrieved party in the same manner as the
449 response to a notice for presuit mediation under s. 720.505, a
450 notice of opting out of mediation and demand that the dispute
451 instead proceed to presuit arbitration under s. 720.507.

452 (2) The aggrieved party shall be relieved from having to
453 satisfy the requirements of s. 720.504 as a condition precedent
54 to filing the demand for presuit arbitration.

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55 (3) Except as otherwise provided in this part, the choice
456 of which presuit alternative dispute resolution procedure is
457 utilized shall be at the election of the aggrieved party who
458 first initiated such proceeding after complying with the
459 provisions of s. 720.504.

460 720.507 Presuit arbitration.--

461 (1) Disputes between an association and a parcel owner or
462 owners and disputes between parcel owners are subject to a
463 demand for presuit arbitration pursuant to s. 720.507, before
464 the dispute may be filed in court. A party who elects to utilize
465 the presuit arbitration procedure under this part shall serve on
466 the responding party a written notice of presuit arbitration in
467 substantially the following form:

468 STATUTORY NOTICE OF PRESUIT ARBITRATION

469
70 THE ALLEGED AGGRIEVED PARTY, _____,
471 HEREBY DEMANDS THAT _____, AS THE
472 RESPONDING PARTY, ENGAGE IN MANDATORY PRESUIT
473 ARBITRATION IN CONNECTION WITH THE FOLLOWING
474 DISPUTE(S) WITH YOU, WHICH BY STATUTE ARE OF A TYPE
475 THAT ARE SUBJECT TO PRESUIT ARBITRATION:

476
477 (LIST SPECIFIC NATURE OF THE DISPUTE OR DISPUTES TO BE
478 ARBITRATED AND THE AUTHORITY SUPPORTING A FINDING OF A
479 VIOLATION AS TO EACH DISPUTE, INCLUDING, BUT NOT
480 LIMITED TO, ALL APPLICABLE PROVISIONS OF THE GOVERNING
481 DOCUMENTS BELIEVED TO APPLY TO THE DISPUTE BETWEEN THE
482 PARTIES.)

483
484 PURSUANT TO PART IV OF CHAPTER 720, FLORIDA STATUTES,
85 THIS DEMAND TO RESOLVE THE DISPUTE THROUGH PRESUIT

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86 ARBITRATION IS REQUIRED BEFORE A LAWSUIT CAN BE FILED
487 CONCERNING THE DISPUTE. PURSUANT TO FLORIDA STATUTES,
488 THE PARTIES ARE REQUIRED TO ENGAGE IN PRESUIT
489 ARBITRATION WITH A NEUTRAL THIRD-PARTY ARBITRATOR IN
490 ORDER TO ATTEMPT TO RESOLVE THIS DISPUTE WITHOUT COURT
491 ACTION, AND THE AGGRIEVED PARTY DEMANDS THAT YOU
492 PARTICIPATE IN THIS PROCESS. IF YOU FAIL TO
493 PARTICIPATE IN THE ARBITRATION PROCESS, A LAWSUIT MAY
494 BE BROUGHT AGAINST YOU IN COURT WITHOUT FURTHER
495 WARNING.

496
497 THE PROCESS OF ARBITRATION INVOLVES A NEUTRAL THIRD
498 PERSON WHO CONSIDERS THE LAW AND FACTS PRESENTED BY
499 THE PARTIES AND RENDERS A WRITTEN DECISION CALLED AN
500 "ARBITRATION AWARD" . PURSUANT TO S. 720.507, FLORIDA
501 STATUTES, THE ARBITRATION AWARD SHALL BE FINAL UNLESS
502 A LAWSUIT IS FILED IN A COURT OF COMPETENT
503 JURISDICTION FOR THE JUDICIAL CIRCUIT IN WHICH THE
504 PARCEL(S) GOVERNED BY THE HOMEOWNERS' ASSOCIATION
505 IS/ARE LOCATED WITHIN 30 DAYS AFTER THE DATE THAT THE
506 ARBITRATION AWARD.

507
508 IF A SETTLEMENT AGREEMENT IS REACHED BEFORE THE
509 ARBITRATION AWARD, IT SHALL BE REDUCED TO WRITING AND
510 BECOME A BINDING AND ENFORCEABLE CONTRACT OF THE
511 PARTIES. A RESOLUTION OF ONE OR MORE DISPUTES IN THIS
512 FASHION AVOIDS THE NEED TO ARBITRATE THESE ISSUES OR
513 TO LITIGATE THESE ISSUES IN COURT AND SHALL BE THE
514 SAME AS A SETTLEMENT AGREEMENT REACHED BETWEEN THE
515 PARTIES UNDER S. 720.505, FLORIDA STATUTES. THE
16 FAILURE OF A PARTY TO PARTICIPATE IN THE ARBITRATION

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17 PROCESS MAY RESULT IN THE ARBITRATOR ISSUING AN
518 ARBITRATION AWARD BY DEFAULT IN THE ARBITRATION. IF
519 YOU HAVE FAILED OR REFUSED TO PARTICIPATE IN THE
520 ENTIRE ARBITRATION PROCESS, YOU WILL NOT BE ENTITLED
521 TO RECOVER ATTORNEY'S FEES, EVEN IF YOU PREVAIL IN A
522 SUBSEQUENT COURT PROCEEDING INVOLVING THE SAME DISPUTE
523 BETWEEN THE SAME PARTIES.

524
525 THE AGGRIEVED PARTY HAS SELECTED AT LEAST FIVE
526 ARBITRATORS WHO THE AGGRIEVED PARTY BELIEVES TO BE
527 NEUTRAL AND QUALIFIED TO ARBITRATE THE DISPUTE. YOU
528 HAVE THE RIGHT TO SELECT ANY ONE OF THE ARBITRATORS.
529 THE FACT THAT ONE PARTY MAY BE FAMILIAR WITH ONE OR
530 MORE OF THE LISTED ARBITRATORS DOES NOT MEAN THAT THE
531 ARBITRATOR CANNOT ACT AS A NEUTRAL AND IMPARTIAL
32 ARBITRATOR. ANY ARBITRATOR WHO CANNOT ACT IN THIS
533 CAPACITY IS REQUIRED ETHICALLY TO DECLINE TO ACCEPT
534 ENGAGEMENT. THE NAMES OF THE FIVE ARBITRATORS THAT THE
535 AGGRIEVED PARTY HAS CHOSEN FROM WHICH YOU MAY SELECT
536 ONE, AND THEIR CURRENT ADDRESSES, TELEPHONE NUMBERS
537 AND HOURLY RATES, ARE AS FOLLOWS:

538
539 (LIST THE NAMES, ADDRESSES, TELEPHONE NUMBERS, AND
540 HOURLY RATES OF AT LEAST FIVE ARBITRATORS.

541
542 YOU MAY CONTACT THE OFFICES OF THESE ARBITRATORS TO
543 CONFIRM THAT THE LISTED ARBITRATORS WILL BE NEUTRAL
544 AND WILL NOT SHOW ANY FAVORITISM TOWARD EITHER PARTY.

545
546 UNLESS OTHERWISE AGREED TO BY THE PARTIES, PART IV OF
47 CHAPTER 720, FLORIDA STATUTES, REQUIRES THAT THE

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48 PARTIES SHARE THE COSTS OF PRESUIT ARBITRATION
549 EQUALLY, INCLUDING THE FEE CHARGED BY THE ARBITRATOR.
550 THE PARTIES SHALL BE RESPONSIBLE FOR THEIR OWN
551 ATTORNEY'S FEES IF THEY CHOOSE TO EMPLOY AN ATTORNEY
552 IN CONNECTION WITH THE ARBITRATION. HOWEVER, USE OF AN
553 ATTORNEY TO REPRESENT YOU FOR THE ARBITRATION IS NOT
554 REQUIRED. THE ARBITRATOR SELECTED MAY REQUIRE THE
555 ADVANCE PAYMENT OF SOME OR ALL OF THE ANTICIPATED
556 FEES. THE AGGRIEVED PARTY HEREBY AGREES TO PAY OR
557 PREPAY ONE-HALF OF THE SELECTED ARBITRATOR'S ESTIMATED
558 FEES AND TO FORWARD THIS AMOUNT OR SUCH OTHER
559 REASONABLE ADVANCE DEPOSITS AS THE ARBITRATOR WHO IS
560 SELECTED REQUIRES FOR THIS PURPOSE. ANY FUNDS
561 DEPOSITED WILL BE RETURNED TO YOU IF THESE FUNDS ARE
562 IN EXCESS OF YOUR SHARE OF THE FEES INCURRED.

63
564 PLEASE SIGN THE AGREEMENT TO ARBITRATE BELOW AND
565 CLEARLY INDICATE THE NAME OF THE ARBITRATOR WHO IS
566 ACCEPTABLE TO YOU FROM THE NAMES LISTED BY THE
567 AGGRIEVED PARTY.

568
569 YOU MUST RESPOND IN WRITING TO THIS STATUTORY NOTICE
570 WITHIN 20 DAYS AFTER THE DATE THAT THE NOTICE OF
571 PRESUIT ARBITRATION WAS EITHER PERSONALLY SERVED ON
572 YOU OR 20 DAYS AFTER THE POSTMARKED DATE THAT THIS
573 NOTICE OF PRESUIT ARBITRATION WAS SENT TO YOU BY
574 CERTIFIED MAIL. YOU MUST ALSO PROVIDE A LIST OF AT
575 LEAST THREE DATES AND TIMES IN WHICH YOU ARE AVAILABLE
576 TO PARTICIPATE IN THE ARBITRATION THAT ARE WITHIN 90
577 DAYS AFTER EITHER THE DATE YOU WERE PERSONALLY SERVED
78 OR 90 DAYS AFTER THE POSTMARKED DATE OF THE CERTIFIED

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79 MAILING OF THIS STATUTORY NOTICE OF PRESUIT
580 ARBITRATION. A COPY OF THIS NOTICE AND YOUR RESPONSE
581 WILL BE PROVIDED BY THE AGGRIEVED PARTY TO THE
582 ARBITRATOR SELECTED AND THE ARBITRATOR WILL SCHEDULE A
583 MUTUALLY CONVENIENT TIME AND PLACE FOR THE ARBITRATION
584 CONFERENCE TO BE HELD. IF YOU DO NOT PROVIDE A LIST OF
585 AVAILABLE DATES AND TIMES, THE ARBITRATOR IS
586 AUTHORIZED TO SCHEDULE AN ARBITRATION CONFERENCE
587 WITHOUT TAKING YOUR SCHEDULE AND CONVENIENCE INTO
588 CONSIDERATION. THE ARBITRATION CONFERENCE MUST BE
589 HELD ON THE SCHEDULED DATE, OR ANY RESCHEDULED DATE
590 APPROVED BY THE ARBITRATOR. IN NO EVENT SHALL THE
591 ARBITRATION CONFERENCE BE LATER THAN 90 DAYS AFTER
592 NOTICE OF THE PRESUIT ARBITRATION WAS FIRST SERVED,
593 UNLESS ALL PARTIES MUTUALLY AGREE IN WRITING
94 OTHERWISE. IF THE ARBITRATION IS NOT COMPLETED WITHIN
595 THE REQUIRED TIME LIMITS, THE ARBITRATOR SHALL ISSUE
596 AN ARBITRATION AWARD, UNLESS THE HEARING IS EXTENDED
597 BY MUTUAL WRITTEN AGREEMENT OF THE PARTIES AND
598 APPROVED BY THE ARBITRATOR. IN THE EVENT THAT YOU FAIL
599 TO RESPOND WITHIN 20 DAYS AFTER THE DATE YOU WERE
600 SERVED WITH A COPY OF THIS NOTICE, FAIL TO PROVIDE THE
601 ARBITRATOR WITH DATES AND TIMES IN WHICH YOU ARE
602 AVAILABLE FOR THE ARBITRATION CONFERENCE, FAIL TO
603 AGREE EITHER TO ONE OF THE ARBITRATORS THAT THE
604 AGGRIEVED PARTY HAS NAMED, FAIL TO PAY OR PREPAY TO
605 THE ARBITRATOR ONE-HALF OF THE COSTS INVOLVED AS
606 REQUIRED, OR FAIL TO APPEAR AND PARTICIPATE AT THE
607 SCHEDULED ARBITRATION CONFERENCE, THE AGGRIEVED PARTY
608 MAY REQUEST THE ARBITRATOR TO ISSUE AN ARBITRATION
09 AWARD. IN THE SUBSEQUENT COURT ACTION, THE AGGRIEVED

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10 PARTY SHALL BE ENTITLED TO RECOVER AN AWARD OF
611 REASONABLE ATTORNEY'S FEES AND COSTS, INCLUDING ANY
612 FEES PAID TO THE ARBITRATOR, INCURRED IN OBTAINING AN
613 ARBITRATION AWARD PURSUANT TO S. 720.507, FLORIDA
614 STATUTES.

615
616 PLEASE GIVE THIS MATTER YOUR IMMEDIATE ATTENTION. BY
617 LAW, YOUR RESPONSE MUST BE POSTMARKED AND MAILED BY
618 CERTIFIED, FIRST-CLASS MAIL, RETURN RECEIPT REQUESTED,
619 TO THE ADDRESS SHOWN ON THIS NOTICE OF PRESUIT
620 ARBITRATION.

621
622 _____
623 SIGNATURE OF AGGRIEVED PARTY

624
625 _____
626 PRINTED NAME OF AGGRIEVED PARTY

627
628 RESPONDING PARTY: YOUR SIGNATURE BELOW INDICATES YOUR
629 ACCEPTANCE OF THE AGREEMENT TO ARTITRATE.

630
631 AGREEMENT TO ARBITRATE

632
633 THE UNDERSIGNED HEREBY AGREES TO PARTICIPATE IN
634 PRESUIT ARBITRATION AND AGREES TO ATTEND AN
635 ARBITRATION CONDUCTED BY THE FOLLOWING ARBITRATOR
636 LISTED BELOW AS SOMEONE WHO WOULD BE ACCEPTABLE TO
637 ARBITRATE THIS DISPUTE:
638

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

39 (IN YOUR RESPONSE EITHER SELECT THE NAME OF ONE
640 ARBITRATOR THAT IS ACCEPTABLE TO YOU FROM THOSE
641 ARBITRATORS LISTED BY THE AGGRIEVED PARTY.)

642
643 THE UNDERSIGNED HEREBY REPRESENTS THAT HE OR SHE IS
644 AVAILABLE AND ABLE TO ATTEND AND PARTICIPATE IN THE
645 PRESUIT ARBITRATION CONFERENCE AT THE FOLLOWING DATES
646 AND TIMES:

647
648 (LIST ALL AVAILABLE DATES AND TIMES, OF WHICH THERE
649 MUST BE AT LEAST THREE, WITHIN 90 DAYS AFTER THE DATE
650 ON WHICH YOU WERE SERVED, EITHER BY PROCESS SERVER OR
651 BY CERTIFIED MAIL, WITH THE NOTICE OF PRESUIT
652 ARBITRATION.)

653
654 I/WE FURTHER AGREE TO PAY OR PREPAY ONE-HALF OF THE
655 ARBITRATOR'S FEES AND TO FORWARD SUCH ADVANCE DEPOSITS
656 AS THE ARBITRATOR MAY REQUIRE FOR THIS PURPOSE.

657
658 _____
659 SIGNATURE OF RESPONDING PARTY #1

660 _____
661 TELEPHONE CONTACT INFORMATION

662 _____
663 SIGNATURE AND TELEPHONE CONTACT INFORMATION OF
664 RESPONDING PARTY #2, IF APPLICABLE. IF THE PROPERTY IS
665 OWNED BY MORE THAN ONE PERSON, ALL OWNERS MUST SIGN,
666 OR A PERSON MAY SIGN WHO IS ACTING UNDER AUTHORITY OF
667 A VALID POWER OF ATTORNEY GRANTED BY AN OWNER.
668

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

69 (2) (a) Service of the statutory notice of presuit
670 arbitration shall be effected either by personal service, as
671 provided in chapter 48, or by certified mail, return receipt
672 requested, in a letter in substantial conformity with the form
673 provided in subsection (1), with an additional copy being sent
674 by regular first-class mail, to the address of the responding
675 party as it last appears on the books and records of the
676 association, or if not available, the last address as it appears
677 on the official records of the county property appraiser for the
678 county in which the property is situated that is subject to the
679 association documents. The responding party has 20 days after
680 the postmarked date of the certified mailing of the statutory
681 notice of presuit arbitration or 20 days after the date the
682 responding party is personally served with the statutory notice
683 of presuit arbitration by to serve a written response to the
84 aggrieved party. The response shall be served by certified mail,
685 return receipt requested, with an additional copy being sent by
686 regular first-class mail, to the address shown on the statutory
687 notice of presuit arbitration. The postmarked date on the
688 envelope of the response shall constitute the date the response
689 was served.

690 (b) The parties shall share the costs of presuit
691 arbitration equally, including the fee charged by the
692 arbitrator, if any, unless the parties agree otherwise, and the
693 arbitrator may require advance payment of his or her reasonable
694 fees and costs. Each party shall be responsible for all of
695 their own attorney's fees if a party chooses to be represented
696 by an attorney for the arbitration proceedings.

697 (c)1. The party responding to the aggrieved party must
698 sign the agreement to arbitrate included in the notice of
99 presuit arbitration and clearly indicate the name of the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

00 arbitrator who is acceptable of those arbitrators listed by the
701 aggrieved party. The responding party must provide a list of at
702 least three dates and times in which the responding party is
703 available to participate in the arbitration conference within 90
704 days after the date the responding party was served with the
705 statutory notice of presuit arbitration.

706 2. The arbitrator must schedule the arbitration conference
707 at a mutually convenient time and place, but if the responding
708 party does not provide a list of available dates and times, the
709 arbitrator is authorized to schedule an arbitration conference
710 without taking the responding party's schedule and convenience
711 into consideration. Within 10 days after the designation of the
712 arbitrator, the arbitrator shall notify the parties in writing
713 of the date, time, and place of the arbitration conference.

714 3. The arbitration conference must be held on the
15 scheduled date and may be rescheduled if approved by the
716 arbitrator. However, in no event shall the arbitration hearing
717 be later than 90 days after the notice of presuit arbitration
718 was first served, unless all parties mutually agree in writing
719 otherwise. If the arbitration hearing is not completed within
720 the required time limits, the arbitrator may issue an
721 arbitration award unless the time for the hearing is extended as
722 provided herein. If the responding party fails to respond
723 within 20 days after the date of statutory notice of presuit
724 arbitration, fails to agree to at least one of the arbitrators
725 that have been listed by the aggrieved party in the presuit
726 notice of arbitration, fails to pay or prepay to the arbitrator
727 one-half of the costs involved, or fails to appear and
728 participate at the scheduled arbitration, the aggrieved party is
729 authorized to proceed with a request that the arbitrator issue
30 an arbitration award.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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31 (d)1. The failure of any party to respond to the statutory
732 notice of presuit arbitration within 20 days, the failure to
733 either select one of the five arbitrators listed by the
734 aggrieved party, the failure to provide a listing of dates and
735 times in which the responding party is available to participate
736 in the arbitration conference within 90 days after the date of
737 the responding party being served with the statutory notice of
738 presuit arbitration, the failure to make payment of fees and
739 costs as required within the time established by the arbitrator,
740 or the failure to appear for an arbitration conference without
741 the approval of the arbitrator, shall entitle the other party to
742 request the arbitrator to enter an arbitration award including
743 an award of the reasonable costs and attorney's fees associated
744 with the arbitration.

745 2. Persons who fail or refuse to participate in the entire
46 arbitration process may not recover attorney's fees and costs in
747 any subsequent litigation proceeding relating to the same
748 dispute involving the same parties.

749 (3) (a) In an arbitration proceeding, the arbitrator may
750 not consider any unsuccessful mediation of the dispute.

751 (b) An arbitrator in a proceeding initiated pursuant to the
752 provisions of this part may shorten the time for discovery or
753 otherwise limit discovery in a manner consistent with the policy
754 goals of this part to reduce the time and expense of litigating
755 homeowners' association disputes initiated pursuant to this
756 chapter and promoting an expeditious alternative dispute
757 resolution procedure for parties to such actions.

758 (4) At the request of any party to the arbitration, the
759 arbitrator may issue subpoenas for the attendance of witnesses
760 and the production of books, records, documents, and other
61 evidence, and any party on whose behalf a subpoena is issued may

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

62 apply to the court for orders compelling such attendance and
763 production. Subpoenas shall be served and are enforceable in the
764 manner provided by the Florida Rules of Civil Procedure.

765 Discovery may, at the discretion of the arbitrator, be permitted
766 in the manner provided by the Florida Rules of Civil Procedure.

767 (5) The final arbitration award shall be sent to the
768 parties in writing no later than 30 days after the date of the
769 arbitration hearing, absent extraordinary circumstances
770 necessitating a later filing the reasons for which shall be
771 stated in the final award if filed more than 30 days after the
772 date of the final session of the arbitration conference. An
773 agreed arbitration award is final in those disputes in which the
774 parties have mutually agreed to be bound. An arbitration award
775 decided by the arbitrator is final unless a lawsuit seeking a
776 trial de novo is filed in a court of competent jurisdiction
77 within 30 days after the date of the arbitration award. The
778 right to file for a trial de novo entitles the parties to file a
779 complaint in the appropriate trial court for a judicial
780 resolution of the dispute. The prevailing party in an
781 arbitration proceeding shall be awarded the costs of the
782 arbitration and reasonable attorney's fees in an amount
783 determined by the arbitrator.

784 (6) The party filing a motion for a trial de novo shall be
785 assessed the other party's arbitration costs, court costs, and
786 other reasonable costs, including attorney's fees, investigation
787 expenses, and expenses for expert or other testimony or evidence
788 incurred after the arbitration hearing if the judgment upon the
789 trial de novo is not more favorable than the final arbitration
790 award.

791 720.508 Rules of procedure.--

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

92 (1) Presuit mediation and presuit arbitration proceedings
793 under this part must be conducted in accordance with the
794 applicable Florida Rules of Civil Procedure and rules governing
795 mediations and arbitrations under Ch 44, Florida Statutes,
796 except this part shall be controlling to the extent of any
797 conflict with other applicable rules or statutes. The
798 arbitrator can shorten any applicable time period and otherwise
799 limit the scope of discovery on request of the parties or within
800 the discretion of the arbitrator exercised consistent with the
801 purpose and objective of reducing the expense and expeditiously
802 concluding proceedings under this part.

803 (2) Presuit mediation proceedings under s. 720.505 are
804 privileged and confidential to the same extent as court-ordered
805 mediation under ch. 44. An arbitrator or judge may not consider
806 any information or evidence arising from the presuit mediation
807 proceeding except in a proceeding to impose sanctions for
808 failure to attend a presuit mediation session or to enforce a
809 mediated settlement agreement.

810 (3) Persons who are not parties to the dispute may not
811 attend the presuit mediation conference without consent of all
812 parties, with the exception of counsel for the parties and a
813 corporate representative designated by the association. Presuit
814 mediations under this part are not a board meeting for purposes
815 of notice and participation set forth in this chapter.

816 (4) Attendance at a mediation conference by the board of
817 directors shall not require notice or participation by non-board
818 members as otherwise required by this chapter for meetings of
819 the board.

820 (5) Settlement agreements resulting from a mediation or
821 arbitration proceeding do not have precedential value in

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

22 proceedings involving parties other than those participating in
823 the mediation or arbitration.

824 (6) Arbitration awards by an arbitrator shall have
825 precedential value in other proceedings involving the same
826 association or with respect to the same parcel owner.

827 720.509 Mediators and arbitrators; qualifications and
828 registration.--A person is authorized to conduct mediation or
829 arbitration under this part if he or she has been certified as a
830 circuit court civil mediator pursuant to the requirements
831 adopted pursuant to s. 44.106, is a member in good standing with
832 The Florida Bar, and otherwise meets all other requirements
833 imposed by ch. 44.

834 720.510 Enforcement of mediation agreement or arbitration
835 award.--

836 (1) A mediation settlement may be enforced through the
37 county or circuit court, as applicable, and any costs and
838 attorney's fees incurred in the enforcement of a settlement
839 agreement reached at mediation shall be awarded to the
840 prevailing party in any enforcement action.

841 (2) Any party to an arbitration proceeding may enforce an
842 arbitration award by filing a petition in a court of competent
843 jurisdiction in which the homeowners' association is located.
844 The prevailing party in such proceeding shall be awarded
845 reasonable attorney's fees and costs incurred in such
846 proceeding.

847 (3) If a complaint is filed seeking a trial de novo, the
848 arbitration award shall be stayed and a petition to enforce the
849 award may not be granted. Such award, however, shall be
850 admissible in the court proceeding seeking a trial de novo.

52

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

53

854

855

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

856

Remove line 33 and insert:

857

amending s. 34.01, F.S.; correcting a cross-reference to

858

conform; amending s. 720.302, F.S.; correcting a cross-reference

859

to conform; establishing legislative intent; repealing s.

860

720.311, F.S.; repealing provision for dispute resolution in

861

homeowners associations; providing that dispute resolution cases

862

pending on the date of repeal will continue under the repealed

863

provisions; creating part IV of ch. 720, F.S.; creating s.

864

720.501, F.S.; creating a short title; creating s. 720.502,

865

F.S.; creating legislative findings; creating s. 720.503, F.S.;

866

setting applicability of provisions for mediation and

867

arbitration applicable to disputes in homeowners associations;

68

creating exceptions; proving applicability; tolling applicable

869

statutes of limitations; creating s. 720.504, F.S.; requiring

870

notice of violation before referral to mediation; creating s.

871

720.505, F.S.; creating a statutory notice form for referral to

872

mediation; requiring delivery by certified mail or personal

873

delivery; setting deadlines; requiring parties to share costs;

874

requiring the selection of a mediator and times to meet;

875

providing penalties for failure to mediate; creating s. 720.506,

876

F.S.; creating an opt-out provision; creating s. 720.507, F.S.;

877

creating a statutory notice form for referral to arbitration;

878

requiring delivery by certified mail or personal delivery;

879

setting deadlines; requiring parties to share costs; requiring

880

the selection of an arbitrator and times to meet; providing

881

penalties for failure to arbitrate; creating s. 720.508, F.S.;

882

providing for rules of procedure; providing for confidentiality;

83

creating s. 720.509, F.S.; setting qualifications for mediators

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

84 and arbitrators; creating s. 720.510, F.S.; providing for
885 enforcement of mediation agreements and arbitration awards;
886 providing an effective date.
887

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

AMENDED

Location: 212 Knott Building
HB 699 : Affordable Housing

Heard At Previous Meeting

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building

AMENDED

HB 793 : Transitional Services for Youth and Young Adults with Disabilities

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown	X				
Dean Cannon	X				
Joyce Cusack	X				
Bill Galvano	X				
Michael Grant			X		
Adam Hasner	X				
Dorothy Hukill	X				
Will Kendrick	X				
Dick Kravitz	X				
Carlos Lopez-Cantera	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				
Will Weatherford	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 31		Total Nays: 0			

Appearances:

Health Care Transition
Deborah Ducatt (General Public) - Proponent
Jax Hats Health Care Transition
8249 Concord Blvd. E
Jacksonville Florida 32208
Phone: (904) 338-6147

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

AMENDED

Location: 212 Knott Building

Transitional Services for Young Adults w/ Disabilities

Nancy Moreau (Lobbyist) - Proponent

Florida Pediatric Society/FL Chapter American Academy of Pediatrics

1895 Vineland Lane

Tallahassee Florida 32317

Phone: (850) 942-7031

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building

AMENDED

CS/HB 861 : Direct-Support Organizations

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown			X		
Dean Cannon			X		
Joyce Cusack	X				
Bill Galvano	X				
Michael Grant	X				
Adam Hasner	X				
Dorothy Hukill	X				
Will Kendrick	X				
Dick Kravitz	X				
Carlos Lopez-Cantera	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				
Will Weatherford	X				
Juan Zapata	X				
Ray Sansom (Chair)			X		
Total Yeas: 31		Total Nays: 0			

Appearances:

FPVA DSO
 Bill Helmich (Lobbyist) - Proponent
 VFW
 303 Johns Dr.
 Tallahassee Florida 32301
 Phone: (850) 251-3126

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

AMENDED

Location: 212 Knott Building

Direct Support Organization

Jim Brodie (Lobbyist) (State Employee) - Proponent

Fl. Department of Veterans Affairs

Tallahassee Florida

Phone: (850) 487-1533

FDVA DSO

Joe Marino (Lobbyist) (State Employee) - Proponent

Florida Department of Veterans Affairs

4040 Esplanade Way

Tallahassee Florida 32399

Phone: (850) 487-1533

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

AMENDED

Location: 212 Knott Building

CS/HB 863 : Pub. Rec./Direct-Support Organization/DVA

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown			X		
Dean Cannon	X				
Joyce Cusack	X				
Bill Galvano	X				
Michael Grant	X				
Adam Hasner	X				
Dorothy Hukill	X				
Will Kendrick	X				
Dick Kravitz	X				
Carlos Lopez-Cantera			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				
Will Weatherford	X				
Juan Zapata	X				
Ray Sansom (Chair)			X		
Total Yeas: 32		Total Nays: 0			

Appearances:

FDVA DSO Public Records Exemption
 Joe Marino (Lobbyist) (State Employee) - Proponent
 FDVA
 4040 Esplanade Way
 Tallahassee Florida 32399
 Phone: (850) 487-1533

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building

AMENDED

CS/HB 903 : Registration of Paid Petition Circulators

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson			X		
Loranne Ausley		X			
Aaron Bean	X				
Dorothy Bendross-Mindingall		X			
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg		X			
Donald Brown	X				
Dean Cannon	X				
Joyce Cusack		X			
Bill Galvano	X				
Michael Grant	X				
Adam Hasner	X				
Dorothy Hukill	X				
Will Kendrick	X				
Dick Kravitz	X				
Carlos Lopez-Cantera	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			
Will Weatherford	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 21		Total Nays: 11			

Appearances:

Bill
 Jose L. Gonzalez (Lobbyist) - Proponent
 Associated Industries of Florida
 576 N. Adams St.
 Tallahassee Florida 32301
 Phone: (850) 224-7173

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

AMENDED

Location: 212 Knott Building

903

Brian Pitts (General Public) - Opponent

Justice-2-Jesus

1119 Newton Avenue S

St. Petersburg Florida 33705

Phone: (727) 897-9291

Petition Gatherers

David A. Hart (Lobbyist) - Proponent

Fl. Home Builders Assoc.

201 E. Park Ave.

Tallahassee Florida 32301

Phone: (850) 224-4316

Petition Reform

Adam Babington (Lobbyist) - Proponent

Florida Chamber of Commerce

136 S. Bronough St.

Tallahassee Florida 32302

Phone: (850) 521-1224

Petition Bill

Jeanne Zokovitch (Lobbyist) - Opponent

League of Women Voters of Florida

233 3rd St. N

St. Petersburg Florida 33701

Phone: (727) 388-3654

Amendment #1 - Strike All

Rich Templin (Lobbyist) - Opponent

Florida AFL-CIO

135 S. Monroe St.

Tallahassee Florida 32301

Phone: (850) 224-6926

Petition Bill

Marilyn Wills (General Public) - Opponent

League of Women Voters of Florida

2326 Kilkenny Dr. W

Tallahassee Florida 32309

Phone: (850) 893-4104

Petitions

Ben Wilcox (Lobbyist) - Opponent

Common Cause Florida

704 W. Madison St.

Tallahassee Florida 32304

Phone: (850) 222-3883

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

AMENDED

Location: 212 Knott Building

Paid Petition Circulators

Jason Roth (Lobbyist) - Opponent

Florida Acorn

1547 Spruce Wood Trail

Tallahassee Florida 32311

Phone: (904) 401-0010

Petitions

Rich Templin (Lobbyist) - Opponent

Florida AFL-CIO

135 S. Monroe St.

Tallahassee Florida 32301

Phone: (850) 224-6926

Petition Circulators

David Cullen (Lobbyist) - Opponent

Sierra Club

1674 University Pkwy. #296

Sarasota Florida 34243

Phone: (941) 323-2404

Paid Petition

Douglas Buck (Lobbyist) - Proponent

Florida Home Builders Assoc.

201 E. Park Ave.

Tallahassee Florida 32301

Phone: (850) 224-4316

Petition Gatherers

Samantha Hunter (Lobbyist) - Proponent

Florida Retail Federation

227 Adams St.

Tallahassee Florida 32301

Phone: (850) 222-4082

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (01)

Bill No. 0903

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing bill: Policy & Budget Council

2 Representative Dorworth offered the following:

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

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (3) of section 100.371, Florida
7 Statutes, is amended to read:

8 100.371 Initiatives; procedure for placement on ballot.--

9 (3) Each signature shall be dated when made and shall be
10 valid for a period of 2 4 years following such date, provided
11 all other requirements of law are met. The sponsor shall submit
12 signed and dated forms to the appropriate supervisor of
13 elections for verification as to the number of registered
14 electors whose valid signatures appear thereon. The Secretary of
15 State shall require certification of level 2 background
16 screening, as provided in chapter 435, for employees or
17 contractors of a sponsor who are in positions of trust due to
18 regular contact with members of the general public for the
19 purpose of obtaining signatures on petition forms. The
20 supervisor shall promptly verify the signatures within 30 days
21 of receipt of the petition forms and payment of the fee required
22 by s. 99.097. The supervisor shall verify that the signature on

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (01)

23 a form is valid only if the date the elector signed the form, as
24 recorded by the elector, is no more than 60 days before the date
25 the form is received by the supervisor. The supervisor shall
26 promptly record in the statewide voter registration system, in
27 the manner prescribed by the Secretary of State, the date each
28 form is received by the supervisor, and the date the signature
29 on the form is verified as valid. The supervisor may verify that
30 the signature on a form is valid only if:

31 (a) The form contains the original signature of the
32 purported elector.

33 (b) The purported elector has accurately recorded on the
34 form the date on which he or she signed the form.

35 (c) The form accurately sets forth the purported elector's
36 name, street address, county, and voter registration number or
37 date of birth.

38 (d) The purported elector is, at the time he or she signs
39 the form, a duly qualified and registered elector authorized to
40 vote in the county in which his or her signature is submitted.

41
42 The supervisor shall retain the signature forms for at least 1
43 year following the election in which the issue appeared on the
44 ballot or until the Division of Elections notifies the
45 supervisors of elections that the committee which circulated the
46 petition is no longer seeking to obtain ballot position.

47 Section 2. If any provision of this act or its application
48 to any person or circumstance is held invalid, the invalidity
49 does not affect other provisions or applications of the act
50 which can be given effect without the invalid provision or
51 application, and to this end the provisions of this act are
52 severable.

53 Section 3. This act shall take effect July 1, 2008.

Amendment No. (01)

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

Remove the entire title and insert:

A bill to be entitled

An act relating to initiatives; amending s. 100.371, F.S.;
providing that petition signatures are valid for 2 years;
requiring background screening for persons gathering
signatures on initiative petitions; providing that
supervisors shall verify signatures only if signed within
a specified period; providing for severability; providing
an effective date.

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building
HB 909 : Value Adjustment Boards

AMENDED

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley		X			
Aaron Bean	X				
Dorothy Bendross-Mindingall		X			
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown			X		
Dean Cannon	X				
Joyce Cusack		X			
Bill Galvano			X		
Michael Grant	X				
Adam Hasner	X				
Dorothy Hukill	X				
Will Kendrick		X			
Dick Kravitz			X		
Carlos Lopez-Cantera	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				
Will Weatherford			X		
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 19		Total Nays: 8			

Appearances:

Ben Phipps (Lobbyist) - Proponent
 FAPTP
 PO Box 1351
 Tallahassee Florida 32302
 Phone: (850) 222-2700

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

AMENDED

Location: 212 Knott Building

Frank Meiners (Lobbyist) - Proponent

AIF

PO Box 1633

Tallahassee Florida 32302

Phone: (850) 591-0177

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building

AMENDED

HJR 949 : Maximum Ad Valorem Tax Limitation; Voter-Approved Exception

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley		X			
Aaron Bean	X				
Dorothy Bendross-Mindingall		X			
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg		X			
Donald Brown	X				
Dean Cannon			X		
Joyce Cusack		X			
Bill Galvano	X				
Michael Grant	X				
Adam Hasner	X				
Dorothy Hukill	X				
Will Kendrick			X		
Dick Kravitz			X		
Carlos Lopez-Cantera	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			
Will Weatherford	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 21		Total Nays: 10			

Appearances:

1.35 Property Tax Cap
 John Hallman (Lobbyist) - Proponent
 Cut Property Taxes Now, Inc.
 33 Camino Real #310
 Boca Raton Florida 33432
 Phone: (561) 392-4432

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building

AMENDED

HB 1027 : Funding for State Veterans' Homes

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown			X		
Dean Cannon	X				
Joyce Cusack	X				
Bill Galvano	X				
Michael Grant	X				
Adam Hasner	X				
Dorothy Hukill	X				
Will Kendrick	X				
Dick Kravitz	X				
Carlos Lopez-Cantera	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				
Will Weatherford			X		
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 32		Total Nays: 0			

Appearances:

Special Stamped Military Veteran License Tags
 Jim Brodie (Lobbyist) (State Employee) - Proponent
 FDVA
 4040 Esplanade Way
 Tallahassee Florida 32399
 Phone: (840) 487-1533

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

AMENDED

Location: 212 Knott Building

HB 1059 : Exemptions from the Tax on Sales, Use, and Other Transactions

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown	X				
Dean Cannon			X		
Joyce Cusack	X				
Bill Galvano	X				
Michael Grant	X				
Adam Hasner	X				
Dorothy Hukill	X				
Will Kendrick	X				
Dick Kravitz	X				
Carlos Lopez-Cantera	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 Sellar	X				
Priscilla Taylor	X				
Anthony Traviesa	X				
Baxter Troutman			X		
Shelley Vana	X				
Will Weatherford	X				
Juan Zapata		X			
Ray Sansom (Chair)	X				
Total Yeas: 32		Total Nays: 1			

Appearances:

Nonprofit Cooperative Hospital Laundry Services
George Chamizo (Lobbyist) - Proponent
Combined Services, Inc.
108 S. Monroe St.
Tallahassee Florida 32301
Phone: (850) 681-0024

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

AMENDED

Location: 212 Knott Building

Exemption from the Tax on Sales Use and Other Transactions

Manny Chica (State Employee) - Proponent

Representative Marcelo Llorente

Phone: (305) 878-9796

New Markets Economic Development

Slater Bayliss (Lobbyist) - Proponent

Tew Cardenas

215 S. Monroe Street

Tallahassee Florida

Phone: (850) 222-8900

New Markets Tax Credit

Stephen Shiver (Lobbyist) - Proponent

AIF

215 S. Monroe St.

Tallahassee Florida 32301

Phone: (850) 222-8950

New Markets

Tony Toups (General Public) - Proponent

Advantage Captial Community Fund

909 Poydras

N.O. LA 70112

Phone: (504) 495-6412

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

AMENDED

Location: 212 Knott Building

HB 1061 : Ad Valorem Tax Data

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown	X				
Dean Cannon	X				
Joyce Cusack	X				
Bill Galvano	X				
Michael Grant	X				
Adam Hasner	X				
Dorothy Hukill	X				
Will Kendrick	X				
Dick Kravitz			X		
Carlos Lopez-Cantera	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		
Will Weatherford	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 31		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (01)

Bill No. 1061

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing bill: Policy & Budget Council

2 Representative Seiler offered the following:

4 **Amendment (with title amendment)**

5 Remove line 30 and insert:

6 not later than 90 ~~60~~ days after receipt of extended rolls for
7 all

11 **T I T L E A M E N D M E N T**

12 Remove line 4 and insert:

13 published by the Department of Revenue; extending the
14 publication period; providing an

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building

AMENDED

CS/HB 1141 : Pub. Rec./Sexual Violence Victim

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson			X		
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown			X		
Dean Cannon	X				
Joyce Cusack	X				
Bill Galvano	X				
Michael Grant	X				
Adam Hasner	X				
Dorothy Hukill	X				
Will Kendrick	X				
Dick Kravitz	X				
Carlos Lopez-Cantera	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				
Will Weatherford	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 33		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building
CS/HB 1163 : Physical Education

AMENDED

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown		X			
Dean Cannon			X		
Joyce Cusack	X				
Bill Galvano	X				
Michael Grant	X				
Adam Hasner	X				
Dorothy Hukill	X				
Will Kendrick	X				
Dick Kravitz	X				
Carlos Lopez-Cantera	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			
Will Weatherford	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 29		Total Nays: 2			

Appearances:

Physical Education
 Stephen Winn (Lobbyist) - Proponent
 American Diabetes Association
 PO Box 1675
 Tallahassee Florida 32301
 Phone: (850) 878-3056

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

AMENDED

Location: 212 Knott Building

Physical Education

Dawn Steward (General Public) - Proponent

Florida

2130 Blossom Lane

Winter Park Florida 32789

Phone: (407) 645-0273

Physical Education

Nancy Moreau (Lobbyist) - Proponent

Florida Pediatric Society/FL Chapter American Academy of Pediatrics

1895 Vineland Lane

Tallahassee Florida 32317

Phone: (850) 942-7031

Middle School PE

James Mosteller (Lobbyist) - Proponent

American Heart Association

317 E. Park Ave.

Tallahassee Florida 32301

Phone: (850) 692-3166

Physical Education

Carrie Fraser (Lobbyist) (State Employee) - Proponent

Department of Education

325 West Gaines St.

Tallahassee Florida 32399

Phone: (850) 245-0509

Physical Education Bill

Fely Curva (Lobbyist) - Proponent

FL Alliance for Health, PE, Recreation, Dance & Sports (FAHPERDS)

1018 Thomasville Rd. Suite 105-B

Tallahassee Florida 32303

Phone: (850) 577-1400

Physical Education

Chris Nuland (Lobbyist) - Proponent

Florida Public Health Association

1000 Riverside Ave. #115

Jacksonville Florida 32204

Phone: (904) 355-1555

Bill & Strike All Am't

Frank Meiners (Lobbyist) - Proponent

Center for Fine Arts Education

PO Box 1633

Tallahassee Florida 32302

Phone: (850) 591-0177

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building

AMENDED

CS/HB 1167 : Reduced Cigarette Ignition Propensity Standard and Firefighter Protection Act

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff			X		
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown	X				
Dean Cannon	X				
Joyce Cusack	X				
Bill Galvano	X				
Michael Grant	X				
Adam Hasner	X				
Dorothy Hukill	X				
Will Kendrick	X				
Dick Kravitz			X		
Carlos Lopez-Cantera	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				
Will Weatherford	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 27		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (01)

Bill No. 1163

COUNCIL/COMMITTEE ACTION

ADOPTED	<u> 1 </u>	(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 Dorworth offered the following:

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

5 Remove everything after the enacting clause and insert:

6 Section 1. This act may be cited as the "Don Davis
7 Physical Education Act."

8 Section 2. Section 1003.455, Florida Statutes, is amended
9 to read:

10 1003.455 Physical education; assessment.--

11 (1) It is the responsibility of each district school board
12 to develop a physical education program that stresses physical
13 fitness and encourages healthful, active lifestyles and to
14 encourage all students in prekindergarten through grade 12 to
15 participate in physical education. Physical education shall
16 consist of physical activities of at least a moderate intensity
17 level and for a duration sufficient to provide a significant
18 health benefit to students, subject to the differing
19 capabilities of students. All physical education programs and
20 curricula must be reviewed by a certified physical education
21 instructor.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (01)

22 (2) Each district school board shall adopt a written
23 physical education policy that details the school district's
24 physical education program, the and expected program outcomes,
25 the benefits of physical education, and the availability of one-
26 on-one counseling concerning the benefits of physical education.

27 (3) Each district school board shall provide 150 minutes
28 of physical education each week for students in kindergarten
29 through grade 5 and for students in grade 6 who are enrolled in
30 a school that contains one or more elementary grades so that on
31 any day during which physical education instruction is conducted
32 there are at least 30 consecutive minutes per day. Beginning
33 with the 2009-2010 school year, the equivalent of one class
34 period per day of physical education for one semester of each
35 year is required for students enrolled in grades 6 through 8.

36 Students enrolled in such instruction shall be reported through
37 the periodic student membership surveys, and records of such
38 enrollment shall be audited pursuant to s. 1010.305. Such
39 instruction may be provided by any instructional personnel as
40 defined in s. 1012.01(2), regardless of certification, who are
41 designated by the school principal. ~~Each district school board~~
42 ~~is encouraged to provide 225 minutes of physical education each~~
43 ~~week for students in grades 6 through 8.~~

44 (4) The requirement in subsection (3) shall be waived for
45 a student who meets one of the following criteria:

46 (a) The student is enrolled or required to enroll in a
47 remedial course.

48 (b) The student's parent indicates in writing to the
49 school that:

50 1. The parent requests that the student enroll in another
51 course from among those courses offered as options by the school
52 district; or

COUNCIL/COMMITTEE ACTION

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

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

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

5 Remove line(s) 131-449 and insert:

6 (g) "Retail dealer" means:

7 1. Any person, other than a manufacturer or wholesale
8 dealer, engaged in selling cigarettes; or

9 2. Any person who owns, operates, or maintains one or more
10 cigarette or tobacco-product vending machines in, at, or upon
11 premises owned or occupied by any other person.

12 (h) "Sale" means any transfer of title or possession or
13 both, exchange or barter, conditional or otherwise, in any
14 manner or by any means whatever or any agreement therefor. In
15 addition to cash and credit sales, the giving of cigarettes as
16 samples, prizes, or gifts and the exchanging of cigarettes for
17 any consideration other than money are considered sales."

18 (i) "Sell" means to execute a sale or to offer or agree to
19 execute a sale.

20 (j) "Wholesale dealer" means any person other than a
21 manufacturer who sells cigarettes to retail dealers or other
22 persons for purposes of resale.

23 (4) TEST METHOD AND PERFORMANCE STANDARD.--

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

24 (a) Except as provided in paragraph (g), no cigarettes may
25 be sold or offered for sale in this state, or sold or offered
26 for sale to persons located in this state, unless the cigarettes
27 have been tested in accordance with the test method and meet the
28 performance standard specified in this subsection, a written
29 certification has been filed by the manufacturer with the
30 division in accordance with subsection (5), and the cigarettes
31 have been marked in accordance with subsection (6).

32 1. Testing of cigarettes shall be conducted in accordance
33 with the American Society for Testing and Materials standard
34 E2187-04, "Standard Test Method for Measuring the Ignition
35 Strength of Cigarettes."

36 2. Testing shall be conducted on 10 layers of filter
37 paper.

38 3. No more than 25 percent of the cigarettes tested in a
39 test trial in accordance with this subsection shall exhibit
40 full-length burns. Forty replicate tests shall comprise a
41 complete test trial for each cigarette tested.

42 4. The performance standard required by this subsection
43 shall only be applied to a complete test trial.

44 5. Written certifications shall be based upon testing
45 conducted by a laboratory that has been accredited pursuant to
46 standard ISO/IEC 17025 of the International Organization for
47 Standardization or another comparable accreditation standard
48 required by the division.

49 6. Laboratories conducting testing in accordance with this
50 subsection shall implement a quality control and quality
51 assurance program that includes a procedure that will determine
52 the repeatability of the testing results. The repeatability
53 value shall be no greater than 0.19.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

54 7. This subsection does not require additional testing if
55 cigarettes are tested consistently with this section for any
56 other purpose.

57 8. The State Fire Marshal may, in his or her discretion or
58 upon the request of the division, perform or sponsor testing to
59 determine a cigarette's compliance with the required performance
60 standard. Any such discretionary compliance testing by the State
61 Fire Marshal shall be conducted in accordance with this
62 subsection.

63 (b) Each cigarette listed in a certification submitted
64 pursuant to subsection (5) that uses lowered permeability bands
65 in the cigarette paper to achieve compliance with the
66 performance standard set forth in this subsection shall have at
67 least two nominally identical bands on the paper surrounding the
68 tobacco column. At least one complete band shall be located at
69 least 15 millimeters from the lighting end of the cigarette. For
70 cigarettes on which the bands are positioned by design, there
71 shall be at least two bands fully located at least 15
72 millimeters from the lighting end and 10 millimeters from the
73 filter end of the tobacco column, or 10 millimeters from the
74 labeled end of the tobacco column for nonfiltered cigarettes.

75 (c) A manufacturer of a cigarette that the State Fire
76 Marshal determines cannot be tested in accordance with the test
77 method prescribed in subparagraph (a)1. shall propose a test
78 method and performance standard for the cigarette to the State
79 Fire Marshal. Upon approval of the proposed test method and a
80 determination by the State Fire Marshal that the performance
81 standard proposed by the manufacturer is equivalent to the
82 performance standard prescribed in subparagraph (a)3., the
83 manufacturer may employ such test method and performance
84 standard to certify such cigarette pursuant to subsection (5).
85 If the State Fire Marshal determines that another state has

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

86 enacted reduced cigarette ignition propensity standards that
87 include a test method and performance standard that are the same
88 as those contained in this section, and if the State Fire
89 Marshal finds that the officials responsible for implementing
90 those requirements have approved the proposed alternative test
91 method and performance standard for a particular cigarette
92 proposed by a manufacturer as meeting the firesafety standards
93 of that state's law or regulation under a legal provision
94 comparable to this subsection, the State Fire Marshal shall
95 authorize that manufacturer to employ the alternative test
96 method and performance standard to certify that cigarette for
97 sale in this state unless the State Fire Marshal demonstrates a
98 reasonable basis why the alternative test should not be accepted
99 under this section. All other applicable requirements of this
100 subsection shall apply to the manufacturer.

101 (d) Each manufacturer shall maintain copies of the reports
102 of all tests conducted on all cigarettes offered for sale for a
103 period of 3 years and shall make copies of the reports available
104 to the division, the State Fire Marshal and the Attorney General
105 upon written request. Any manufacturer who fails to make copies
106 of the reports available within 60 days after receiving a
107 written request shall be subject to a civil penalty not to
108 exceed \$10,000 for each day after the 60th day that the
109 manufacturer does not make such copies available.

110 (e) The State Fire Marshal may adopt a subsequent American
111 Society for Testing and Materials Standard Test Method for
112 Measuring the Ignition Strength of Cigarettes upon a finding
113 that such subsequent method does not result in a change in the
114 percentage of full-length burns exhibited by any tested
115 cigarette when compared to the percentage of full-length burns
116 the same cigarette would exhibit when tested in accordance with

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

117 American Society for Testing and Materials Standard E2187-04 and
118 the performance standard in subparagraph (a)3.

119 (f) The division shall review the effectiveness of this
120 subsection and report every 3 years to the President of the
121 Senate and the Speaker of the House of Representatives the
122 division's findings and, if appropriate, recommendations for
123 legislation to improve the effectiveness of this subsection. The
124 report and legislative recommendations shall be submitted no
125 later than February 1 following the conclusion of each 3-year
126 period.

127 (g) The requirements of paragraph (a) shall not prohibit:

128 1. Wholesale or retail dealers from selling their existing
129 inventory of cigarettes on or after the effective date of this
130 section if the wholesale or retailer dealer can establish that
131 state tax stamps were affixed to the cigarettes prior to the
132 effective date and the wholesale or retailer dealer can
133 establish that the inventory was purchased prior to the
134 effective date in comparable quantity to the inventory purchased
135 during the same period of the prior year; or

136 2. The sale of cigarettes solely for the purpose of
137 consumer testing. For purposes of this subparagraph, the term
138 "consumer testing" means an assessment of cigarettes that is
139 conducted by or is under the control and direction of a
140 manufacturer for the purpose of evaluating consumer acceptance
141 of such cigarettes and that uses only the quantity of cigarettes
142 that is reasonably necessary for such assessment.

143 (h) It is the intent of the Legislature by this section to
144 promote uniformity among the states in the regulation of reduced
145 cigarette ignition propensity. As a result, the resolution of
146 issues regarding the interpretation and implementation of this
147 section should be made in a manner consistent with the New York
148 Fire Safety Standards for Cigarettes, New York Executive Law,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

149 Section 156-C, as amended, and Part 429 of Title 19 New York
150 Codes, Rules, and Regulations, as amended, and the
151 interpretation and implementation thereof, as they exist on
152 March 1, 2008.

153 (5) CERTIFICATION AND PRODUCT CHANGE.--

154 (a) Each manufacturer shall submit to the division a
155 written certification attesting that:

156 1. Each cigarette listed in the certification has been
157 tested in accordance with subsection (4).

158 2. Each cigarette listed in the certification meets the
159 performance standard set forth in subsection (4).

160 (b) Each cigarette listed in the certification shall be
161 described with the following information:

162 1. Brand, or trade name, on the package.

163 2. Style, such as light or ultra light.

164 3. Length in millimeters.

165 4. Circumference in millimeters.

166 5. Flavor, such as menthol or chocolate, if applicable.

167 6. Filter or nonfilter.

168 7. Package description, such as soft pack or box.

169 8. Marking pursuant to subsection (6).

170 9. The name, address, and telephone number of the testing
171 laboratory, if different from the name, address, and telephone
172 number of the manufacturer that conducted the test.

173 10. The date the testing occurred.

174 (c) Each certification shall be made available to the
175 Attorney General for purposes consistent with this section and
176 to the State Fire Marshal for the purposes of ensuring
177 compliance with this subsection.

178 (d) Each cigarette certified under this subsection shall
179 be recertified every 3 years.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES
Amendment No. (for drafter's use only)

180 (e) If a manufacturer has certified a cigarette pursuant
181 to this subsection and thereafter makes any change to such
182 cigarette that is likely to alter its compliance with the
183 reduced cigarette ignition propensity standards required by this
184 section, that cigarette shall not be sold or offered for sale in
185 this state until the manufacturer retests the cigarette in
186 accordance with the testing standards set forth in subsection
187 (4) and maintains records of that retesting as required by
188 subsection (4). Any altered cigarette that does not meet the
189 performance standard set forth in subsection (4) may not be sold
190 in this state.

191 (6) MARKING OF CIGARETTE PACKAGING.--

192 (a) Cigarettes that are certified by a manufacturer in
193 accordance with subsection (5) shall be marked to indicate
194 compliance with the requirements of subsection (4). The marking
195 shall be in 8-point type or larger and consist of:

196 1. Modification of the universal product code to include a
197 visible mark printed at or around the area of the universal
198 product code. The mark may consist of alphanumeric or symbolic
199 characters permanently stamped, engraved, embossed, or printed
200 in conjunction with the universal product code;

201 2. Any visible combination of alphanumeric or symbolic
202 characters permanently stamped, engraved, or embossed upon the
203 cigarette package or cellophane wrap; or

204 3. Printed, stamped, engraved, or embossed text that
205 indicates that the cigarettes meet the standards of this
206 section.

207 (b) A manufacturer shall use only one marking and shall
208 apply this marking uniformly for all brands and all packages,
209 including, but not limited to, packs, cartons, and cases,
210 marketed by that manufacturer.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

211 (c) The division shall be notified as to the marking that
212 is selected.

213 (d) Prior to the certification of any cigarette, a
214 manufacturer shall present its proposed marking to the division
215 for approval. Upon receipt of the request, the division shall
216 approve or disapprove the marking offered, except that the
217 division shall approve:

218 1. Any marking in use and approved for sale in the State
219 of New York pursuant to the New York Fire Safety Standards for
220 Cigarettes; or

221 2. The letters "FSC," which signify "Fire Standards
222 Compliant," appearing in 8-point type or larger and permanently
223 printed, stamped, engraved, or embossed on the package at or
224 near the universal product code.

225
226 Proposed markings shall be deemed approved if the division fails
227 to act within 10 business days after receiving a request for
228 approval.

229 (e) No manufacturer shall modify its approved marking
230 unless the modification has been approved by the division in
231 accordance with this subsection.

232 (f) Manufacturers certifying cigarettes in accordance with
233 subsection (5) shall provide a copy of the certifications to all
234 wholesale dealers and agents to which they sell cigarettes and
235 shall also provide sufficient copies of an illustration of the
236 package marking used by the manufacturer pursuant to this
237 subsection for each retail dealer to which the wholesale dealers
238 or agents sell cigarettes. Wholesale dealers and agents shall
239 provide a copy of these package markings received from
240 manufacturers to all retail dealers to which they sell
241 cigarettes. Wholesale dealers, agents, and retail dealers shall
242 permit the division, the State Fire Marshal, the Attorney

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

243 General, and their employees to inspect markings of cigarette
244 packaging marked in accordance with this subsection.

245 (7) PENALTIES.--

246 (a) A manufacturer, wholesale dealer, agent, or any other
247 person or entity that knowingly sells or offers to sell
248 cigarettes, other than through retail sale, in violation of
249 subsection (4) shall be subject to a civil penalty not to exceed
250 \$100 for each pack of such cigarettes sold or offered for sale.
251 In no case shall the penalty against any such person or entity
252 exceed \$100,000 during any 30-day period.

253 (b) A retail dealer who knowingly sells or offers to sell
254 cigarettes in violation of subsection (4) shall be subject to a
255 civil penalty not to exceed \$100 for each pack of such
256 cigarettes sold or offered for sale. In no case shall the
257 penalty against any retail dealer exceed \$25,000 during any 30-
258 day period.

259 (c) In addition to any penalty prescribed by law, any
260 corporation, partnership, sole proprietor, limited partnership,
261 or association engaged in the manufacture of cigarettes that
262 knowingly makes a false certification pursuant to subsection (5)
263 shall be subject to a civil penalty of at least \$75,000 and not
264 to exceed \$250,000 for each such false certification.

265 (d) Any person violating any other provision of this
266 section shall be subject to a civil penalty not to exceed \$1,000
267 for a first offense and not to exceed \$5,000 for each subsequent
268 offense.

269 (e) Any penalties collected under this subsection shall be
270 deposited into the Insurance Regulatory Trust Fund of the
271 Department of Financial Services to support costs associated
272 with the responsibilities of the State Fire Marshal under this
273 section.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

274 (f) In addition to any other remedy provided by law, the
275 division, the State Fire Marshal, or the Attorney General may
276 file an action in circuit court for a violation of this section,
277 including petitioning for injunctive relief or to recover any
278 costs or damages suffered by the state because of a violation of
279 this section, including enforcement costs relating to the
280 specific violation and attorney's fees. Each violation of this
281 section or of rules adopted under this section constitutes a
282 separate civil violation for which the division, the State Fire
283 Marshal, or the Attorney General may obtain relief.

284 (g) Whenever any law enforcement personnel or duly
285 authorized representative of the division discovers any
286 cigarettes that have not been marked in the manner required by
287 subsection (6), such personnel or representative is authorized
288 and empowered to seize and take possession of such cigarettes.
289 Such cigarettes shall be turned over to the division and shall
290 be forfeited to the state. Cigarettes seized pursuant to this
291 paragraph shall be destroyed; however, prior to the destruction
292 of any such cigarette, the true holder of the trademark rights
293 in the cigarette brand shall be permitted to inspect the
294 cigarette.

295 (8) IMPLEMENTATION.--

296 (a) The division and the State Fire Marshal may adopt
297 rules to implement the provisions of this section.

298 (b) The division, in the regular course of conducting
299 inspections of wholesale dealers, agents, and retail dealers as
300 authorized pursuant to chapter 210, may inspect such cigarettes
301 to determine if the cigarettes are marked as required by
302 subsection (6).

303 (9) INSPECTION.--To enforce the provisions of this
304 section, the Attorney General, the State Fire Marshal, the
305 division, and their duly authorized representatives and other

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

306 law enforcement personnel are authorized to examine the books,
307 papers, invoices, and other records of any person in possession,
308 control, or occupancy of any premises where cigarettes are
309 placed, stored, sold, or offered for sale, as well as the stock
310 of cigarettes on the premises. Every person in the possession,
311 control, or occupancy of any premises where cigarettes are
312 placed, sold, or offered for sale is directed and required to
313 give the Attorney General, the State Fire Marshal, the division,
314 and their duly authorized representatives and other law
315 enforcement personnel the means, facilities, and opportunity for
316 the examinations authorized by this subsection.

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

321 Remove line(s) 13-20 and insert:

322 Beverages and Tobacco and the State Fire Marshal with certain
323 powers and responsibilities; providing certification
324 requirements for manufacturers; providing requirements for the
325 marking of certain cigarette packaging; providing reporting
326 requirements; providing approval requirements for markings
327 submitted to the division by a manufacturer; providing
328 notification requirements; providing fines and penalties;
329 providing the division and the State Fire Marshal with
330 rulemaking

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building

AMENDED

HB 1175 : Transportation Services for the Transportation Disadvantaged

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown			X		
Dean Cannon	X				
Joyce Cusack	X				
Bill Galvano	X				
Michael Grant	X				
Adam Hasner	X				
Dorothy Hukill	X				
Will Kendrick	X				
Dick Kravitz	X				
Carlos Lopez-Cantera	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				
Will Weatherford	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 34		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

①

Amendment No. (01)

Bill No. CS/HB 1175

COUNCIL/COMMITTEE ACTION

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

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

Amendment (with title amendment)

5 Remove lines 345 through 347 and insert:
 6 expended and the total number of trips purchased.

10 -----
 11 **T I T L E A M E N D M E N T**

12 Remove lines 41 through 43 and insert:
 13 legislative budget request; providing an
 14

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

Bill No. CS/HB 1175

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing bill: Policy and Budget

2 Representative Robaina offered the following:

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

5 Between lines 47 and 48 and insert:

6 Section 1. Subsection (18) of section 409.908, Florida
7 Statutes, is amended to read:

8 409.908 Reimbursement of Medicaid providers.--Subject
9 to specific appropriations, the agency shall reimburse
10 Medicaid providers, in accordance with state and federal law,
11 according to methodologies set forth in the rules of the
12 agency and in policy manuals and handbooks incorporated by
13 reference therein. These methodologies may include fee
14 schedules, reimbursement methods based on cost reporting,
15 negotiated fees, competitive bidding pursuant to s. 287.057,
16 and other mechanisms the agency considers efficient and
17 effective for purchasing services or goods on behalf of
18 recipients. If a provider is reimbursed based on cost
19 reporting and submits a cost report late and that cost report
20 would have been used to set a lower reimbursement rate for a
21 rate semester, then the provider's rate for that semester
22 shall be retroactively calculated using the new cost report,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

23 and full payment at the recalculated rate shall be effected
24 retroactively. Medicare-granted extensions for filing cost
25 reports, if applicable, shall also apply to Medicaid cost
26 reports. Payment for Medicaid compensable services made on
27 behalf of Medicaid eligible persons is subject to the
28 availability of moneys and any limitations or directions
29 provided for in the General Appropriations Act or chapter 216.
30 Further, nothing in this section shall be construed to prevent
31 or limit the agency from adjusting fees, reimbursement rates,
32 lengths of stay, number of visits, or number of services, or
33 making any other adjustments necessary to comply with the
34 availability of moneys and any limitations or directions
35 provided for in the General Appropriations Act, provided the
36 adjustment is consistent with legislative intent.

37 (18) Unless otherwise provided for in the General
38 Appropriations Act, a provider of transportation services
39 shall be reimbursed the lesser of the amount billed by the
40 provider or the Medicaid maximum allowable fee established by
41 the agency, except when the agency has entered into a direct
42 contract with the provider, or with a community transportation
43 coordinator, for the provision of an all-inclusive service, or
44 when services are provided pursuant to an agreement negotiated
45 between the agency and the provider. The agency, as provided
46 for in s. 427.0135, shall purchase transportation services
47 through the community coordinated transportation system, if
48 available, unless the agency determines a more cost-effective
49 method for Medicaid clients. Nothing in this subsection shall
50 be construed to limit or preclude the agency from contracting
51 for services using a prepaid capitation rate or from
52 establishing maximum fee schedules, individualized
53 reimbursement policies by provider type, negotiated fees,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

54 prior authorization, competitive bidding, increased use of
55 mass transit, or any other mechanism that the agency considers
56 efficient and effective for the purchase of services on behalf
57 of Medicaid clients, including implementing a transportation
58 eligibility process. The agency shall not be required to
59 contract with any community transportation coordinator or
60 transportation operator that has been determined by the
61 agency, the Department of Legal Affairs Medicaid Fraud Control
62 Unit, or any other state or federal agency to have engaged in
63 any abusive or fraudulent billing activities. The agency is
64 authorized to competitively procure transportation services or
65 make other changes necessary to secure approval of federal
66 waivers needed to permit federal financing of Medicaid
67 transportation services at the service matching rate rather
68 than the administrative matching rate. Notwithstanding the
69 provisions of chapter 427, the agency is authorized to
70 continue contracting for Medicaid non-emergency transportation
71 services in agency service area 11 with managed care plans
72 that were under contract for those services prior to July 1,
73 2004.

74
75 (Renumber subsequent sections)

76 -----
77 **T I T L E A M E N D M E N T**

78 Remove lines 3 and insert:
79 transportation disadvantaged; amending s. 409.908, F.S. to permit the
80 agency to continue to contract contracting for Medicaid non-emergency
81 transportation services in agency service area 11 under certain
82 conditions; amending s. 427.011, F.S.;

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building

AMENDED

CS/HB 1245 : Regional Transportation Authorities

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown	X				
Dean Cannon			X		
Joyce Cusack	X				
Bill Galvano	X				
Michael Grant	X				
Adam Hasner	X				
Dorothy Hukill	X				
Will Kendrick	X				
Dick Kravitz	X				
Carlos Lopez-Cantera	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				
Will Weatherford	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 33		Total Nays: 0			

Appearances:

RTAs

Vicki Woolridge (Lobbyist) - Proponent
 South Florida Regional Trans. Authority
 Pompano Beach Florida
 Phone: (954) 213-8690

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

AMENDED

Location: 212 Knott Building
Regional Transportation Authorities
Dave Ericks (Lobbyist) - Proponent
SFRTA
205 S. Adams St.
Tallahassee Florida 32301

Regional Trans. Authorities
Joseph Giulietti (General Public) - Proponent
South Florida Regional Trans. Authority
800 NW 33rd St.
Pompano Beach Florida
Phone: (954) 942-7245

HB 1245
Brian Pitts (General Public) - Information Only
Justice-2-Jesus
1119 Newton Ave. S.
St. Petersburg Florida 33705
Phone: (727) 897-9291

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building
CS/HB 1259 : Education

AMENDED

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson			X		
Loranne Ausley		X			
Aaron Bean	X				
Dorothy Bendross-Mindingall		X			
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg		X			
Donald Brown	X				
Dean Cannon	X				
Joyce Cusack		X			
Bill Galvano	X				
Michael Grant	X				
Adam Hasner	X				
Dorothy Hukill	X				
Will Kendrick	X				
Dick Kravitz			X		
Carlos Lopez-Cantera	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			
Will Weatherford	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 21		Total Nays: 11			

Appearances:

Connie Milito (Lobbyist) - Opponent
 Hillsborough County Public School
 901 East Kennedy Boulevard
 Tampa FL 33602
 Phone: 813-272-4519

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

AMENDED

Location: 212 Knott Building

Jim Horne (State Employee) - Proponent
FL Consortium of Public Charter Schools
1316 Oaklanding Lane
Orange Park FL
Phone: 904-215-7734

Clara Spaulding - Proponent
Delta Sigma Theta Sorority
945 Agnes Scott Circle
Panama City FL 32405
Phone: 850-769-1893

Andreina Figueroa (Lobbyist) - Proponent
Academica
1441 Brickell Avenue, 15th Floor
Miami FL 33131
Phone: 305-536-1112

Education/Charter Schools Amendment #3

Wendy Dodge (Lobbyist) - Opponent
Polk County Schools, Director of Government Affairs
P.O. Box 391
Bartow Florida 33831
Phone: (863) 838-3632

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment (01)

Bill No. CS/HB 1259 & 1301

COUNCIL/COMMITTEE ACTION

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

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

Amendment (with directory and title amendments)

5 Between line(s) 1005-1006 insert:

6 (h) The capacity of the charter school shall be determined
 7 annually by the governing board, in conjunction with the
 8 sponsor, of the charter school in consideration of the factors
 9 identified in this subsection. The calculation under s. 1003.03
 10 for class size compliance for charter schools shall be the
 11 average for the applicable grade grouping at the school level
 12 established at the October student membership survey of the
 13 district in which the charter school is operated.

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

16 Remove line 507 and insert:
 17 paragraphs (a) and (h) of subsection (10), paragraphs (b) and
 18 (c) of

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

21 After the ";" on line 37 insert:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment (01)

22 revising the calculation requirements for class size compliance
23 by charter schools;

24

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment (02)

Bill No. CS/HB 1259 & 1301

COUNCIL/COMMITTEE ACTION

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

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

Amendment (with directory and title amendments)

Between line(s) 1488-1489 and insert:

(8) ELIGIBLE STUDENTS.—

(a) A center must be open to all students as space is available and may not discriminate in admissions policies or practices on the basis of an individual's physical disability or proficiency in English or on any other basis that would be unlawful if practiced by a public school or a community college. A center may establish reasonable criteria by which to evaluate prospective students, which criteria must be outlined in the charter.

(b) The calculation under s. 1003.03 for class size compliance for a center shall be the average for the applicable grade grouping at the school level established at the October student membership survey of the district in which the center is operated.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment (02)

22 **D I R E C T O R Y A M E N D M E N T**

23 Remove line 1380 and insert:
24 of subsection (6), subsection (8), paragraph (c) of subsection
25 (10), and

26
27 -----

28 **T I T L E A M E N D M E N T**

29 After the ";" on line 69, insert:
30 revising the calculation requirements for class size compliance
31 by charter technical career centers;

32

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building
CS/HB 1271 : Care of Children

AMENDED

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown			X		
Dean Cannon	X				
Joyce Cusack	X				
Bill Galvano	X				
Michael Grant	X				
Adam Hasner	X				
Dorothy Hukill	X				
Will Kendrick	X				
Dick Kravitz	X				
Carlos Lopez-Cantera	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				
Will Weatherford	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 34		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

Bill No. 1271

COUNCIL/COMMITTEE ACTION

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

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

3
 4 **Amendment (with title amendment)**
 5 Remove lines 45-46 insert:
 6 Section 1. This act may be cited as the "Zahid Jones, Jr.
 7 Give Grandparents and Other Relatives a Voice Act."

8
 9
 10 -----
 11 **T I T L E A M E N D M E N T**

12 Remove line 3 and insert:
 13 Jones, Jr. Give Grandparents and Other Relatives a Voice Act";
 14 amending s. 39.201,
 15

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

Bill No. 1271

COUNCIL/COMMITTEE ACTION

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

1 Council hearing bill: Policy and Budget

2 Representative Weatherford offered the following:

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

5 Between lines 50-51 insert:

6
7 (1) (a) Any person who knows, or has reasonable cause to
8 suspect, that a child is abused, abandoned, or neglected by a
9 parent, legal custodian, caregiver, or other person responsible
10 for the child's welfare, as defined in this chapter, or that a
11 child is in need of supervision and care and has no parent,
12 legal custodian, or responsible adult relative immediately known
13 and available to provide supervision and care shall report such
14 knowledge or suspicion to the department in the manner
15 prescribed in subsection (2).

16 (b) Reporters in the following occupation categories are
17 required to provide their names to the hotline staff:

18 1. Physician, osteopathic physician, medical examiner,
19 chiropractic physician, nurse, or hospital personnel engaged in
20 the admission, examination, care, or treatment of persons;

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

21 2. Health or mental health professional other than one
22 listed in subparagraph 1.;

23 3. Practitioner who relies solely on spiritual means for
24 healing;

25 4. School teacher or other school official or personnel;

26 5. Social worker, day care center worker, or other
27 professional child care, foster care, residential, or
28 institutional worker;

29 6. Law enforcement officer; or

30 7. Judge.

31 The names of reporters shall be entered into the record of the
32 report, but shall be held confidential and exempt as provided in
33 s. 39.202. If a report received from a reporter under this
34 paragraph is accepted for investigation, the reporter must be
35 provided contact information for the investigator within 24
36 hours after an investigator has been assigned. A reporter under
37 this paragraph may provide a written summary of their report to
38 the investigator which will become a part of the master file.

39 (c) A professional who is hired by or enters into a
40 contract with the department for the purpose of treating or
41 counseling any person, as a result of a report of child abuse,
42 abandonment, or neglect, is not required to again report to the
43 central abuse hotline the abuse, abandonment, or neglect that
44 was the subject of the referral for treatment.

45 (d) An officer or employee of the judicial branch is not
46 required to again provide notice of reasonable cause to suspect
47 child abuse, abandonment, or neglect when that child is
48 currently being investigated by the department, there is an
49 existing dependency case, or the matter has previously been
50 reported to the department, provided there is reasonable cause

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

51 to believe the information is already known to the department.
52 This paragraph applies only when the information has been
53 provided to the officer or employee in the course of carrying
54 out his or her official duties.

55 (e) Nothing in this chapter or in the contracting with
56 community-based care providers for foster care and related
57 services as specified in s. 409.1671 shall be construed to
58 remove or reduce the duty and responsibility of any person,
59 including any employee of the community-based care provider, to
60 report a suspected or actual case of child abuse, abandonment,
61 or neglect or the sexual abuse of a child to the department's
62 central abuse hotline.

63

64

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

65

66 Remove lines 47-48 and insert:

66

67 Section 2. Subsections (1) and (7) of section 39.201,
68 Florida Statutes are amended to read:

67

68

69

70

71

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

72

73 Remove line 6 and insert:

73

74

75 central abuse hotline; requiring information to be provided to a
76 reporter; authorizing the submission of a written report;
77 amending s. 39.202, F.S.; expanding

75

76

77

78

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3 (for drafter's use only)

Bill No. 1271

COUNCIL/COMMITTEE ACTION

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

1 Council hearing bill: Policy and Budget

2 Representative Weatherford offered the following:

4 Amendment (with directory and title amendments)

5 Between lines 77-78 and insert:

6

7 (6) Upon commencing an investigation under this part, if a
 8 report was received from a reporter under s. 39.201(1)(b), the
 9 child protective investigator must provide his or her contact
 10 information to the reporter within 24 hours after being assigned
 11 to the investigation. The investigator must also advise the
 12 reporter that he or she may provide a written summary of the
 13 report made to the central abuse hotline to the investigator
 14 which will become a part of the master file.

15

16 -----

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

18

19 Remove lines 75-76 and insert:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3 (for drafter's use only)

20 Section 4. A new subsection (6) is added and paragraph (b)
21 of subsection (14) of section 39.301, Florida Statutes, is
22 amended to read:

23

24

25

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

26

27

Remove line 9 and insert:

28

29

health professionals; amending s. 39.301, F.S.; requiring

30

information to be provided to a reporter; authorizing the

31

submission of a written report; providing

32

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

Bill No. 1271

COUNCIL/COMMITTEE ACTION

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

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

4 **Amendment (with title amendment)**

5 Remove lines 147-160 and insert:

6
 7 6. That the court notified the parents, relatives that are
 8 providing out of home care for the child or legal custodians
 9 of the time, date, and location of the next dependency hearing
 10 and of the importance of the active participation of the
 11 parents, relatives who are providing out of home care for the
 12 child or legal custodians in all proceedings and hearings.

13 7. That the court notified the parents or legal custodians
 14 of their right to counsel to represent them at the shelter
 15 hearing and at each subsequent hearing or proceeding, and the
 16 right of the parents to appointed counsel, pursuant to the
 17 procedures set forth in s. 39.013.

18 8. That the court notified relatives who are providing out-
 19 of-home care for a child as a result of the shelter petition
 20 being granted and any relative requesting notification pursuant
 21 to s. 39.301(14) (b), that they have the right to attend all

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

22 subsequent hearings, to submit reports to the court and to speak
23 to the court regarding the child, if they wish to do so.

24 -----

25 **T I T L E A M E N D M E N T**

26 Remove lines 20-21 and insert:
27 shelter care of their right to attend hearings, submit reports
28 to the court and speak to the court; amending s. 39.502, F.S. ;
29 providing

30

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 5 (for drafter's use only)

Bill No. 1271

COUNCIL/COMMITTEE ACTION

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

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

Amendment (with title amendment)

Remove lines 174-182 and insert:

3
 4
 5
 6 (19) In all proceedings under this part, the attorney for
 7 the department shall notify, orally or in writing, a relative
 8 requesting notification pursuant to s. 39.301(14)(b) of the
 9 date, time, and location of such proceedings, and make all
 10 reasonable efforts to ensure that all relatives who have
 11 requested notification pursuant to s. 39.301(14)(b) are given an
 12 opportunity to be heard by the court if the relative so desires.
 13 The court has the discretion to release the attorney for the
 14 department from notifying a relative who requested notification
 15 pursuant to s.39.301(14)(b) if the relative's involvement is
 16 determined to be impeding the dependency process or detrimental
 17 to the child's well-being.

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

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 5 (for drafter's use only)

22 Remove line 23 and insert:
23 Hearings under certain circumstances; providing an opportunity
24 to be heard in court for certain relatives; providing an
25

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building

AMENDED

CS/HB 1373 : Qualified Defense Contractor Tax Refund Program

Heard At Previous Meeting

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building

AMENDED

CS/HB 1379 : Tax on Sales, Use, and Other Transactions

Heard At Previous Meeting

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building

AMENDED

HB 1503 : Management of Wastewater

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen			X		
Mary Brandenburg	X				
Donald Brown	X				
Dean Cannon	X				
Joyce Cusack	X				
Bill Galvano	X				
Michael Grant	X				
Adam Hasner	X				
Dorothy Hukill	X				
Will Kendrick	X				
Dick Kravitz	X				
Carlos Lopez-Cantera	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				
Will Weatherford	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 33		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building

AMENDED

HB 7021 : Florida Hurricane Catastrophe Fund

Heard At Previous Meeting

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

AMENDED

Location: 212 Knott Building

HB 7057 : Distinguished Educator Retirement Option Program

Temporarily Deferred

Appearances:

Education Retirement Annuity

Marshall Ogletree (Lobbyist) - Opponent

FEA

213 S. Adams Street

Tallahassee Florida 32301

Phone: (850) 224-2078

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building

AMENDED

HB 7059 : Protection of Wild and Aquatic Life

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown	X				
Dean Cannon	X				
Joyce Cusack	X				
Bill Galvano	X				
Michael Grant			X		
Adam Hasner	X				
Dorothy Hukill	X				
Will Kendrick	X				
Dick Kravitz			X		
Carlos Lopez-Cantera	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				
Will Weatherford	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 30		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

Bill No. HB 7059

COUNCIL/COMMITTEE ACTION

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

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

Amendment (with title amendment)

Between line(s) 45 and 46 insert:

(1) The Board of Trustees of the Internal Improvement
 Trust Fund may police; protect; conserve; improve; and prevent
 trespass, damage, or depredation upon the lands and the products
 thereof, on or under the same, owned by the state as set forth
 in s. 253.03. The duty to conserve and improve shall include the
preservation and regeneration of seagrass which is deemed
essential to the oceans, gulfs, estuaries and shorelines of
Florida. The term "seagrass" means Cuban shoal grass (Halodule
wrightii), turtle grass (Thalassia testudinum), manatee grass
(Syringodium filiforme), star grass (Halophila engelmannii),
paddle grass (Halophila decipiens), Johnsons seagrass
(Halophila johnsonii) or widgeon grass (Ruppia maritime). The
board shall, by rule, provide for the selection of private
sector companies with scientifically established techniques
utilizing containerized fine grain sediment to stabilize
propeller scars and boat groundings proven to establish, without

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

22 cost to the state, the recolonization of seagrass. Credits will
23 be recognized as to seagrass actually restored and created. The
24 guide as to such credits will be determined by the Uniform
25 Mitigation Assessment Methodology. The board may conduct pilot
26 projects in Outstanding Florida Waters in its compliance with
27 this section. The board may bring in the name of the board all
28 suits in ejectment, suits for damage, and suits in trespass
29 which in the judgment of the board may be necessary to the full
30 protection and conservation of such lands, or it may take such
31 other action or do such other things as may in its judgment be
32 necessary for the full protection and conservation of such
33 lands; and the state may join with the board in any action or
34 suit, or take part in any proceeding, when it may deem
35 necessary, in the name of this state through the Department of
36 Legal Affairs.

37
38 -----
39 **D I R E C T O R Y A M E N D M E N T**

40 Remove line(s) 40 and insert:

41 Section 1. Subsection (1) is amended and subsections (4)
42 through (7) of section 253.04,
43

44 -----
45 **T I T L E A M E N D M E N T**

46 Remove line(s) 3 and insert:

47 life; amending s. 253.04, F.S.; providing for the duty of the
48 Board of Trustees of the Internal Improvement Trust Fund to
49 conserve and improve to include the preservation and
50 regeneration of seagrass; defining "seagrass"; requiring the
51 Board of Trustees of the Internal Improvement Trust Fund to

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

52 provide by rule for the selection of private sector companies
53 meeting specified criteria to stabilize propeller scars and boat
54 groundings proven to establish, without cost to the state, the
55 recolonization of seagrass; providing for credits to be
56 recognized as to seagrass actually restored and created; proving
57 for credits to be determined by the Uniform Mitigation
58 Assessment Methodology; authorizing the Board of Trustees of the
59 Internal Improvement Trust Fund to conduct pilot projects in
60 Outstanding Florida Waters; providing that careless

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3 (for drafter's use only)

Bill No. **HB 7059**

COUNCIL/COMMITTEE ACTION

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

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

4 **Amendment (with title amendment)**

5 Between line(s) 382-383 insert:

6 Section 11. Section 327.803, Florida Statutes is repealed.

9 -----
10 **T I T L E A M E N D M E N T**

11 Remove line(s) 36 and insert:

12 conforming cross-references; repealing s. 327.803, F.S.,
13 relating to the Boating Advisory Council; providing an effective
14 date.

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building
HB 7087 : Juvenile Justice

AMENDED

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown	X				
Dean Cannon	X				
Joyce Cusack	X				
Bill Galvano	X				
Michael Grant	X				
Adam Hasner	X				
Dorothy Hukill	X				
Will Kendrick	X				
Dick Kravitz			X		
Carlos Lopez-Cantera	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		
Will Weatherford	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 31		Total Nays: 0			

Appearances:

Brian Pitts (General Public) - Information Only
 Justice-2-jesus
 1119 Newton Ave. S.
 St. Petersburg Florida 33705
 Phone: (727) 897-9291

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

AMENDED

Location: 212 Knott Building
Blueprint Commission Legislation
Amanda Ghaffari (Lobbyist) - Proponent
Florida Assoc. of Counties
100 South Monroe St.
Tallahassee Florida 32301
Phone: (850) 922-4300

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment (01)

Bill No. **HB 7087**

~~COUNCIL/COMMITTEE ACTION~~

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

1 Council/Committee hearing bill: Policy & Budget Council

2 Representative(s) Needelman offered the following:

3
4 **Amendment**

5 Remove line 1428 and insert:

6 person; or a delinquent act which would constitute such a felony
7 if committed by an adult, or an offense that poses a serious
8 threat to school

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

3

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

Bill No. HB 7087

COUNCIL/COMMITTEE ACTION

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

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

Amendment (with title amendment)

On lines 1418 and 1424 remove:

criminal

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

On line 74 remove:

criminal

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

4

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

Bill No. HB 7087

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) Needelman and Gibson, A. offered the
 3 following:

Amendment (with title amendment)

Between line(s) 1476-1477 insert:

7 Section 26. The Children in Need of Services and Families
 8 in Need of Services provider shall demonstrate that it has
 9 considered local, non-traditional, non-residential delinquency
 10 prevention service providers including, but not limited to,
 11 grassroots organizations, community, and faith-based
 12 organizations, to subcontract and deliver non-residential
 13 services to eligible youth as defined in chapter 984 in areas
 14 with high ratios of juvenile arrests per youth ages 10 to 17.
 15 Such services shall be offered throughout the judicial circuit
 16 served by the CINS/FINS provider.

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

Remove line(s) 79 and insert:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

21 tolerance; providing for consideration of certain provider types
22 related to children in need of services and families in need of
23 services; providing an appropriation; providing effective

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

5

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

Bill No. HB 7087

05
COUNCIL/COMMITTEE ACTION

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

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

3 Kravitz

4 **Amendment**

5 Remove line(s) 1431-1437 and insert:

6 (3) Counties may seek reimbursement from the school district
7 for secure detention costs associated with the referral of a
8 student for an offense other than that specified in this section
9 when the school authority refers the student to law enforcement
10 and requests that the student be placed in secure detention and
11 the student is placed in secure detention. In such case, the
12 county may be reimbursed at a rate not to exceed the per diem
13 rate set by the Department of Juvenile Justice pursuant to s.
14 985.686.

THE CURRENT LANGUAGE
REFLECTS AT MOST BY WORKING WITH SCHOOLS
TO ADDRESS
CONCERNS FROM
OUR LAST STOP

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building

AMENDED

HB 7093 : Acquisition of State and State-owned Lands

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown			X		
Dean Cannon	X				
Joyce Cusack	X				
Bill Galvano	X				
Michael Grant	X				
Adam Hasner	X				
Dorothy Hukill	X				
Will Kendrick	X				
Dick Kravitz	X				
Carlos Lopez-Cantera	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				
Will Weatherford	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 32		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building

AMENDED

HB 7095 : Investment of Local Government Surplus Funds

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown	X				
Dean Cannon	X				
Joyce Cusack	X				
Bill Galvano	X				
Michael Grant	X				
Adam Hasner	X				
Dorothy Hukill	X				
Will Kendrick	X				
Dick Kravitz			X		
Carlos Lopez-Cantera	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		
Will Weatherford	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 30		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

1

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

Bill No. HB 7095

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing bill: Policy & Budget Council

2 Representative(s) Domino, Carl offered the following:

3

4 **Amendment**

5 Remove line(s) 215 and insert:

6 which they conduct business on behalf of the trust fund. They

7 shall further disclose any

8

9

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

2

Amendment No. (for drafter's use only)

Bill No. HB 7095

COUNCIL/COMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/>	(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) Domino offered the following:

4 **Amendment**

5 Remove line(s) 327-334 and insert:

6 (7) Costs incurred in carrying out the provisions of this
7 part shall be deducted from the interest earnings accruing to
8 the trust fund. Such deductions shall be prorated among the
9 participant local governments in the percentage that each
10 participant's deposits bear to the total trust fund. The
11 remaining interest earned shall be distributed monthly to
12 participants according to the amount invested. Except for costs,
13 the board or a professional money

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

3

Amendment No. (for drafter's use only)

Bill No. HB 7095

COUNCIL/COMMITTEE ACTION

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

Council/Committee hearing bill: Policy & Budget Council

Representative(s) Domino offered the following:

Amendment (with title amendment)

Remove line(s) 378-435 and insert:

(10) (a) There is created a six-member Participant Local Government Advisory Council for the purposes of regularly reviewing the administration of the trust fund and making recommendations regarding such administration to the trustees. The members of the council shall be appointed by the board and subject to confirmation by the Senate. Members must possess special knowledge, experience, and familiarity obtained through active, long-standing, and material participation in the dealings of the trust fund. Each member shall serve a 4-year term. Any vacancy shall be filled for the remainder of the unexpired term. The council shall annually elect a chair and vice chair from within its membership. A member may not serve consecutive terms as chair or vice chair.

(b) The council shall prepare and submit a written

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

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

22 Remove line(s) 38-39 and insert:
23 and meetings;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

4

Amendment No. (for drafter's use only)

Bill No. HB 7095

COUNCIL/COMMITTEE ACTION

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

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

3
 4 **Amendment (with title amendment)**
 5 Remove line(s) 112-119.

8 **T I T L E A M E N D M E N T**
 9 Remove line(s) 10-11 and insert:
 10 for trustee certification; amending s. 218.407,

11

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building

AMENDED

HB 7097 : Trust Funds/Creation/Fund B Surplus Funds Trust Fund/SBA

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown	X				
Dean Cannon	X				
Joyce Cusack	X				
Bill Galvano	X				
Michael Grant	X				
Adam Hasner	X				
Dorothy Hukill	X				
Will Kendrick	X				
Dick Kravitz			X		
Carlos Lopez-Cantera	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		
Will Weatherford	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 32		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **HB 7097**

COUNCIL/COMMITTEE ACTION

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

①

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

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Amendment

Remove line(s) 19 and insert:

Trust Fund. Those

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building

AMENDED

HB 7099 : Fund B Surplus Funds Trust Fund

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown	X				
Dean Cannon	X				
Joyce Cusack	X				
Bill Galvano	X				
Michael Grant	X				
Adam Hasner	X				
Dorothy Hukill	X				
Will Kendrick	X				
Dick Kravitz			X		
Carlos Lopez-Cantera	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		
Will Weatherford			X		
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 28		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

①

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

Bill No. HB 7099

COUNCIL/COMMITTEE ACTION

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

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

3
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Amendment

Remove line(s) 75 and insert:
compliance with the requirements of this section. Any new

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building

AMENDED

HB 7101 : Department of Business and Professional Regulation

Not Considered

Appearances:

Debby Eisinger (General Public) - Opponent

Broward League of Cities
3502 Ottawa Lane
Cooper City Florida
Phone: (954) 253-9538

Rebecca O'Hara (Lobbyist) - Opponent

Fla. League of Cities
PO Box 1757
Tallahassee Florida 32302
Phone: (850) 222-9684

Revenue Caps (State & Local)

William Tait (Lobbyist) - Opponent

Fla. Center for Fiscal and Economic Policy
2245 S. Monroe St.
Tallahassee Florida 32301
Phone: (850) 328-6480

State & Local Revenue Caps

Jack McRay (Lobbyist) - Opponent

AARP
200 W. College St., #304
Tallahassee Florida 32301
Phone: (850) 577-5187

Brian Pitts (General Public) - Information Only

Justice-2-jesus
1119 Newton Ave. S.
St. Petersburg Florida 33705
Phone: (727) 897-9291

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building
HB 7111 : Economic Development

AMENDED

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown	X				
Dean Cannon	X				
Joyce Cusack	X				
Bill Galvano	X				
Michael Grant	X				
Adam Hasner	X				
Dorothy Hukill	X				
Will Kendrick	X				
Dick Kravitz			X		
Carlos Lopez-Cantera	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				
Will Weatherford	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 30		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

Bill No. 7111

COUNCIL/COMMITTEE ACTION

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

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

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

5 Remove everything after the enacting clause and insert:
6 Section 1. Section 288.7001, Florida Statutes, is created to
7 read:

8 288.7001 Small Business Regulatory Advisory Council.--

9 (1) SHORT TITLE.--This section may be cited as the "Small
10 Business Regulatory Relief Act."

11 (2) FINDINGS AND PURPOSE.--The Legislature finds and
12 declares that:

13 (a) A vibrant and growing small business sector is
14 critical to creating jobs in a dynamic economy.

15 (b) At times, small businesses bear a disproportionate
16 share of regulatory costs and burdens.

17 (c) Fundamental changes that are needed in the regulatory
18 culture of state agencies to make them not only more responsive,
19 but responsive in a timelier fashion, to small business should
20 be made without compromising the statutory missions of the
21 agencies.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

22 (d) When adopting rules to protect the health, safety, and
23 economic welfare of the state, agencies should seek to achieve
24 statutory goals as effectively and efficiently as possible
25 without imposing unnecessary burdens on small businesses.

26 (e) Uniform regulatory reporting requirements can impose
27 unnecessary and disproportionately burdensome demands, including
28 legal, accounting, and consulting costs, upon small businesses
29 with limited resources.

30 (f) The failure to recognize differences in the scale and
31 resources of regulated businesses can adversely affect
32 competition in the marketplace, discourage innovation, and
33 restrict improvements in productivity.

34 (g) Unnecessary rules create entry barriers in many
35 industries and discourage potential entrepreneurs from
36 introducing beneficial products and processes.

37 (h) The practice of treating all regulated businesses as
38 equivalent may lead to inefficient use of agency resources,
39 enforcement problems and, in some cases, to actions inconsistent
40 with stated legislative intent of health, safety, environmental,
41 economic welfare, and other legislation.

42 (i) Alternative regulatory approaches that do not conflict
43 with applicable statutes may be available to minimize the
44 significant economic impact of rules on small businesses.

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

46 (a) "Agency" means an agency as defined in s. 120.52.

47 (b) "Council" means the Small Business Regulatory Advisory
48 Council.

49 (c) "Rule" means a rule as defined in s. 120.52.

50 (d) "Small business" means a small business as defined in
51 s. 288.703.

52 (4) CREATION; MEMBERSHIP; POWERS AND DUTIES.--

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

53 (a) The Small Business Regulatory Advisory Council is
54 created. The council shall consist of nine members who are
55 current or former small business owners, three appointed by the
56 Governor, three appointed by the President of the Senate, and
57 three appointed by the Speaker of the House of Representatives.
58 The initial appointments to the council must be made within 60
59 days after the effective date of this act. The members shall be
60 from different geographic regions of the state. Members shall
61 serve 4-year terms; however, in order to establish staggered
62 terms, for the initial appointments, each appointing official
63 shall appoint one member to a 2-year term and two members to a
64 4-year term. A member shall not serve more than three
65 consecutive terms. Members shall select the chairperson from
66 among the members of the council. The council shall meet
67 quarterly or upon the call of the chairperson. A majority of the
58 members constitutes a quorum for the conduct of business.
69 Members of the council shall serve without compensation. The
70 appointing official may remove his or her appointee without
71 cause at any time. A member whose term has expired shall
72 continue to serve on the council until such time as a
73 replacement is appointed. Vacancies shall be filled for the
74 remainder of the term and by the original appointing official.

75 (b) The council is established, assigned to, and
76 administratively housed within the Florida Small Business
77 Development Center Network, which shall provide staff support to
78 the council.

79 (c) The council may:

80 1. Provide agencies with recommendations regarding
81 proposed rules or programs that may adversely affect small
82 business;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

33 2. Consider requests from small business owners to review
84 rules or programs adopted by an agency;

85 3. Consider requests from small business owners to review
86 small business owners' private property rights related to rules
87 or programs adopted or implemented by an agency; and

88 4. Review rules promulgated by an agency to determine
89 whether a rule places an unnecessary burden on small business
90 and make recommendations to the agency to mitigate the adverse
91 effects.

92 (d) The council does not have authority to:

93 1. Initiate or intervene in any administrative or judicial
94 proceeding; or

95 2. Issue subpoenas.

96 (e) The council shall prepare and submit a written annual
97 report to the Governor, the President of the Senate, and the
98 Speaker of the House of Representatives that describes its
99 activities and recommendations.

100 (5) PERIODIC REVIEW OF RULES.--

101 (a) In coordination with the schedule for reviewing state
102 agencies and advisory committees provided in s. 11.905, the
103 council may review rules of agencies subject to review to
104 determine whether the rules should be continued without change
105 or should be amended or repealed to reduce the impact of the
106 rules on small businesses, subject to the requirement that the
107 recommendations of the council must be feasible and consistent
108 with the stated objectives of the rules.

109 (b) In reviewing agency rules to reduce the impact on
110 small businesses, the council, in coordination with the agency,
111 shall consider the following factors:

112 1. The continued need for the rule.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

113 2. The nature of complaints or comments received from the
114 public concerning the rule.

115 3. The complexity of the rule.

116 4. The extent to which the rule overlaps, duplicates, or
117 conflicts with other federal, state, or local government rules.

118 5. The length of time since the rule has been evaluated or
119 the degree to which technology, economic conditions, or other
120 factors have changed in the topical area affected by the rule.

121 (c) Within 6 months after the agency report is submitted
122 to the Joint Legislative Sunset Committee pursuant to s. 11.907,
123 the council shall provide a report to the Governor, the
124 President of the Senate, the Speaker of the House of
125 Representatives, and the Joint Legislative Sunset Committee that
126 includes recommendations and evaluations of agency rules and
127 programs regarding regulatory fairness for small businesses. A
128 component of the report shall be a rating system, developed by
129 the council, entitled "Small Business Friendliness and
130 Development Scorecard."

131 Section 2. Section 288.7002, Florida Statutes, is created
132 to read:

133 288.7002 Small business advocate.--

134 (1) FINDINGS AND PURPOSE.--

135 (a) The Legislature finds and declares that it is in the
136 public interest to aid, counsel, assist, and protect, insofar as
137 is possible, the interests of small business concerns in order
138 to preserve free competitive enterprise and maintain a healthy
139 state economy.

140 (b) The Legislature finds that the state should provide a
141 point person to advocate the causes of small business and to
142 provide small businesses with the information they need to
143 survive in the marketplace.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

(4 (2) DEFINITIONS.--

145 (a) "Advocate" means the Florida Small Business Advocate,
146 who is also the Director of the Office of Small Business
147 Advocate.

148 (b) "Director" means the Director of the Office of Small
149 Business Advocate.

150 (c) "Office" means the Office of Small Business Advocate.

151 (3) OFFICE OF SMALL BUSINESS ADVOCATE.--The Office of
152 Small Business Advocate is established, assigned to, and
153 administratively housed within the Florida Small Business
154 Development Center Network. The director shall be the Florida
155 Small Business Advocate.

156 (4) DIRECTOR OF THE OFFICE OF SMALL BUSINESS ADVOCATE;
157 APPOINTMENT; DUTIES.--

158 (a) The advocate shall be selected by the director of the
(59 Florida Small Business Development Center Network and shall be
160 an employee of or under contract with the Florida Small Business
161 Development Center Network. Preferred qualifications for the
162 advocate include at least 5 years' experience in small business,
163 extensive knowledge of the issues and challenges of importance
164 to small business, and actual experience in small business
165 advocacy and assistance.

166 (b) The duties and functions of the advocate shall include
167 all of the following:

168 1. Act as staff for the Small Business Regulatory Advisory
169 Council.

170 2. Serve as principal advocate in the state on behalf of
171 small businesses, including, but not limited to, advisory
172 participation in the consideration of all legislation and
173 administrative rules that affect small businesses, and advocacy
(74 on state policy and programs related to small businesses on

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

175 disaster preparedness and recovery, including providing
176 technical assistance.

177 3. Represent the views and interests of small businesses
178 before agencies whose policies and activities may affect small
179 businesses. Among other activities, the advocate may encourage
180 standardized applications and information packages that would
181 include all the information needed by each agency that a
182 business has to deal with to prevent an applicant from having to
183 fill out duplicative information on forms from various agencies.

184 4. Enlist the cooperation and assistance of public and
185 private agencies, businesses, and other organizations in
186 disseminating information about the programs and services
187 provided by all levels of government that are of benefit to
188 small businesses and information on how small businesses can
189 participate in, or make use of, those programs and services.

190 5. Issue a report every 2 years evaluating the efforts of
191 agencies that significantly regulate small businesses, to assist
192 minority and other small business enterprises, and to make
193 recommendations that may be appropriate to assist the
194 development and strengthening of minority and other small
195 business enterprises.

196 6. Consult with experts and authorities in the fields of
197 small business investment, venture capital investment, and
198 commercial banking, including comparable financial institutions
199 involved in the financing of business; with individuals with
200 regulatory, legal, economic, or financial expertise, including
201 members of the academic community; and with individuals who
202 generally represent the public interest.

203 7. Seek the assistance and cooperation of all agencies and
204 departments providing services to or affecting small business to
175 ensure coordination of state efforts.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

16 8. Receive and respond to complaints from small businesses
207 concerning the actions of agencies and the operative effects of
208 state laws and regulations adversely affecting those businesses.

209 The advocate shall establish an annual process for small
210 businesses to nominate agency rules or programs for reform. The
211 advocate shall publish those nominations online and update the
212 status of agency action on the proposed reforms twice yearly.

213 9. Counsel small businesses on how to resolve questions
214 and problems concerning the relationship of small business to
215 state government.

216 10. Maintain, publicize, and distribute an annual list of
217 persons serving as small business ombudsmen throughout state
218 government.

219 11. Coordinate a statewide conference on small business
220 with public and private organizations and entities impacting
221 small business in the state.

222 12. Coordinate annual public meetings to share best
223 practices for small business disaster preparedness. The meetings
224 shall be held in consultation with regional and statewide small
225 business organizations and shall take place in different
226 locations throughout the state.

227 (5) REPORTS AND DOCUMENTS FURNISHED TO SMALL BUSINESS
228 ADVOCATE; ANNUAL REPORTS.--

229 (a) Each agency of the state shall furnish to the advocate
230 the reports, documents, and information that are public records
231 and that the director deems necessary to carry out his or her
232 functions under this chapter.

233 (b) The advocate shall prepare and submit a written annual
234 report to the Governor, the President of the Senate, and the
235 Speaker of the House of Representatives that describes the
36 activities and recommendations of the office.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

37 Section 3. Subsection (2) of section 11.908, Florida
238 Statutes, is amended to read:

239 11.908 Committee duties.--No later than March 1 of the
240 year in which a state agency or its advisory committees are
241 scheduled to be reviewed, the committee shall and the joint
242 committee may:

243 (2) Consult with the Legislative Budget Commission, the
244 Small Business Regulatory Advisory Council, relevant substantive
245 and appropriations committees of the Senate and the House of
246 Representatives, the Governor's Office of Policy and Budgeting,
247 the Auditor General, and the Chief Financial Officer, or their
248 successors, relating to the review of the agency and its
249 advisory committees.

250 Section 4. Paragraph (a) of subsection (2) of section
251 11.911, Florida Statutes, is amended to read:

52 11.911 Committee recommendations.--

253 (2) In its report on a state agency, the joint committee
254 shall:

255 (a) Make recommendations on the abolition, continuation,
256 or reorganization of each state agency and its advisory
257 committees and on the need for the performance of the functions
258 of the agency and its advisory committees. If the committee
259 recommends continuation or reorganization, the committee shall
260 include in its recommendations the report of the Small Business
261 Regulatory Advisory Council, as provided in s. 288.7001,
262 regarding the rules of each agency.

263 Section 5. Section 11.919, Florida Statutes, is amended to
264 read:

265 11.919 Assistance of and access to state agencies.--

266 (1) The committee and the Small Business Regulatory
57 Advisory Council may access or request information and request

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

58 the assistance of state agencies and officers. When assistance
269 is requested, a state agency or officer shall assist the
270 committee and the Small Business Regulatory Advisory Council.

271 (2) In carrying out its functions under ss. 11.901-11.920,
272 the committee or its designated staff member may inspect the
273 records, documents, and files of any state agency.

274 Section 6. Paragraph (b) of subsection (3) of section
275 120.54, Florida Statutes, is amended to read:

276 120.54 Rulemaking.--

277 (3) ADOPTION PROCEDURES.--

278 (b) Special matters to be considered in rule adoption.--

279 1. Statement of estimated regulatory costs.--Prior to the
280 adoption, amendment, or repeal of any rule other than an
281 emergency rule, an agency is encouraged to prepare a statement
282 of estimated regulatory costs of the proposed rule, as provided
33 by s. 120.541. However, an agency shall prepare a statement of
284 estimated regulatory costs of the proposed rule, as provided by
285 s. 120.541, if the proposed rule will have an impact on small
286 business.

287 2. Small businesses, small counties, and small cities.--

288 a. Each agency, before the adoption, amendment, or repeal
289 of a rule, shall consider the impact of the rule on small
290 businesses as defined by s. 288.703 and the impact of the rule
291 on small counties or small cities as defined by s. 120.52.
292 Whenever practicable, an agency shall tier its rules to reduce
293 disproportionate impacts on small businesses, small counties, or
294 small cities to avoid regulating small businesses, small
295 counties, or small cities that do not contribute significantly
296 to the problem the rule is designed to address. An agency may
297 define "small business" to include businesses employing more
38 than 100 persons, may define "small county" to include those

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

29 with populations of more than 75,000, and may define "small
300 city" to include those with populations of more than 10,000, if
301 it finds that such a definition is necessary to adapt a rule to
302 the needs and problems of small businesses, small counties, or
303 small cities. The agency shall consider each of the following
304 methods for reducing the impact of the proposed rule on small
305 businesses, small counties, and small cities, or any combination
306 of these entities:

307 (I) Establishing less stringent compliance or reporting
308 requirements in the rule.

309 (II) Establishing less stringent schedules or deadlines in
310 the rule for compliance or reporting requirements.

311 (III) Consolidating or simplifying the rule's compliance
312 or reporting requirements.

313 (IV) Establishing performance standards or best-management
314 practices to replace design or operational standards in the
315 rule.

316 (V) Exempting small businesses, small counties, or small
317 cities from any or all requirements of the rule.

318 b.(I) If the agency determines that the proposed action
319 will affect small businesses as defined by the agency as
320 provided in sub-subparagraph a., the agency shall send written
321 notice of the rule to the Small Business Regulatory Advisory
322 Council and small-business ombudsman of the Office of Tourism,
323 Trade, and Economic Development not less than 28 days prior to
324 the intended action.

325 (II) Each agency shall adopt those regulatory alternatives
326 offered by the Small Business Regulatory Advisory Council ~~small~~
327 ~~business ombudsman~~ and provided to the agency no later than 21
328 days after the council's ~~ombudsman's~~ receipt of the written
29 notice of the rule which it finds are feasible and consistent

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

30 with the stated objectives of the proposed rule and which would
331 reduce the impact on small businesses. When regulatory
332 alternatives are offered by the Small Business Regulatory
333 Advisory Council ~~small business ombudsman~~, the 90-day period for
334 filing the rule in subparagraph (e)2. is extended for a period
335 of 21 days.

336 (III) If an agency does not adopt all alternatives offered
337 pursuant to this sub-subparagraph, it shall, prior to rule
338 adoption or amendment and pursuant to subparagraph (d)1., file a
339 detailed written statement with the committee explaining the
340 reasons for failure to adopt such alternatives. Within 3 working
341 days of the filing of such notice, the agency shall send a copy
342 of such notice to the Small Business Regulatory Advisory Council
343 ~~small business ombudsman~~. The Small Business Regulatory Advisory
344 Council may make a request of the President of the Senate and
345 the Speaker of the House of Representatives that the presiding
346 officers direct the Office of Program Policy Analysis and
347 Government Accountability to determine whether the rejected
348 alternatives reduce the impact on small business while meeting
349 the stated objectives of the proposed rule. Within 60 days after
350 the date of the directive from the presiding officers, the
351 Office of Program Policy Analysis and Government Accountability
352 shall report to the Administrative Procedures Committee its
353 findings as to whether an alternative reduces the impact on
354 small business while meeting the stated objectives of the
355 proposed rule. The Office of Program Policy Analysis and
356 Government Accountability shall consider the proposed rule, the
357 economic impact statement, the written statement of the agency,
358 the proposed alternatives, and any comment submitted during the
359 comment period on the proposed rule. The Office of Program
360 Policy Analysis and Government Accountability shall submit a

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51 report of its findings and recommendations to the Governor, the
362 President of the Senate, and the Speaker of the House of
363 Representatives. The Administrative Procedures Committee shall
364 report such findings to the agency, and the agency shall respond
365 in writing to the Administrative Procedures Committee if the
366 Office of Program Policy Analysis and Government Accountability
367 found that the alternative reduced the impact on small business
368 while meeting the stated objectives of the proposed rule. If the
369 agency will not adopt the alternative, it must also provide a
370 detailed written statement to the Administrative Procedures
371 Committee as to why it will not adopt the alternative.

372 Section 7. Paragraph (g) is added to subsection (1) of
373 section 120.74, Florida Statutes, and subsection (2) of that
374 section is amended, to read:

375 120.74 Agency review, revision, and report.--

76 (1) Each agency shall review and revise its rules as often
377 as necessary to ensure that its rules are correct and comply
378 with statutory requirements. Additionally, each agency shall
379 perform a formal review of its rules every 2 years. In the
380 review, each agency must:

381 (g) Determine whether the rules should be continued
382 without change or should be amended or repealed to reduce the
383 impact on small business while meeting the stated objectives of
384 the proposed rule.

385 (2) ~~Beginning October 1, 1997, and~~ By October 1 of every
386 odd-numbered other year thereafter, the head of each agency
387 shall file a report with the President of the Senate, the
388 Speaker of the House of Representatives, and the committee, with
389 a copy to each appropriate standing committee of the
390 Legislature, which certifies that the agency has complied with
91 the requirements of this subsection. The report must specify any

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392 changes made to its rules as a result of the review and, when
393 appropriate, recommend statutory changes that will promote
394 efficiency, reduce paperwork, or decrease costs to government
395 and the private sector. The report must specifically address the
396 economic impact of the rules on small business. The report must
397 identify the types of cases or disputes in which the agency is
398 involved which should be conducted under the summary hearing
399 process described in s. 120.574.

400 Section 8. Subsection (5) of section 220.191, Florida
401 Statutes, is amended to read:

402 220.191 Capital investment tax credit.--

403 (5) Applications shall be reviewed and certified pursuant
404 to s. 288.061. The office, upon a recommendation by Enterprise
405 Florida, Inc., shall first certify a business as eligible to
406 receive tax credits pursuant to this section prior to the
407 commencement of operations of a qualifying project, and such
408 certification shall be transmitted to the Department of Revenue.
409 Upon receipt of the certification, the Department of Revenue
410 shall enter into a written agreement with the qualifying
411 business specifying, at a minimum, the method by which income
412 generated by or arising out of the qualifying project will be
413 determined.

414 Section 9. Section 288.061, Florida Statutes, is created
415 to read:

416 288.061 Economic development incentive application
417 process.--

418 (1) In order to expedite and provide a timely review for
419 the certification of economic development incentive
420 applications, Enterprise Florida, Inc., shall review each
421 submitted application and inform the applicant business whether
422 or not its application is complete within 10 working days. Once

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423 the application is deemed complete, Enterprise Florida, Inc.,
424 has 10 working days to evaluate the application and recommend
425 approval or disapproval of the application to the director of
426 the Office of Tourism, Trade, and Economic Development. In
427 recommending an applicant business for approval, Enterprise
428 Florida, Inc., shall include in its evaluation a recommended
429 grant award amount and a review of the applicant's ability to
430 meet specific program criteria.

431 (2) Upon receipt of the evaluation and recommendation of
432 Enterprise Florida, Inc., the Office of Tourism, Trade, and
433 Economic Development has 10 calendar days to notify Enterprise
434 Florida, Inc., if the application is not complete. The director
435 has 35 calendar days from the time the recommendation was
436 received from Enterprise Florida, Inc., to review the
437 application and issue a letter of certification to the applicant
438 that either approves or disapproves an applicant business that
439 includes justification, unless the business requests an
440 extension of the time. The final order shall specify the total
441 amount of the award, the performance conditions that must be met
442 to obtain the award, and the schedule for payment.

443 Section 10. Subsection (4) of section 288.063, Florida
444 Statutes, is amended to read:

445 288.063 Contracts for transportation projects.--

446 (4) The Office of Tourism, Trade, and Economic Development
447 may adopt criteria by which transportation projects are to be
448 reviewed and certified in accordance with s. 288.061 ~~specified~~
449 and ~~identified~~. In approving transportation projects for
450 funding, the Office of Tourism, Trade, and Economic Development
451 shall consider factors including, but not limited to, the cost
452 per job created or retained considering the amount of
453 transportation funds requested; the average hourly rate of wages

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54 for jobs created; the reliance on the program as an inducement
455 for the project's location decision; the amount of capital
456 investment to be made by the business; the demonstrated local
457 commitment; the location of the project in an enterprise zone
458 designated pursuant to s. 290.0055; the location of the project
459 in a spaceport territory as defined in s. 331.304; the
460 unemployment rate of the surrounding area; the poverty rate of
461 the community; and the adoption of an economic element as part
462 of its local comprehensive plan in accordance with s.
463 163.3177(7)(j). The Office of Tourism, Trade, and Economic
464 Development may contact any agency it deems appropriate for
465 additional input regarding the approval of projects.

466 Section 11. Subsection (2) of section 288.065, Florida
467 Statutes, is amended to read:

468 288.065 Rural Community Development Revolving Loan Fund.--

59 (2) The program shall provide for long-term loans, loan
470 guarantees, and loan loss reserves to units of local
471 governments, or economic development organizations substantially
472 underwritten by a unit of local government, within counties with
473 populations of 75,000 or less, or any county that has a
474 population of 120,000 ~~100,000~~ or less and is contiguous to a
475 county with a population of 75,000 or less, as determined by the
476 most recent official estimate pursuant to s. 186.901, residing
477 in incorporated and unincorporated areas of the county, or to
478 units of local government, or economic development organizations
479 substantially underwritten by a unit of local government, within
480 a rural area of critical economic concern. Requests for loans
481 shall be made by application to the Office of Tourism, Trade,
482 and Economic Development. Loans shall be made pursuant to
483 agreements specifying the terms and conditions agreed to between
84 the applicant and the Office of Tourism, Trade, and Economic

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35 Development. The loans shall be the legal obligations of the
486 applicant. All repayments of principal and interest shall be
487 returned to the loan fund and made available for loans to other
488 applicants. However, in a rural area of critical economic
489 concern designated by the Governor, and upon approval by the
490 Office of Tourism, Trade, and Economic Development, repayments
491 of principal and interest may be retained by the applicant if
492 such repayments are dedicated and matched to fund regionally
493 based economic development organizations representing the rural
494 area of critical economic concern.

495 Section 12. Paragraphs (b) and (e) of subsection (2) and
496 subsection (3) of section 288.0655, Florida Statutes, are
497 amended to read:

498 288.0655 Rural Infrastructure Fund.--

499 (2)

500 (b) To facilitate access of rural communities and rural
501 areas of critical economic concern as defined by the Rural
502 Economic Development Initiative to infrastructure funding
503 programs of the Federal Government, such as those offered by the
504 United States Department of Agriculture and the United States
505 Department of Commerce, and state programs, including those
506 offered by Rural Economic Development Initiative agencies, and
507 to facilitate local government or private infrastructure funding
508 efforts, the office may award grants for up to 30 percent of the
509 total infrastructure project cost. If an application for funding
510 is for a catalyst site, as defined in s. 288.0656, the office
511 may award grants for up to 40 percent of the total
512 infrastructure project cost. Eligible projects must be related
513 to specific job-creation or job-retention opportunities.
514 Eligible projects may also include improving any inadequate
15 infrastructure that has resulted in regulatory action that

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16 prohibits economic or community growth or reducing the costs to
517 community users of proposed infrastructure improvements that
518 exceed such costs in comparable communities. Eligible uses of
519 funds shall include improvements to public infrastructure for
520 industrial or commercial sites and upgrades to or development of
521 public tourism infrastructure. Authorized infrastructure may
522 include the following public or public-private partnership
523 facilities: storm water systems; telecommunications facilities;
524 broadband; roads or other remedies to transportation
525 impediments; nature-based tourism facilities; or other physical
526 requirements necessary to facilitate tourism, trade, and
527 economic development activities in the community. Authorized
528 infrastructure may also include publicly or privately owned
529 self-powered nature-based tourism facilities;
530 telecommunications; broadband; and additions to the distribution
31 facilities of the existing natural gas utility as defined in s.
532 366.04(3)(c), the existing electric utility as defined in s.
533 366.02, or the existing water or wastewater utility as defined
534 in s. 367.021(12), or any other existing water or wastewater
535 facility, which owns a gas or electric distribution system or a
536 water or wastewater system in this state where:

537 1. A contribution-in-aid of construction is required to
538 serve public or public-private partnership facilities under the
539 tariffs of any natural gas, electric, water, or wastewater
540 utility as defined herein; and

541 2. Such utilities as defined herein are willing and able
542 to provide such service.

543 (e) To enable local governments to access the resources
544 available pursuant to s. 403.973(19), the office may award
545 grants for surveys, feasibility studies, and other activities
46 related to the identification and preclearance review of land

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547 which is suitable for preclearance review. Authorized grants
548 under this paragraph shall not exceed \$75,000 each, except in
549 the case of a project in a rural area of critical economic
550 concern, in which case the grant shall not exceed \$300,000. Any
551 funds awarded under this paragraph must be matched at a level of
552 50 percent with local funds, except that any funds awarded for a
553 project in a rural area of critical economic concern must be
554 matched at a level of 33 percent with local funds. If an
555 application for funding is for a catalyst site, as defined in s.
556 288.0656, the requirement for local match may be waived. In
557 evaluating applications under this paragraph, the office shall
558 consider the extent to which the application seeks to minimize
559 administrative and consultant expenses.

560 (3) The office, in consultation with Enterprise Florida,
561 Inc., VISIT Florida, the Department of Environmental Protection,
562 and the Florida Fish and Wildlife Conservation Commission, as
563 appropriate, shall review and certify applications pursuant to
564 s. 288.061. The review shall include an evaluation of and
565 evaluate the economic benefit of the projects and their long-
566 term viability. The office shall have final approval for any
567 grant under this section and must make a grant decision within
568 30 days of receiving a completed application.

569 Section 13. Section 288.0656, Florida Statutes, is amended
570 to read:

571 288.0656 Rural Economic Development Initiative.--

572 (1) (a) Recognizing that rural communities and regions
573 continue to face extraordinary challenges in their efforts to
574 achieve significant improvements to their economies,
575 specifically in terms of personal income, job creation, average
576 wages, and strong tax bases, it is the intent of the Legislature
577 to encourage and facilitate the location and expansion in such

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78 rural communities of major economic development projects of
579 significant scale.

580 (b) The Rural Economic Development Initiative, known as
581 "REDI," is created within the Office of Tourism, Trade, and
582 Economic Development, and the participation of state and
583 regional agencies in this initiative is authorized.

584 (2) As used in this section, the term:

585 (a) "Catalyst project" means a business locating or
586 expanding in a rural area of critical economic concern that will
587 serve as an economic growth opportunity of regional significance
588 for the growth of a regional target industry cluster. The
589 project will provide capital investment of significant scale
590 which will affect the entire region and the development of high-
591 wage and high-skill jobs.

592 (b) "Catalyst site" means a parcel or parcel of lands
73 within a rural area of critical economic concern that has been
594 prioritized as a geographic site for economic development
595 through partnerships with state, regional, and local
596 organizations. The site must be reviewed by REDI, and approved
597 by the Office of Tourism, Trade, and Economic Development for
598 purposes of locating a catalyst project.

599 (c) ~~(a)~~ "Economic distress" means conditions affecting the
600 fiscal and economic viability of a rural community, including
601 such factors as low per capita income, low per capita taxable
602 values, high unemployment, high underemployment, low weekly
603 earned wages compared to the state average, low housing values
604 compared to the state average, high percentages of the
605 population receiving public assistance, high poverty levels
606 compared to the state average, and a lack of year-round stable
607 employment opportunities.

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608 (d) "Rural area of critical economic concern" means a
609 rural community, or a region composed of rural communities,
610 designated by the Governor, that has been adversely affected by
611 an extraordinary economic event, severe or chronic distress, or
612 a natural disaster or that presents a unique economic
613 development opportunity of regional impact.

614 (e)-(b) "Rural community" means:

- 615 1. A county with a population of 75,000 or less.
- 616 2. A county with a population of 120,000 ~~100,000~~ or less
617 that is contiguous to a county with a population of 75,000 or
618 less.
- 619 3. A municipality within a county described in
620 subparagraph 1. or subparagraph 2.
- 621 4. An unincorporated federal enterprise community or an
622 incorporated rural city with a population of 25,000 or less and
623 an employment base focused on traditional agricultural or
624 resource-based industries, located in a county not defined as
625 rural, which has at least three or more of the economic distress
626 factors identified in paragraph (a) and verified by the Office
627 of Tourism, Trade, and Economic Development.

628

629 For purposes of this paragraph, population shall be determined
630 in accordance with the most recent official estimate pursuant to
631 s. 186.901.

632 (3) REDI shall be responsible for coordinating and
633 focusing the efforts and resources of state and regional
634 agencies on the problems which affect the fiscal, economic, and
635 community viability of Florida's economically distressed rural
636 communities, working with local governments, community-based
637 organizations, and private organizations that have an interest
638 in the growth and development of these communities to find ways

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39 to balance environmental and growth management issues with local
640 needs.

641 (4) REDI shall review and evaluate the impact of statutes
642 and rules on rural communities and shall work to minimize any
643 adverse impact and undertake outreach and capacity building
644 efforts.

645 (5) REDI shall facilitate better access to state resources
646 by promoting direct access and referrals to appropriate state
647 and regional agencies and statewide organizations. REDI may
648 undertake outreach, capacity-building, and other advocacy
649 efforts to improve conditions in rural communities. These
650 activities may include sponsorship of conferences and
651 achievement awards.

652 (6) (a) By August 1 of each year, the head of each of the
653 following agencies and organizations shall designate a high-
654 level staff person from within the agency or organization to
655 serve as the REDI representative for the agency or organization:

- 656 1. The Department of Community Affairs.
- 657 2. The Department of Transportation.
- 658 3. The Department of Environmental Protection.
- 659 4. The Department of Agriculture and Consumer Services.
- 660 5. The Department of State.
- 661 6. The Department of Health.
- 662 7. The Department of Children and Family Services.
- 663 8. The Department of Corrections.
- 664 9. The Agency for Workforce Innovation.
- 665 10. The Department of Education.
- 666 11. The Department of Juvenile Justice.
- 667 12. The Fish and Wildlife Conservation Commission.
- 668 13. Each water management district.
- 659 14. Enterprise Florida, Inc.

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70 15. Workforce Florida, Inc.

671 16. The Florida Commission on Tourism or VISIT Florida.

672 17. The Florida Regional Planning Council Association.

673 18. The Agency for Health Care Administration Florida
674 ~~State Rural Development Council.~~

675 19. The Institute of Food and Agricultural Sciences
676 (IFAS).

677
678 An alternate for each designee shall also be chosen, and the
679 names of the designees and alternates shall be sent to the
680 director of the Office of Tourism, Trade, and Economic
681 Development.

682 (b) Each REDI representative must have comprehensive
683 knowledge of his or her agency's functions, both regulatory and
684 service in nature, and of the state's economic goals, policies,
685 and programs. This person shall be the primary point of contact
686 for his or her agency with REDI on issues and projects relating
687 to economically distressed rural communities and with regard to
688 expediting project review, shall ensure a prompt effective
689 response to problems arising with regard to rural issues, and
690 shall work closely with the other REDI representatives in the
691 identification of opportunities for preferential awards of
692 program funds and allowances and waiver of program requirements
693 when necessary to encourage and facilitate long-term private
694 capital investment and job creation.

695 (c) The REDI representatives shall work with REDI in the
696 review and evaluation of statutes and rules for adverse impact
697 on rural communities and the development of alternative
698 proposals to mitigate that impact.

699 (d) Each REDI representative shall be responsible for
700 ensuring that each district office or facility of his or her

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01 agency is informed about the Rural Economic Development
702 Initiative and for providing assistance throughout the agency in
703 the implementation of REDI activities.

704 (7) (a) REDI may recommend to the Governor up to three
705 rural areas of critical economic concern. ~~A rural area of~~
706 ~~critical economic concern must be a rural community, or a region~~
707 ~~composed of such, that has been adversely affected by an~~
708 ~~extraordinary economic event or a natural disaster or that~~
709 ~~presents a unique economic development opportunity of regional~~
710 ~~impact that will create more than 1,000 jobs over a 5-year~~
711 ~~period.~~ The Governor may by executive order designate up to
712 three rural areas of critical economic concern which will
713 establish these areas as priority assignments for REDI as well
714 as to allow the Governor, acting through REDI, to waive
715 criteria, requirements, or similar provisions of any economic
716 development incentive. Such incentives shall include, but not be
717 limited to: the Qualified Target Industry Tax Refund Program
718 under s. 288.106, the Quick Response Training Program under s.
719 288.047, the Quick Response Training Program for participants in
720 the welfare transition program under s. 288.047(8),
721 transportation projects under s. 288.063, the brownfield
722 redevelopment bonus refund under s. 288.107, and the rural job
723 tax credit program under ss. 212.098 and 220.1895.

724 (b) Designation as a rural area of critical economic
725 concern under this subsection shall be contingent upon the
726 execution of a memorandum of agreement among the Office of
727 Tourism, Trade, and Economic Development; the governing body of
728 the county; and the governing bodies of any municipalities to be
729 included within a rural area of critical economic concern. Such
730 agreement shall specify the terms and conditions of the
31 designation, including, but not limited to, the duties and

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732 responsibilities of the county and any participating
733 municipalities to take actions designed to facilitate the
734 retention and expansion of existing businesses in the area, as
735 well as the recruitment of new businesses to the area.

736 (c) Each rural area of critical economic concern may
737 designate catalyst projects, provided that each catalyst project
738 is specifically recommended by REDI, identified as a catalyst
739 project by Enterprise Florida, Inc., and confirmed as a catalyst
740 project by the Office of Tourism, Trade, and Economic
741 Development. All state agencies and departments shall use all
742 available tools and resources to the extent permissible by law
743 to promote the creation and development of each catalyst project
744 and the development of catalyst sites.

745 (8) REDI shall assist local governments within rural areas
746 of critical economic concern with comprehensive planning needs
747 with efforts that further the provisions of this section. Such
748 assistance shall reflect a multidisciplinary approach among all
749 agencies and shall include economic development and planning
750 objectives.

751 (a) A local government may request assistance in the
752 preparation of comprehensive plan amendments, pursuant to part
753 II of chapter 163, that will stimulate economic activity.

754 1. The local government must contact the Office of
755 Tourism, Trade, and Economic Development to request assistance.

756 2. REDI representatives shall meet with the local
757 government within 15 days after such request to develop the
758 scope of assistance that will be provided to assist the
759 development, transmittal, and adoption of the proposed
760 comprehensive plan amendment.

761 3. As part of the assistance provided, REDI
762 representatives shall also identify other needed local and

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53 developer actions for approval of the project and recommend a
764 timeline for the local government and developer that will
765 minimize project delays.

766 (b) In addition, REDI shall solicit requests each year for
767 assistance from local governments within a rural area of
768 critical economic concern to update the future land use element
769 and other associated elements of the local government's
770 comprehensive plan to better position the community to respond
771 to economic development potential within the county or
772 municipality. REDI shall provide direct assistance to such local
773 governments to update their comprehensive plans pursuant to this
774 paragraph. At least one comprehensive planning technical
775 assistance effort shall be selected each year.

776 (c) REDI shall develop and annually update a technical
777 assistance manual based upon experiences learned in providing
78 direct assistance under this subsection.

779 (9)(8) REDI shall submit a report to the Governor, the
780 President of the Senate, and the Speaker of the House of
781 Representatives each year on or before ~~September~~ February 1 on
782 all REDI activities for the prior fiscal year. This report shall
783 include a status report on all projects currently being
784 coordinated through REDI, the number of preferential awards and
785 allowances made pursuant to this section, the dollar amount of
786 such awards, and the names of the recipients. The report shall
787 also include a description of all waivers of program
788 requirements granted. The report shall also include information
789 as to the economic impact of the projects coordinated by REDI.

790 Section 14. Subsection (1) of section 288.0657, Florida
791 Statutes, is amended to read:

792 288.0657 Florida rural economic development strategy
73 grants.--

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74 (1) As used in this section, the term "rural community"
795 means:

796 (a) A county with a population of 75,000 or less.

797 (b) A county with a population of 120,000 ~~100,000~~ or less
798 that is contiguous to a county with a population of 75,000 or
799 less.

800 (c) A municipality within a county described in paragraph
801 (a) or paragraph (b).

802
803 For purposes of this subsection, population shall be determined
804 in accordance with the most recent official estimate pursuant to
805 s. 186.901.

806 Section 15. Paragraphs (b), (c), and (f) of subsection
807 (2), paragraphs (b), (c), (d), (g), and (h) of subsection (3),
808 paragraph (c) of subsection (5), paragraphs (d) and (e) of
79 subsection (6), and subsection (8) of section 288.1045, Florida
810 Statutes, are amended to read:

811 288.1045 Qualified defense contractor tax refund
812 program.--

813 (2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.--

814 (b) Upon approval by the director, a qualified defense
815 contractor business shall be allowed tax refund payments equal
816 to \$3,000 times the number of jobs specified in the tax refund
817 agreement under subparagraph (4) (a)1. or equal to \$6,000 times
818 the number of jobs if the project is located in a rural county
819 or an enterprise zone. Further, a qualified defense contractor
820 business shall be allowed additional tax refund payments equal
821 to \$1,000 times the number of jobs specified in the tax refund
822 agreement under subparagraph (4) (a)1. if such jobs pay an annual
823 average wage of at least 150 percent of the average private
74 sector wage in the area or equal to \$2,000 times the number of

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825 jobs if such jobs pay an annual average wage of at least 200
826 percent of the average private sector wage in the area A
827 ~~qualified applicant may not be qualified for any project to~~
828 ~~receive more than \$5,000 times the number of jobs provided in~~
829 ~~the tax refund agreement pursuant to subparagraph (4)(a)1. A~~
830 qualified applicant may not receive refunds of more than 25
831 percent of the total tax refunds provided in the tax refund
832 agreement pursuant to subparagraph (4)(a)1. in any fiscal year,
833 provided that no qualified applicant may receive more than \$2.5
834 million in tax refunds pursuant to this section in any fiscal
835 year.

836 (c) A qualified applicant may not receive more than \$5
837 \$7.5 million in tax refunds pursuant to this section in all
838 fiscal years.

839 (f) After entering into a tax refund agreement pursuant to
840 subsection (4), a qualified applicant may:

841 1. Receive refunds from the account for corporate income
842 taxes due and paid pursuant to chapter 220 by that business
843 beginning with the first taxable year of the business which
844 begins after entering into the agreement.

845 2. Receive funds from the General Revenue Fund and the
846 Economic Development Trust Fund for the following taxes due and
847 paid by that business ~~the qualified applicant beginning with the~~
848 ~~applicant's first taxable year that begins after entering into~~
849 ~~the agreement:~~

850 a.1. Taxes on sales, use, and other transactions paid
851 pursuant to chapter 212.

852 ~~2. Corporate income taxes paid pursuant to chapter 220.~~

853 b.3. Intangible personal property taxes paid pursuant to
854 chapter 199.

855 c.4. Emergency excise taxes paid pursuant to chapter 221.

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856 ~~d.5-~~ Excise taxes paid on documents pursuant to chapter
857 201.

858 ~~e.6-~~ Ad valorem taxes paid, as defined in s. 220.03(1) (a)
859 on June 1, 1996.

860 ~~f.7-~~ State communications services taxes administered
861 under chapter 202. This provision does not apply to the gross
862 receipts tax imposed under chapter 203 and administered under
863 chapter 202 or the local communications services tax authorized
864 under s. 202.19.

865
866 However, a qualified applicant may not receive a tax refund
867 pursuant to this section for any amount of credit, refund, or
868 exemption granted such contractor for any of such taxes. If a
869 refund for such taxes is provided by the office, which taxes are
870 subsequently adjusted by the application of any credit, refund,
871 or exemption granted to the qualified applicant other than that
872 provided in this section, the qualified applicant shall
873 reimburse the Economic Development Trust Fund for the amount of
874 such credit, refund, or exemption. A qualified applicant must
875 notify and tender payment to the office within 20 days after
876 receiving a credit, refund, or exemption, other than that
877 provided in this section. The addition of communications
878 services taxes administered under chapter 202 is remedial in
879 nature and retroactive to October 1, 2001. The office may make
880 supplemental tax refund payments to allow for tax refunds for
881 communications services taxes paid by an eligible qualified
882 defense contractor after October 1, 2001.

883 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
884 DETERMINATION.--

885 (b) Applications for certification based on the
886 consolidation of a Department of Defense contract or a new

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37 Department of Defense contract must be submitted to the office
888 as prescribed by the office and must include, but are not
889 limited to, the following information:

890 1. The applicant's federal employer identification number,
891 the applicant's Florida sales tax registration number, and a
892 notarized signature of an officer of the applicant.

893 2. The permanent location of the manufacturing,
894 assembling, fabricating, research, development, or design
895 facility in this state at which the project is or is to be
896 located.

897 3. The Department of Defense contract numbers of the
898 contract to be consolidated, the new Department of Defense
899 contract number, or the "RFP" number of a proposed Department of
900 Defense contract.

901 4. The date the contract was executed or is expected to be
902 executed, and the date the contract is due to expire or is
903 expected to expire.

904 5. The commencement date for project operations under the
905 contract in this state.

906 6. The number of net new full-time equivalent Florida jobs
907 included in the project as of December 31 of each year and the
908 average wage of such jobs.

909 7. The total number of full-time equivalent employees
910 employed by the applicant in this state.

911 8. The percentage of the applicant's gross receipts
912 derived from Department of Defense contracts during the 5
913 taxable years immediately preceding the date the application is
914 submitted.

915 9. The number of full-time equivalent jobs in this state
916 to be retained by the project.

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917 ~~10. The estimated amount of tax refunds to be claimed for~~
918 ~~each fiscal year.~~

919 ~~10.11.~~ A brief statement concerning the applicant's need
920 for tax refunds, and the proposed uses of such refunds by the
921 applicant.

922 ~~11.12.~~ A resolution adopted by the governing board county
923 ~~commissioners~~ of the county or municipality in which the project
924 will be located, which recommends the applicant be approved as a
925 qualified applicant, and which indicates that the necessary
926 commitments of local financial support for the applicant exist.
927 Prior to the adoption of the resolution, the county commission
928 may review the proposed public or private sources of such
929 support and determine whether the proposed sources of local
930 financial support can be provided or, for any applicant whose
931 project is located in a county designated by the Rural Economic
932 Development Initiative, a resolution adopted by the county
933 commissioners of such county requesting that the applicant's
934 project be exempt from the local financial support requirement.

935 ~~12.13.~~ Any additional information requested by the office.

936 (c) Applications for certification based on the conversion
937 of defense production jobs to nondefense production jobs must be
938 submitted to the office as prescribed by the office and must
939 include, but are not limited to, the following information:

940 1. The applicant's federal employer identification number,
941 the applicant's Florida sales tax registration number, and a
942 ~~notarized~~ signature of an officer of the applicant.

943 2. The permanent location of the manufacturing,
944 assembling, fabricating, research, development, or design
945 facility in this state at which the project is or is to be
946 located.

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17 3. The Department of Defense contract numbers of the
948 contract under which the defense production jobs will be
949 converted to nondefense production jobs.

950 4. The date the contract was executed, and the date the
951 contract is due to expire or is expected to expire, or was
952 canceled.

953 5. The commencement date for the nondefense production
954 operations in this state.

955 6. The number of net new full-time equivalent Florida jobs
956 included in the nondefense production project as of December 31
957 of each year and the average wage of such jobs.

958 7. The total number of full-time equivalent employees
959 employed by the applicant in this state.

960 8. The percentage of the applicant's gross receipts
961 derived from Department of Defense contracts during the 5
962 taxable years immediately preceding the date the application is
963 submitted.

964 9. The number of full-time equivalent jobs in this state
965 to be retained by the project.

966 ~~10. The estimated amount of tax refunds to be claimed for~~
967 ~~each fiscal year.~~

968 ~~10.11.~~ A brief statement concerning the applicant's need
969 for tax refunds, and the proposed uses of such refunds by the
970 applicant.

971 ~~11.12.~~ A resolution adopted by the governing board ~~county~~
972 ~~commissioners~~ of the county or municipality in which the project
973 will be located, which recommends the applicant be approved as a
974 qualified applicant, and which indicates that the necessary
975 commitments of local financial support for the applicant exist.
976 Prior to the adoption of the resolution, the county commission
77 may review the proposed public or private sources of such

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978 support and determine whether the proposed sources of local
979 financial support can be provided or, for any applicant whose
980 project is located in a county designated by the Rural Economic
981 Development Initiative, a resolution adopted by the county
982 commissioners of such county requesting that the applicant's
983 project be exempt from the local financial support requirement.

984 ~~12.13-~~ Any additional information requested by the office.

985 (d) Applications for certification based on a contract for
986 reuse of a defense-related facility must be submitted to the
987 office as prescribed by the office and must include, but are not
988 limited to, the following information:

989 1. The applicant's Florida sales tax registration number
990 and a ~~notarized~~ signature of an officer of the applicant.

991 2. The permanent location of the manufacturing,
992 assembling, fabricating, research, development, or design
993 facility in this state at which the project is or is to be
994 located.

995 3. The business entity holding a valid Department of
996 Defense contract or branch of the Armed Forces of the United
997 States that previously occupied the facility, and the date such
998 entity last occupied the facility.

999 4. A copy of the contract to reuse the facility, or such
1000 alternative proof as may be prescribed by the office that the
1001 applicant is seeking to contract for the reuse of such facility.

1002 5. The date the contract to reuse the facility was
1003 executed or is expected to be executed, and the date the
1004 contract is due to expire or is expected to expire.

1005 6. The commencement date for project operations under the
1006 contract in this state.

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07 7. The number of net new full-time equivalent Florida jobs
1008 included in the project as of December 31 of each year and the
1009 average wage of such jobs.

1010 8. The total number of full-time equivalent employees
1011 employed by the applicant in this state.

1012 9. The number of full-time equivalent jobs in this state
1013 to be retained by the project.

1014 ~~10. The estimated amount of tax refunds to be claimed for~~
1015 ~~each fiscal year.~~

1016 ~~10.11.~~ A brief statement concerning the applicant's need
1017 for tax refunds, and the proposed uses of such refunds by the
1018 applicant.

1019 ~~11.12.~~ A resolution adopted by the governing board county
1020 ~~commissioners~~ of the county or municipality in which the project
1021 will be located, which recommends the applicant be approved as a
1022 qualified applicant, and which indicates that the necessary
1023 commitments of local financial support for the applicant exist.
1024 Prior to the adoption of the resolution, the county commission
1025 may review the proposed public or private sources of such
1026 support and determine whether the proposed sources of local
1027 financial support can be provided or, for any applicant whose
1028 project is located in a county designated by the Rural Economic
1029 Development Initiative, a resolution adopted by the county
1030 commissioners of such county requesting that the applicant's
1031 project be exempt from the local financial support requirement.

1032 ~~12.13.~~ Any additional information requested by the office.

1033 (g) Applications shall be reviewed and certified pursuant
1034 to s. 288.061. If appropriate, the director shall enter into a
1035 written agreement with the qualified applicant pursuant to
1036 subsection (4). ~~The office shall forward its written findings~~
37 ~~and evaluation on each application meeting the requirements of~~

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18 paragraphs ~~(b) and (e), paragraphs (e) and (e), or paragraphs~~
1039 ~~(d) and (e) to the director within 60 calendar days after~~
1040 ~~receipt of a complete application. The office shall notify each~~
1041 ~~applicant when its application is complete, and when the 60-day~~
1042 ~~period begins. In its written report to the director, the office~~
1043 ~~shall specifically address each of the factors specified in~~
1044 ~~paragraph (f), and shall make a specific assessment with respect~~
1045 ~~to the minimum requirements established in paragraph (e). The~~
1046 ~~office shall include in its report projections of the tax~~
1047 ~~refunds the applicant would be eligible to receive in each~~
1048 ~~fiscal year based on the creation and maintenance of the net new~~
1049 ~~Florida jobs specified in subparagraph (b)6., subparagraph~~
1050 ~~(c)6., or subparagraph (d)7. as of December 31 of the preceding~~
1051 ~~state fiscal year.~~

1052 ~~(h) Within 30 days after receipt of the office's findings~~
53 ~~and evaluation, the director shall issue a letter of~~
1054 ~~certification which either approves or disapproves an~~
1055 ~~application. The decision must be in writing and provide the~~
1056 ~~justifications for either approval or disapproval. If~~
1057 ~~appropriate, the director shall enter into a written agreement~~
1058 ~~with the qualified applicant pursuant to subsection (4).~~

1059 (5) ANNUAL CLAIM FOR REFUND FROM A QUALIFIED DEFENSE
1060 CONTRACTOR.--

1061 (c) A tax refund may not be approved for any qualified
1062 applicant unless local financial support has been paid to the
1063 Economic Development Trust Fund for that refund. If the local
1064 financial support is less than 20 percent of the approved tax
1065 refund, the tax refund shall be reduced. The tax refund paid may
1066 not exceed 5 times the local financial support received. Funding
1067 from local sources includes tax abatement under s. 196.1995 or
68 the appraised market value of municipal or county land,

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1070 including any improvements or structures, conveyed or provided
1071 at a discount through a sale or lease to that provided to a
1072 qualified applicant. The amount of any tax refund for an
1073 applicant approved under this section shall be reduced by the
1074 amount of any such tax abatement granted or the value of the
1075 land granted, including the value of any improvements or
1076 structures; and the limitations in subsection (2) and paragraph
1077 ~~(3)(h)~~ shall be reduced by the amount of any such tax abatement
1078 or the value of the land granted, including any improvements or
1079 structures. A report listing all sources of the local financial
1080 support shall be provided to the office when such support is
1081 paid to the Economic Development Trust Fund.

1081 (6) ADMINISTRATION.--

1082 ~~(d) By December 1 of each year, the office shall submit a~~
1083 ~~complete and detailed report to the Governor, the President of~~
1084 ~~the Senate, and the Speaker of the House of Representatives of~~
1085 ~~all tax refunds paid under this section, including analyses of~~
1086 ~~benefits and costs, types of projects supported, employment and~~
1087 ~~investment created, geographic distribution of tax refunds~~
1088 ~~granted, and minority business participation. The report must~~
1089 ~~indicate whether the moneys appropriated by the Legislature to~~
1090 ~~the qualified applicant tax refund program were expended in a~~
1091 ~~prudent, fiducially sound manner.~~

1092 ~~(d)(e)~~ Funds specifically appropriated for the tax refund
1093 program under this section may not be used for any purpose other
1094 than the payment of tax refunds authorized by this section.

1095 (8) EXPIRATION.--An applicant may not be certified as
1096 qualified under this section after June 30, 2014 ~~2010~~. A tax
1097 refund agreement existing on that date shall continue in effect
1098 in accordance with its terms.

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19 Section 16. Section 288.106, Florida Statutes, is amended
1100 to read:

1101 288.106 Tax refund program for qualified target industry
1102 businesses.--

1103 (1) DEFINITIONS.--As used in this section:

1104 (a) "Account" means the Economic Development Incentives
1105 Account within the Economic Development Trust Fund established
1106 under s. 288.095.

1107 (b) "Average private sector wage in the area" means the
1108 statewide private sector average wage or the average of all
1109 private sector wages and salaries in the county or in the
1110 standard metropolitan area in which the business is located.

1111 (c) "Business" means an employing unit, as defined in s.
1112 443.036, which is registered for unemployment compensation
1113 purposes with the state agency providing unemployment tax
1114 collection services under contract with the Agency for Workforce
1115 Innovation through an interagency agreement pursuant to s.
1116 443.1316, or a subcategory or division of an employing unit
1117 which is accepted by the state agency providing unemployment tax
1118 collection services as a reporting unit.

1119 (d) "Corporate headquarters business" means an
1120 international, national, or regional headquarters office of a
1121 multinational or multistate business enterprise or national
1122 trade association, whether separate from or connected with other
1123 facilities used by such business.

1124 (e) "Office" means the Office of Tourism, Trade, and
1125 Economic Development.

1126 (f) "Enterprise zone" means an area designated as an
1127 enterprise zone pursuant to s. 290.0065.

1128 (g) "Expansion of an existing business" means the
29 expansion of an existing Florida business by or through

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30 additions to real and personal property, resulting in a net
1131 increase in employment of not less than 10 percent at such
1132 business.

1133 (h) "Fiscal year" means the fiscal year of the state.

1134 (i) "Jobs" means full-time equivalent positions, as that
1135 term is consistent with terms used by the Agency for Workforce
1136 Innovation and the United States Department of Labor for
1137 purposes of unemployment compensation tax administration and
1138 employment estimation, resulting directly from a project in this
1139 state. The term does not include temporary construction jobs
1140 involved with the construction of facilities for the project or
1141 any jobs previously included in any application for tax refunds
1142 under s. 288.1045 or this section.

1143 (j) "Local financial support" means funding from local
1144 sources, public or private, which is paid to the Economic
1145 Development Trust Fund and which is equal to 20 percent of the
1146 annual tax refund for a qualified target industry business. A
1147 qualified target industry business may not provide, directly or
1148 indirectly, more than 5 percent of such funding in any fiscal
1149 year. The sources of such funding may not include, directly or
1150 indirectly, state funds appropriated from the General Revenue
1151 Fund or any state trust fund, excluding tax revenues shared with
1152 local governments pursuant to law.

1153 (k) "Local financial support exemption option" means the
1154 option to exercise an exemption from the local financial support
1155 requirement available to any applicant whose project is located
1156 in a brownfield area or a county with a population of 75,000 or
1157 fewer or a county with a population of 120,000 ~~100,000~~ or fewer
1158 which is contiguous to a county with a population of 75,000 or
1159 fewer. Any applicant that exercises this option shall not be

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50 eligible for more than 80 percent of the total tax refunds
1161 allowed such applicant under this section.

1162 (l) "New business" means a business which heretofore did
1163 not exist in this state, first beginning operations on a site
1164 located in this state and clearly separate from any other
1165 commercial or industrial operations owned by the same business.

1166 (m) "Project" means the creation of a new business or
1167 expansion of an existing business.

1168 (n) "Director" means the Director of the Office of
1169 Tourism, Trade, and Economic Development.

1170 (o) "Target industry business" means a corporate
1171 headquarters business or any business that is engaged in one of
1172 the target industries identified pursuant to the following
1173 criteria developed by the office in consultation with Enterprise
1174 Florida, Inc.:

75 1. Future growth.--Industry forecasts should indicate
1176 strong expectation for future growth in both employment and
1177 output, according to the most recent available data. Special
1178 consideration should be given to Florida's growing access to
1179 international markets or to replacing imports.

1180 2. Stability.--The industry should not be subject to
1181 periodic layoffs, whether due to seasonality or sensitivity to
1182 volatile economic variables such as weather. The industry should
1183 also be relatively resistant to recession, so that the demand
1184 for products of this industry is not necessarily subject to
1185 decline during an economic downturn.

1186 3. High wage.--The industry should pay relatively high
1187 wages compared to statewide or area averages.

1188 4. Market and resource independent.--The location of
1189 industry businesses should not be dependent on Florida markets
90 or resources as indicated by industry analysis except when the

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91 product replaces an imported, nonrenewable energy fuel source or
1192 except when using a renewable resource in the production of
1193 alternative energy. Special consideration should be given to the
1194 development of strong industrial clusters which include defense
1195 and homeland security businesses.

1196 5. Industrial base diversification and strengthening.--The
1197 industry should contribute toward expanding or diversifying the
1198 state's or area's economic base, as indicated by analysis of
1199 employment and output shares compared to national and regional
1200 trends. Special consideration should be given to industries that
1201 strengthen regional economies by adding value to basic products
1202 or building regional industrial clusters as indicated by
1203 industry analysis.

1204 6. Economic benefits.--The industry should have strong
1205 positive impacts on or benefits to the state and regional
1206 economies.

1207
1208 The office, in consultation with Enterprise Florida, Inc., shall
1209 develop a list of such target industries annually and submit
1210 such list as part of the final agency legislative budget request
1211 submitted pursuant to s. 216.023(1). A target industry business
1212 may not include any industry engaged in retail activities; any
1213 electrical utility company; any phosphate or other solid
1214 minerals severance, mining, or processing operation; any oil or
1215 gas exploration or production operation except when the product
1216 replaces an imported, nonrenewable energy fuel source; or any
1217 firm subject to regulation by the Division of Hotels and
1218 Restaurants of the Department of Business and Professional
1219 Regulation.

1220 (p) "Taxable year" means taxable year as defined in s.
1221 220.03(1)(y).

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1222 (q) "Qualified target industry business" means a target
1223 industry business that has been approved by the director to be
1224 eligible for tax refunds pursuant to this section.

1225 (r) "Rural county" means a county with a population of
1226 75,000 or fewer or a county with a population of 120,000 ~~100,000~~
1227 or fewer which is contiguous to a county with a population of
1228 75,000 or fewer.

1229 (s) "Rural city" means a city with a population of 10,000
1230 or less, or a city with a population of greater than 10,000 but
1231 less than 20,000 which has been determined by the Office of
1232 Tourism, Trade, and Economic Development to have economic
1233 characteristics such as, but not limited to, a significant
1234 percentage of residents on public assistance, a significant
1235 percentage of residents with income below the poverty level, or
1236 a significant percentage of the city's employment base in
1237 agriculture-related industries.

1238 (t) "Rural community" means:

- 1239 1. A county with a population of 75,000 or less.
- 1240 2. A county with a population of 120,000 ~~100,000~~ or less
1241 that is contiguous to a county with a population of 75,000 or
1242 less.
- 1243 3. A municipality within a county described in
1244 subparagraph 1. or subparagraph 2.

1245
1246 For purposes of this paragraph, population shall be determined
1247 in accordance with the most recent official estimate pursuant to
1248 s. 186.901.

1249 (u) "Authorized local economic development agency" means
1250 any public or private entity, including those defined in s.
1251 288.075, authorized by a county or municipality to promote the

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52 general business or industrial interests of that county or
1253 municipality.

1254 (2) TAX REFUND; ELIGIBLE AMOUNTS.--

1255 (a) There shall be allowed, from the account, a refund to
1256 a qualified target industry business for the amount of eligible
1257 taxes certified by the director which were paid by such
1258 business. The total amount of refunds for all fiscal years for
1259 each qualified target industry business must be determined
1260 pursuant to subsection (3). The annual amount of a refund to a
1261 qualified target industry business must be determined pursuant
1262 to subsection (5).

1263 (b) Upon approval by the director, a qualified target
1264 industry business shall be allowed tax refund payments equal to
1265 \$3,000 times the number of jobs specified in the tax refund
1266 agreement under subparagraph (4)(a)1., or equal to \$6,000 times
57 the number of jobs if the project is located in a rural county
1268 or an enterprise zone. Further, a qualified target industry
1269 business shall be allowed additional tax refund payments equal
1270 to \$1,000 times the number of jobs specified in the tax refund
1271 agreement under subparagraph (4)(a)1., if such jobs pay an
1272 annual average wage of at least 150 percent of the average
1273 private sector wage in the area, or equal to \$2,000 times the
1274 number of jobs if such jobs pay an annual average wage of at
1275 least 200 percent of the average private sector wage in the
1276 area. A qualified target industry business may not receive
1277 refund payments of more than 25 percent of the total tax refunds
1278 specified in the tax refund agreement under subparagraph
1279 (4)(a)1. in any fiscal year. Further, a qualified target
1280 industry business may not receive more than \$1.5 million in
1281 refunds under this section in any single fiscal year, or more
32 than \$2.5 million in any single fiscal year if the project is

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33 located in an enterprise zone. A qualified target industry may
1284 not receive more than \$5 million in refund payments under this
1285 section in all fiscal years, or more than \$7.5 million if the
1286 project is located in an enterprise zone. Funds made available
1287 pursuant to this section may not be expended in connection with
1288 the relocation of a business from one community to another
1289 community in this state unless the Office of Tourism, Trade, and
1290 Economic Development determines that without such relocation the
1291 business will move outside this state or determines that the
1292 business has a compelling economic rationale for the relocation
1293 and that the relocation will create additional jobs.

1294 (c) After entering into a tax refund agreement under
1295 subsection (4), a qualified target industry business may:

1296 1. Receive refunds from the account for the following
1297 taxes due and paid by that business beginning with the first
1298 taxable year of the business which begins after entering into
1299 the agreement:

1300 a. Corporate income taxes under chapter 220.

1301 b. Insurance premium tax under s. 624.509.

1302 2. Receive refunds from the account for the following
1303 taxes due and paid by that business after entering into the
1304 agreement:

1305 a. Taxes on sales, use, and other transactions under
1306 chapter 212.

1307 b. Intangible personal property taxes under chapter 199.

1308 c. Emergency excise taxes under chapter 221.

1309 d. Excise taxes on documents under chapter 201.

1310 e. Ad valorem taxes paid, as defined in s. 220.03(1).

1311 f. State communications services taxes administered under
1312 chapter 202. This provision does not apply to the gross receipts
13 tax imposed under chapter 203 and administered under chapter 202

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14 or the local communications services tax authorized under s.
1315 202.19.

1316
1317 The addition of state communications services taxes administered
1318 under chapter 202 is remedial in nature and retroactive to
1319 October 1, 2001. The office may make supplemental tax refund
1320 payments to allow for tax refunds for communications services
1321 taxes paid by an eligible qualified target industry business
1322 after October 1, 2001.

1323 (d) However, a qualified target industry business may not
1324 receive a refund under this section for any amount of credit,
1325 refund, or exemption granted to that business for any of such
1326 taxes. If a refund for such taxes is provided by the office,
1327 which taxes are subsequently adjusted by the application of any
1328 credit, refund, or exemption granted to the qualified target
1329 industry business other than as provided in this section, the
1330 business shall reimburse the account for the amount of that
1331 credit, refund, or exemption. A qualified target industry
1332 business shall notify and tender payment to the office within 20
1333 days after receiving any credit, refund, or exemption other than
1334 one provided in this section.

1335 (e) A qualified target industry business that fraudulently
1336 claims a refund under this section:

1337 1. Is liable for repayment of the amount of the refund to
1338 the account, plus a mandatory penalty in the amount of 200
1339 percent of the tax refund which shall be deposited into the
1340 General Revenue Fund.

1341 2. Is guilty of a felony of the third degree, punishable
1342 as provided in s. 775.082, s. 775.083, or s. 775.084.

1343 (3) APPLICATION AND APPROVAL PROCESS.--

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14 (a) To apply for certification as a qualified target
1345 industry business under this section, the business must file an
1346 application with the office before the business has made the
1347 decision to locate a new business in this state or before the
1348 business had made the decision to expand an existing business in
1349 this state. The application shall include, but is not limited
1350 to, the following information:

1351 1. The applicant's federal employer identification number
1352 and the applicant's state sales tax registration number.

1353 2. The permanent location of the applicant's facility in
1354 this state at which the project is or is to be located.

1355 3. A description of the type of business activity or
1356 product covered by the project, including a minimum of a four-
1357 digit NAICS SIC codes for all activities included in the
1358 project.

59 4. The number of net new full-time equivalent Florida jobs
1360 at the qualified target industry business as of December 31 of
1361 each year included in the project and the average wage of those
1362 jobs. If more than one type of business activity or product is
1363 included in the project, the number of jobs and average wage for
1364 those jobs must be separately stated for each type of business
1365 activity or product.

1366 5. The total number of full-time equivalent employees
1367 employed by the applicant in this state.

1368 6. The anticipated commencement date of the project.

1369 7. A brief statement concerning the role that the tax
1370 refunds requested will play in the decision of the applicant to
1371 locate or expand in this state.

1372 8. An estimate of the proportion of the sales resulting
1373 from the project that will be made outside this state.

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74 9. A resolution adopted by the governing board of the
1375 county or municipality in which the project will be located,
1376 which resolution recommends that certain types of businesses be
1377 approved as a qualified target industry business and states that
1378 the commitments of local financial support necessary for the
1379 target industry business exist. In advance of the passage of
1380 such resolution, the office may also accept an official letter
1381 from an authorized local economic development agency that
1382 endorses the proposed target industry project and pledges that
1383 sources of local financial support for such project exist. For
1384 the purposes of making pledges of local financial support under
1385 this subsection, the authorized local economic development
1386 agency shall be officially designated by the passage of a one-
1387 time resolution by the local governing authority.

1388 10. Any additional information requested by the office.

39 (b) To qualify for review by the office, the application
1390 of a target industry business must, at a minimum, establish the
1391 following to the satisfaction of the office:

1392 1. The jobs proposed to be provided under the application,
1393 pursuant to subparagraph (a)4., must pay an estimated annual
1394 average wage equaling at least 115 percent of the average
1395 private sector wage in the area where the business is to be
1396 located or the statewide private sector average wage. In
1397 determining the average annual wage, the office shall only
1398 include new proposed jobs, and wages for existing jobs shall be
1399 excluded from this calculation. The office may waive the this
1400 average wage requirement at the request of the local governing
1401 body recommending the project and Enterprise Florida, Inc. The
1402 wage requirement may only be waived for a project located in a
1403 brownfield area designated under s. 376.80 or in a rural city or
74 county or in an enterprise zone and only when the merits of the

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1405 individual project or the specific circumstances in the
1406 community in relationship to the project warrant such action. If
1407 the local governing body and Enterprise Florida, Inc., make such
1408 a recommendation, it must be transmitted in writing and the
1409 specific justification for the waiver recommendation must be
1410 explained. If the director elects to waive the wage requirement,
1411 the waiver must be stated in writing and the reasons for
1412 granting the waiver must be explained.

1413 2. The target industry business's project must result in
1414 the creation of at least 10 jobs at such project and, if an
1415 expansion of an existing business, must result in a net increase
1416 in employment of at least ~~not less than~~ 10 percent at the ~~such~~
1417 business. Notwithstanding the definition of the term "expansion
1418 of an existing business" in paragraph (1)(g), at the request of
1419 the local governing body recommending the project and Enterprise
1420 Florida, Inc., the office may define an "expansion of an
1421 existing business" in a rural community or an enterprise zone as
1422 the expansion of a business resulting in a net increase in
1423 employment of less than 10 percent at such business if the
1424 merits of the individual project or the specific circumstances
1425 in the community in relationship to the project warrant such
1426 action. If the local governing body and Enterprise Florida,
1427 Inc., make such a request, it must be transmitted in writing and
1428 the specific justification for the request must be explained. If
1429 the director elects to grant the ~~such~~ request, it ~~such election~~
1430 must be stated in writing and the reason for granting the
1431 request must be explained.

1432 3. The business activity or product for the applicant's
1433 project is within an industry or industries that have been
1434 identified by the office to be high-value-added industries that
1435 contribute to the area and to the economic growth of the state

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36 and that produce a higher standard of living for residents
1437 ~~citizens~~ of this state in the new global economy or that can be
1438 shown to make an equivalent contribution to the area and state's
1439 economic progress. The director must approve requests to waive
1440 the wage requirement for brownfield areas designated under s.
1441 376.80 unless it is demonstrated that such action is not in the
1442 public interest.

1443 (c) Each application meeting the requirements of paragraph
1444 (b) must be submitted to the office for determination of
1445 eligibility. The office shall review and evaluate each
1446 application based on, but not limited to, the following
1447 criteria:

1448 1. Expected contributions to the state strategic economic
1449 development plan adopted by Enterprise Florida, Inc., taking
1450 into account the long-term effects of the project and of the
51 applicant on the state economy.

1452 2. The economic benefit of the jobs created by the project
1453 in this state, taking into account the cost and average wage of
1454 each job created.

1455 3. The amount of capital investment to be made by the
1456 applicant in this state.

1457 4. The local commitment and support for the project.

1458 5. The effect of the project on the local community,
1459 taking into account the unemployment rate for the county where
1460 the project will be located.

1461 6. The effect of any tax refunds granted pursuant to this
1462 section on the viability of the project and the probability that
1463 the project will be undertaken in this state if such tax refunds
1464 are granted to the applicant, taking into account the expected
1465 long-term commitment of the applicant to economic growth and
56 employment in this state.

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57 7. The expected long-term commitment to this state
1468 resulting from the project.

1469 8. A review of the business's past activities in this
1470 state or other states, including whether such business has been
1471 subjected to criminal or civil fines and penalties. ~~Nothing in~~
1472 This subparagraph does not shall require the disclosure of
1473 confidential information.

1474 (d) Applications shall be reviewed and certified pursuant
1475 to s. 288.061. The office shall forward its written findings and
1476 evaluation concerning each application meeting the requirements
1477 of paragraph (b) to the director within 45 calendar days after
1478 receipt of a complete application. The office shall notify each
1479 target industry business when its application is complete, and
1480 of the time when the 45 day period begins. In its written report
1481 to the director, the office shall specifically address each of
1482 the factors specified in paragraph (c) and shall make a specific
1483 assessment with respect to the minimum requirements established
1484 in paragraph (b). The office shall include in its review report
1485 projections of the tax refunds the business would be eligible to
1486 receive in each fiscal year based on the creation and
1487 maintenance of the net new Florida jobs specified in
1488 subparagraph (a)4. as of December 31 of the preceding state
1489 fiscal year. If appropriate, the director shall enter into a
1490 written agreement with the qualified target industry business
1491 pursuant to subsection (4).

1492 ~~(e)1. Within 30 days after receipt of the office's~~
1493 ~~findings and evaluation, the director shall issue a letter of~~
1494 ~~certification that either approves or disapproves the~~
1495 ~~application of the target industry business. The decision must~~
1496 ~~be in writing and must provide the justifications for approval~~
37 ~~or disapproval.~~

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1500 2. ~~If appropriate, the director shall enter into a written~~
1499 ~~agreement with the qualified target industry business pursuant~~
1500 ~~to subsection (4).~~

1501 (e)-(f) The director may not certify any target industry
1502 business as a qualified target industry business if the value of
1503 tax refunds to be included in that letter of certification
1504 exceeds the available amount of authority to certify new
1505 businesses as determined in s. 288.095(3). However, if the
1506 commitments of local financial support represent less than 20
1507 percent of the eligible tax refund payments, or to otherwise
1508 preserve the viability and fiscal integrity of the program, the
1509 director may certify a qualified target industry business to
1510 receive tax refund payments of less than the allowable amounts
1511 specified in paragraph (2)(b). A letter of certification that
1512 approves an application must specify the maximum amount of tax
1513 refund that will be available to the qualified industry business
1514 in each fiscal year and the total amount of tax refunds that
1515 will be available to the business for all fiscal years.

1516 (f)-(g) ~~Nothing in This section does not shall~~ create a
1517 presumption that an applicant shall ~~will~~ receive any tax refunds
1518 under this section. However, the office may issue nonbinding
1519 opinion letters, upon the request of prospective applicants, as
1520 to the applicants' eligibility and the potential amount of
1521 refunds.

1522 (4) TAX REFUND AGREEMENT.--

1523 (a) Each qualified target industry business must enter
1524 into a written agreement with the office which specifies, at a
1525 minimum:

1526 1. The total number of full-time equivalent jobs in this
1527 state that will be dedicated to the project, the average wage of
1528 those jobs, the definitions that will apply for measuring the

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1530 achievement of these terms during the pendency of the agreement,
1531 and a time schedule or plan for when such jobs will be in place
1532 and active in this state.

1533 2. The maximum amount of tax refunds which the qualified
1534 target industry business is eligible to receive on the project
1535 and the maximum amount of a tax refund that the qualified target
1536 industry business is eligible to receive for each fiscal year,
1537 based on the job creation and maintenance schedule specified in
1538 subparagraph 1.

1539 3. That the office may review and verify the financial and
1540 personnel records of the qualified target industry business to
1541 ascertain whether that business is in compliance with this
1542 section.

1543 4. The date by which, in each fiscal year, the qualified
1544 target industry business may file a claim under subsection (5)
1545 to be considered to receive a tax refund in the following fiscal
1546 year.

1547 5. That local financial support will be annually available
1548 and will be paid to the account. The director may not enter into
1549 a written agreement with a qualified target industry business if
1550 the local financial support resolution is not passed by the
1551 local governing authority within 90 days after he or she has
1552 issued the letter of certification under subsection (3).

1553 (b) Compliance with the terms and conditions of the
1554 agreement is a condition precedent for the receipt of a tax
1555 refund each year. The failure to comply with the terms and
1556 conditions of the tax refund agreement results in the loss of
1557 eligibility for receipt of all tax refunds previously authorized
1558 under this section and the revocation by the director of the
1559 certification of the business entity as a qualified target
1560 industry business, unless the business is eligible to receive

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50 and elects to accept a prorated refund under paragraph (5)(d) or
1561 the office grants the business an economic-stimulus exemption.

1562 1. A qualified target industry business may submit, in
1563 writing, a request to the office for an economic-stimulus
1564 exemption. The request must provide quantitative evidence
1565 demonstrating how negative economic conditions in the business's
1566 industry, the effects of the impact of a named hurricane or
1567 tropical storm, or specific acts of terrorism affecting the
1568 qualified target industry business have prevented the business
1569 from complying with the terms and conditions of its tax refund
1570 agreement.

1571 2. Upon receipt of a request under subparagraph 1., the
1572 director shall have 45 days to notify the requesting business,
1573 in writing, if its exemption has been granted or denied. In
1574 determining if an exemption should be granted, the director
75 shall consider the extent to which negative economic conditions
1576 in the requesting business's industry have occurred in the state
1577 and ~~, the effects of the impact of a named hurricane or tropical~~
1578 ~~storm, or specific acts of terrorism affecting the qualified~~
1579 ~~target industry business~~ have prevented the business from
1580 complying with the terms and conditions of its tax refund
1581 agreement. The office shall consider Florida current employment
1582 statistics by industry, including whether the business's
1583 industry had substantial job loss during the prior year, when
1584 determining whether an exemption shall be granted.

1585 3. As a condition for receiving a prorated refund under
1586 paragraph (5)(d) or an economic-stimulus exemption under this
1587 paragraph, a qualified target industry business must agree to
1588 renegotiate its tax refund agreement with the office to, at a
1589 minimum, ensure that the terms of the agreement comply with
90 current law and office procedures governing application for and

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1591 award of tax refunds. Upon approving the award of a prorated
1592 refund or granting an economic-stimulus exemption, the office
1593 shall renegotiate the tax refund agreement with the business as
1594 required by this subparagraph. When amending the agreement of a
1595 business receiving an economic-stimulus exemption, the office
1596 may extend the duration of the agreement for a period not to
1597 exceed 2 years.

1598 4. A qualified target industry business may submit a
1599 request for an economic-stimulus exemption to the office in lieu
1600 of any tax refund claim scheduled to be submitted after January
1601 1, 2008 ~~2005~~, but before July 1, 2009 ~~2006~~.

1602 5. A qualified target industry business that receives an
1603 economic-stimulus exemption may not receive a tax refund for the
1604 period covered by the exemption.

1605 (c) The agreement must be signed by the director and by an
1606 authorized officer of the qualified target industry business
1607 within 120 days after the issuance of the letter of
1608 certification under subsection (3), but not before passage and
1609 receipt of the resolution of local financial support. The office
1610 may grant an extension of this period at the written request of
1611 the qualified target industry business.

1612 (d) The agreement must contain the following legend,
1613 clearly printed on its face in bold type of not less than 10
1614 points in size: "This agreement is neither a general obligation
1615 of the State of Florida, nor is it backed by the full faith and
1616 credit of the State of Florida. Payment of tax refunds are
1617 conditioned on and subject to specific annual appropriations by
1618 the Florida Legislature of moneys sufficient to pay amounts
1619 authorized in section 288.106, Florida Statutes."

1620 (5) ANNUAL CLAIM FOR REFUND.--

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(11 (a) To be eligible to claim any scheduled tax refund, a
1622 qualified target industry business that has entered into a tax
1623 refund agreement with the office under subsection (4) must apply
1624 by January 31 of each fiscal year to the office for the tax
1625 refund scheduled to be paid from the appropriation for the
1626 fiscal year that begins on July 1 following the January 31
1627 claims-submission date. The office may, upon written request,
1628 grant a 30-day extension of the filing date.

1629 (b) The claim for refund by the qualified target industry
1630 business must include a copy of all receipts pertaining to the
1631 payment of taxes for which the refund is sought and data related
1632 to achievement of each performance item specified in the tax
1633 refund agreement. The amount requested as a tax refund may not
1634 exceed the amount specified for the relevant fiscal year in that
1635 agreement.

(16 (c) A tax refund may not be approved for a qualified
1637 target industry business unless the required local financial
1638 support has been paid into the account for that refund. If the
1639 local financial support provided is less than 20 percent of the
1640 approved tax refund, the tax refund must be reduced. In no event
1641 may the tax refund exceed an amount that is equal to 5 times the
1642 amount of the local financial support received. Further, funding
1643 from local sources includes any tax abatement granted to that
1644 business under s. 196.1995 or the appraised market value of
1645 municipal or county land conveyed or provided at a discount to
1646 that business. The amount of any tax refund for such business
1647 approved under this section must be reduced by the amount of any
1648 such tax abatement granted or the value of the land granted; and
1649 the limitations in subsection (2) and paragraph (3) ~~(e)-(f)~~ must
1650 be reduced by the amount of any such tax abatement or the value
(31 of the land granted. A report listing all sources of the local

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1652 financial support shall be provided to the office when such
1653 support is paid to the account.

1654 (d) A prorated tax refund, less a 5-percent penalty, shall
1655 be approved for a qualified target industry business provided
1656 all other applicable requirements have been satisfied and the
1657 business proves to the satisfaction of the director that it has
1658 achieved at least 80 percent of its projected employment and
1659 that the average wage paid by the business is at least 90
1660 percent of the average wage specified in the tax refund
1661 agreement, but in no case less than 115 percent of the average
1662 private sector wage in the area available at the time of
1663 certification, or 150 percent or 200 percent of the average
1664 private sector wage if the business requested the additional
1665 per-job tax refund authorized in paragraph (2)(b) for wages
1666 above those levels. The prorated tax refund shall be calculated
1667 by multiplying the tax refund amount for which the qualified
1668 target industry business would have been eligible, if all
1669 applicable requirements had been satisfied, by the percentage of
1670 the average employment specified in the tax refund agreement
1671 which was achieved, and by the percentage of the average wages
1672 specified in the tax refund agreement which was achieved.

1673 (e) The director, with such assistance as may be required
1674 from the office, the Department of Revenue, or the Agency for
1675 Workforce Innovation, shall, by June 30 following the scheduled
1676 date for submission of the tax refund claim, specify by written
1677 order the approval or disapproval of the tax refund claim and,
1678 if approved, the amount of the tax refund that is authorized to
1679 be paid to the qualified target industry business for the annual
1680 tax refund. The office may grant an extension of this date on
1681 the request of the qualified target industry business for the

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32 purpose of filing additional information in support of the
1683 claim.

1684 (f) The total amount of tax refund claims approved by the
1685 director under this section in any fiscal year must not exceed
1686 the amount authorized under s. 288.095(3).

1687 (g) This section does not create a presumption that a tax
1688 refund claim will be approved and paid.

1689 (h) Upon approval of the tax refund under paragraphs (c),
1690 (d), and (e), the Chief Financial Officer shall issue a warrant
1691 for the amount specified in the written order. If the written
1692 order is appealed, the Chief Financial Officer may not issue a
1693 warrant for a refund to the qualified target industry business
1694 until the conclusion of all appeals of that order.

1695 (6) ADMINISTRATION.--

1696 (a) The office is authorized to verify information
37 provided in any claim submitted for tax credits under this
1698 section with regard to employment and wage levels or the payment
1699 of the taxes to the appropriate agency or authority, including
1700 the Department of Revenue, the Agency for Workforce Innovation,
1701 or any local government or authority.

1702 (b) To facilitate the process of monitoring and auditing
1703 applications made under this program, the office may provide a
1704 list of qualified target industry businesses to the Department
1705 of Revenue, to the Agency for Workforce Innovation, or to any
1706 local government or authority. The office may request the
1707 assistance of those entities with respect to monitoring jobs,
1708 wages, and the payment of the taxes listed in subsection (2).

1709 (c) Funds specifically appropriated for the tax refund
1710 program for qualified target industry businesses may not be used
1711 for any purpose other than the payment of tax refunds authorized
12 by this section.

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(13 (7) Notwithstanding paragraphs (4)(a) and (5)(c), the
1714 office may approve a waiver of the local financial support
1715 requirement for a business located in any of the following
1716 counties in which businesses received emergency loans
1717 administered by the office in response to the named hurricanes
1718 of 2004: Bay, Brevard, Charlotte, DeSoto, Escambia, Flagler,
1719 Glades, Hardee, Hendry, Highlands, Indian River, Lake, Lee,
1720 Martin, Okaloosa, Okeechobee, Orange, Osceola, Palm Beach, Polk,
1721 Putnam, Santa Rosa, Seminole, St. Lucie, Volusia, and Walton. A
1722 waiver may be granted only if the office determines that the
1723 local financial support cannot be provided or that doing so
1724 would effect a demonstrable hardship on the unit of local
1725 government providing the local financial support. If the office
1726 grants a waiver of the local financial support requirement, the
1727 state shall pay 100 percent of the refund due to an eligible
(28 business. The waiver shall apply for tax refund applications
1729 made for fiscal years 2004-2005, 2005-2006, and 2006-2007.

1730 ~~(8) EXPIRATION. An applicant may not be certified as~~
1731 ~~qualified under this section after June 30, 2010. A tax refund~~
1732 ~~agreement existing on that date shall continue in effect in~~
1733 ~~accordance with its terms.~~

1734 Section 17. Subsection (3) and paragraph (f) of subsection
1735 (4) of section 288.107, Florida Statutes, are amended to read:

1736 288.107 Brownfield redevelopment bonus refunds.--

1737 (3) CRITERIA.--The minimum criteria for participation in
1738 the brownfield redevelopment bonus refund are:

1739 (a) The creation of at least 10 new full-time permanent
1740 jobs. Such jobs shall not include construction or site
1741 rehabilitation jobs associated with the implementation of a
1742 brownfield site agreement as described in s. 376.80(5).

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1743 (b) The completion of a fixed capital investment of at
1744 least \$2 million in mixed-use business activities, including
1745 multiunit housing, commercial, retail, and industrial in
1746 brownfield areas, by an eligible business applying for a refund
1747 under paragraph (2) (b) which provides benefits to its employees.

1748 (c) That the designation as a brownfield will diversify
1749 and strengthen the economy of the area surrounding the site.

1750 (d) That the designation as a brownfield will promote
1751 capital investment in the area beyond that contemplated for the
1752 rehabilitation of the site.

1753 (e) A resolution adopted by the governing board of the
1754 county or municipality in which the project will be located that
1755 recommends that certain types of businesses be approved.

1756 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.--

1757 (f) Applications shall be reviewed and certified pursuant
1758 to s. 288.106. The office shall review all applications
1759 submitted under s. 288.106 or other similar application forms
1760 for other eligible businesses as defined in paragraph (1) (e)
1761 which indicate that the proposed project will be located in a
1762 brownfield and determine, with the assistance of the Department
1763 of Environmental Protection, that the project location is within
1764 a brownfield as provided in this act.

1765 Section 18. Paragraphs (b) and (c) of subsection (5) and
1766 subsection (7) of section 288.108, Florida Statutes, are
1767 amended, to read:

1768 288.108 High-impact business.--

1769 (5) APPLICATIONS; CERTIFICATION PROCESS; GRANT
1770 AGREEMENT.--

1771 (b) Applications shall be reviewed and certified pursuant
1772 to s. 288.106. ~~Enterprise Florida, Inc., shall review each~~
1773 ~~submitted application and inform the applicant business whether~~

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74 ~~or not its application is complete within 10 working days. Once~~
1775 ~~the application is deemed complete, Enterprise Florida, Inc.,~~
1776 ~~has 10 working days within which to evaluate the application and~~
1777 ~~recommend approval or disapproval of the application to the~~
1778 ~~director. In recommending an applicant business for approval,~~
1779 ~~Enterprise Florida, Inc., shall include a recommended grant~~
1780 ~~award amount in its evaluation forwarded to the office.~~

1781 ~~(c) Upon receipt of the evaluation and recommendation of~~
1782 ~~Enterprise Florida, Inc., the director has 5 working days to~~
1783 ~~enter a final order that either approves or disapproves an~~
1784 ~~applicant business as a qualified high impact business facility,~~
1785 ~~unless the business requests an extension of the time. The final~~
1786 ~~order shall specify the total amount of the qualified high-~~
1787 ~~impact business facility performance grant award, the~~
1788 ~~performance conditions that must be met to obtain the award, and~~
39 ~~the schedule for payment of the performance grant.~~

1790 ~~(7) REPORTING. The office shall by December 1 of each~~
1791 ~~year issue a complete and detailed report of all designated~~
1792 ~~high impact sectors, all applications received and their~~
1793 ~~disposition, all final orders issued, and all payments made,~~
1794 ~~including analyses of benefits and costs, types of projects~~
1795 ~~supported, and employment and investments created. The report~~
1796 ~~shall be submitted to the Governor, the President of the Senate,~~
1797 ~~and the Speaker of the House of Representatives.~~

1798 Section 19. Paragraphs (a) and (b) of subsection (3) of
1799 section 288.1088, Florida Statutes, are amended to read:

1800 288.1088 Quick Action Closing Fund.--

1801 (3)(a) Enterprise Florida, Inc., shall review applications
1802 pursuant to s. 288.061(1) and determine eligibility of each
1803 project consistent with the criteria in subsection (2).

74 Enterprise Florida, Inc., in consultation with the Office of

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1805 Tourism, Trade, and Economic Development, may waive these
1806 criteria based on extraordinary circumstances or in rural areas
1807 of critical economic concern if the project would significantly
1808 benefit the local or regional economy. Enterprise Florida, Inc.,
1809 shall evaluate individual proposals for high-impact business
1810 facilities and forward recommendations regarding the use of
1811 moneys in the fund for such facilities to the director of the
1812 Office of Tourism, Trade, and Economic Development. Such
1813 evaluation and recommendation must include, but need not be
1814 limited to:

1815 1. A description of the type of facility or
1816 infrastructure, its operations, and the associated product or
1817 service associated with the facility.

1818 2. The number of full-time-equivalent jobs that will be
1819 created by the facility and the total estimated average annual
1820 wages of those jobs or, in the case of privately developed rural
1821 infrastructure, the types of business activities and jobs
1822 stimulated by the investment.

1823 3. The cumulative amount of investment to be dedicated to
1824 the facility within a specified period.

1825 4. A statement of any special impacts the facility is
1826 expected to stimulate in a particular business sector in the
1827 state or regional economy or in the state's universities and
1828 community colleges.

1829 5. A statement of the role the incentive is expected to
1830 play in the decision of the applicant business to locate or
1831 expand in this state or for the private investor to provide
1832 critical rural infrastructure.

1833 6. A report evaluating the quality and value of the
1834 company submitting a proposal. The report must include:

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35 a. A financial analysis of the company, including an
1836 evaluation of the company's short-term liquidity ratio as
1837 measured by its assets to liability, the company's profitability
1838 ratio, and the company's long-term solvency as measured by its
1839 debt-to-equity ratio;

1840 b. The historical market performance of the company;

1841 c. A review of any independent evaluations of the company;

1842 d. A review of the latest audit of the company's financial
1843 statement and the related auditor's management letter; and

1844 e. A review of any other types of audits that are related
1845 to the internal and management controls of the company.

1846 (b) Upon receipt of the evaluation and recommendation from
1847 Enterprise Florida, Inc., the director shall recommend approval
1848 or disapproval of a project for receipt of funds from the Quick
1849 Action Closing Fund within 35 calendar days to the Governor. In

50 recommending a project, the director shall include proposed
1851 performance conditions that the project must meet to obtain
1852 incentive funds. The Governor shall provide the evaluation of
1853 projects recommended for approval to the President of the Senate
1854 and the Speaker of the House of Representatives and consult with
1855 the President of the Senate and the Speaker of the House of
1856 Representatives before giving final approval for a project. The
1857 Executive Office of the Governor shall recommend approval of a
1858 project and the release of funds pursuant to the legislative
1859 consultation and review requirements set forth in s. 216.177.
1860 The recommendation must include proposed performance conditions
1861 that the project must meet in order to obtain funds.

1862 Section 20. Section 288.1089, Florida Statutes, is amended
1863 to read:

1864 288.1089 Innovation Incentive Program.--

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55 (1) The Innovation Incentive Program is created within the
1866 Office of Tourism, Trade, and Economic Development to ensure
1867 that sufficient resources are available to allow the state to
1868 respond expeditiously to extraordinary economic opportunities
1869 and to compete effectively for high-value research and
1870 development and innovation business projects.

1871 (2) As used in this section, the term:

1872 (a) "Average private sector wage" means the statewide
1873 average wage in the private sector or the average of all private
1874 sector wages in the county or in the standard metropolitan area
1875 in which the project is located as determined by the Agency for
1876 Workforce Innovation.

1877 (b) "Brownfield area" means an area designated as a
1878 brownfield area pursuant to s. 376.80.

1879 (c) "Cumulative investment" means cumulative capital
30 investment and all eligible capital costs, as defined in s.
1881 220.191.

1882 (d) "Director" means the director of the Office of
1883 Tourism, Trade, and Economic Development.

1884 (e) "Enterprise zone" means an area designated as an
1885 enterprise zone pursuant to s. 290.0065.

1886 (f) "Fiscal year" means the state fiscal year.

1887 (g) "Innovation business" means a business expanding or
1888 locating in this state that is likely to serve as a catalyst for
1889 the growth of an existing or emerging technology cluster or will
1890 significantly impact the regional economy in which it is to
1891 expand or locate.

1892 (h) "Jobs" means full-time equivalent positions, as that
1893 term is consistent with terms used by the Agency for Workforce
1894 Innovation and the United States Department of Labor for
95 purposes of unemployment compensation tax administration and

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1896 employment estimation, resulting directly from a project in this
1897 state. The term does not include temporary construction jobs.

1898 (i) "Match" means funding from local sources, public or
1899 private, which will be paid to the applicant and which is equal
1900 to 100 percent of an award. Eligible match funding may include
1901 any tax abatement granted to the applicant under s. 196.1995 or
1902 the appraised market value of land, buildings, infrastructure,
1903 or equipment conveyed or provided at a discount to the
1904 applicant. Complete documentation of a match payment or other
1905 conveyance must be presented to and verified by the office prior
1906 to transfer of state funds to an applicant. An applicant may not
1907 provide, directly or indirectly, more than 5 percent of match
1908 funding in any fiscal year. The sources of such funding may not
1909 include, directly or indirectly, state funds appropriated from
1910 the General Revenue Fund or any state trust fund, excluding tax
1911 revenues shared with local governments pursuant to law.

1912 (j) "Office" means the Office of Tourism, Trade, and
1913 Economic Development.

1914 (k) "Project" means the location to or expansion in this
1915 state by an innovation business or research and development
1916 applicant approved for an award pursuant to this section.

1917 (l) "Research and development" means basic and applied
1918 research in the sciences or engineering, as well as the design,
1919 development, and testing of prototypes or processes of new or
1920 improved products. Research and development does not include
1921 market research, routine consumer product testing, sales
1922 research, research in the social sciences or psychology,
1923 nontechnological activities, or technical services.

1924 (m) "Research and development facility" means a facility
1925 that is predominately engaged in research and development

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26 activities. For purposes of this paragraph, the term
1927 "predominantly" means at least 51 percent of the time.

1928 (n) "Rural area" means a rural city, rural community, or
1929 rural county as defined in s. 288.106.

1930 (3) To be eligible for consideration for an innovation
1931 incentive award, an innovation business or research and
1932 development entity must submit a written application to
1933 Enterprise Florida, Inc., before making a decision to locate new
1934 operations in this state or expand an existing operation in this
1935 state. The application must include, but not be limited to:

1936 (a) The applicant's federal employer identification
1937 number, unemployment account number, and state sales tax
1938 registration number. If such numbers are not available at the
1939 time of application, they must be submitted to the office in
1940 writing prior to the disbursement of any payments under this
1941 section.

1942 (b) The location in this state at which the project is
1943 located or is to be located.

1944 (c) A description of the type of business activity,
1945 product, or research and development undertaken by the
1946 applicant, including six-digit North American Industry
1947 Classification System codes for all activities included in the
1948 project.

1949 (d) The applicant's projected investment in the project.

1950 (e) The total investment, from all sources, in the
1951 project.

1952 (f) The number of net new full-time equivalent jobs in
1953 this state the applicant anticipates having created as of
1954 December 31 of each year in the project; and the average annual
1955 wage of such jobs; and the average annual wage of nonmanagement,
56 nonresearch jobs.

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57 (g) The total number of full-time equivalent employees
1958 currently employed by the applicant in this state, if
1959 applicable.

1960 (h) The anticipated commencement date of the project.

1961 (i) A detailed explanation of why the innovation incentive
1962 is needed to induce the applicant to expand or locate in the
1963 state and whether an award would cause the applicant to locate
1964 or expand in this state.

1965 (j) If applicable, an estimate of the proportion of the
1966 revenues resulting from the project that will be generated
1967 outside this state.

1968 (4) To qualify for review by the office, the applicant
1969 must, at a minimum, establish the following to the satisfaction
1970 of Enterprise Florida, Inc., and the office:

1971 (a) The jobs created by the project must pay an estimated
1972 annual average wage equaling at least 130 percent of the average
1973 private sector wage. The office may waive this average wage
1974 requirement at the request of Enterprise Florida, Inc., for a
1975 project located in a rural area, a brownfield area, or an
1976 enterprise zone, when the merits of the individual project or
1977 the specific circumstances in the community in relationship to
1978 the project warrant such action. A recommendation for waiver by
1979 Enterprise Florida, Inc., must include a specific justification
1980 for the waiver and be transmitted to the office in writing. If
1981 the director elects to waive the wage requirement, the waiver
1982 must be stated in writing and the reasons for granting the
1983 waiver must be explained.

1984 (b) A research and development project must:

1985 1. Serve as a catalyst for an emerging or evolving
1986 technology cluster.

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37 2. Demonstrate a plan for significant higher education
1988 collaboration.

1989 3. Provide the state, at a minimum, a break-even return on
1990 investment within a 20-year period.

1991 4. Be provided with a one-to-one match from the local
1992 community. The match requirement may be reduced or waived in
1993 rural areas of critical economic concern or reduced in rural
1994 areas, brownfield areas, and enterprise zones.

1995 (c) An innovation business project in this state, other
1996 than a research and development project, must:

1997 1.a. Result in the creation of at least 1,000 direct, new
1998 jobs at the business; or

1999 b. Result in the creation of at least 500 direct, new jobs
2000 if the project is located in a rural area, a brownfield area, or
2001 an enterprise zone.

2 2. Have an activity or product that is within an industry
2003 that is designated as a target industry business under s.
2004 288.106 or a designated sector under s. 288.108.

2005 3.a. Have a cumulative investment of at least \$500 million
2006 within a 5-year period; or

2007 b. Have a cumulative investment that exceeds \$250 million
2008 within a 10-year period if the project is located in a rural
2009 area, brownfield area, or an enterprise zone.

2010 4. Be provided with a one-to-one match from the local
2011 community. The match requirement may be reduced or waived in
2012 rural areas of critical economic concern or reduced in rural
2013 areas, brownfield areas, and enterprise zones.

2014 (5) Enterprise Florida, Inc., shall evaluate proposals for
2015 innovation incentive awards and transmit recommendations for
2016 awards to the office. Such evaluation and recommendation must
17 include, but need not be limited to:

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18 (a) A description of the project, its required facilities,
2019 and the associated product, service, or research and development
2020 associated with the project.

2021 (b) The percentage of match provided for the project.

2022 (c) The number of full-time equivalent jobs that will be
2023 created by the project, the total estimated average annual wages
2024 of such jobs, the average annual wages of nonmanagement and
2025 nonresearch jobs, and the types of business activities and jobs
2026 likely to be stimulated by the project.

2027 (d) The cumulative investment to be dedicated to the
2028 project within 5 years and the total investment expected in the
2029 project if more than 5 years.

2030 (e) The projected economic and fiscal impacts on the local
2031 and state economies relative to investment.

2032 (f) A statement of any special impacts the project is
2033 expected to stimulate in a particular business sector in the
2034 state or regional economy or in the state's universities and
2035 community colleges.

2036 (g) A statement of any anticipated or proposed
2037 relationships with state universities.

2038 (h) A statement of the role the incentive is expected to
2039 play in the decision of the applicant to locate or expand in
2040 this state.

2041 (i) A recommendation and explanation of the amount of the
2042 award needed to cause the applicant to expand or locate in this
2043 state.

2044 (j) A discussion of the efforts and commitments made by
2045 the local community in which the project is to be located to
2046 induce the applicant's location or expansion, taking into
2047 consideration local resources and abilities.

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18 (k) A recommendation for specific performance criteria the
2049 applicant would be expected to achieve in order to receive
2050 payments from the fund and penalties or sanctions for failure to
2051 meet or maintain performance conditions.

2052 (1) For a research and development facility project:

2053 1. A description of the extent to which the project has
2054 the potential to serve as catalyst for an emerging or evolving
2055 cluster.

2056 2. A description of the extent to which the project has or
2057 could have a long-term collaborative research and development
2058 relationship with one or more universities or community colleges
2059 in this state.

2060 3. A description of the existing or projected impact of
2061 the project on established clusters or targeted industry
2062 sectors.

53 (4. A description of the project's contribution to the
2064 diversity and resiliency of the innovation economy of this
2065 state.

2066 5. A description of the project's impact on special needs
2067 communities, including, but not limited to, rural areas,
2068 distressed urban areas, and enterprise zones.

2069 (6) In consultation with Enterprise Florida, Inc., the
2070 office may negotiate the proposed amount of an award for any
2071 applicant meeting the requirements of this section. In
2072 negotiating such award, the office shall consider the amount of
2073 the incentive needed to cause the applicant to locate or expand
2074 in this state in conjunction with other relevant applicant
2075 impact and cost information and analysis as described in this
2076 section. Particular emphasis shall be given to the potential for
2077 the project to stimulate additional private investment and high-
78 quality employment opportunities in the area.

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(79
2080 (7) Upon receipt of the evaluation and recommendation from
2081 Enterprise Florida, Inc., the director shall recommend to the
2082 Governor the approval or disapproval of an award. In
2083 recommending approval ~~of an award~~, the director shall include
2084 proposed performance conditions that the applicant must meet in
2085 order to obtain incentive funds and any other conditions that
2086 must be met before the receipt of any incentive funds. The
2087 Governor shall consult with the President of the Senate and the
2088 Speaker of the House of Representatives before giving approval
2089 for an award. Upon review and approval of an award by the
2090 Legislative Budget Commission, the Executive Office of the
2091 Governor shall release the funds ~~pursuant to the legislative~~
2092 ~~consultation and review requirements set forth in s. 216.177.~~

2093 (8) After the conditions ~~Upon approval by the Governor and~~
2094 ~~release of the funds as set forth in subsection (7) have been~~
2095 met, the director shall issue a letter certifying the applicant
2096 as qualified for an award. The office and the award recipient
2097 ~~applicant~~ shall enter into an agreement that sets forth the
2098 conditions for payment of incentives. The agreement must include
2099 at a minimum:

2100 (a) The total amount of funds awarded.†

2101 (b) The performance conditions that must be met to obtain
2102 the award or portions of the award, including, but not limited
2103 to, net new employment in the state, average wage, and total
2104 cumulative investment. Where applicable, the performance
2105 conditions must be at least at the levels specified in this
2106 section for an applicant to qualify for consideration for an
2107 Innovation Incentive Program grant award.†

2108 (c) Demonstration of a baseline of current service and a
2109 measure of enhanced capability.†

(99 (d) The methodology for validating performance.†

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2110 (e) The schedule of payments, ~~and~~
2111 (f) Sanctions for failure to meet performance conditions,
2112 including any clawback provisions.

2113 (g) Requirements for the establishment of internship
2114 programs or other learning opportunities for educators and
2115 secondary, postsecondary, graduate, and doctoral students.

2116 (h) Requirements for each award recipient to submit
2117 quarterly reports and annual reports related to activities and
2118 performance to the office and to Enterprise Florida, Inc.

2119 (i) An annual accounting to the office of the expenditure
2120 of funds disbursed under this section.

2121 (j) A process for amending the agreement.

2122 (9) Enterprise Florida, Inc., shall assist the office in
2123 validating the performance of an innovation business or research
2124 and development facility that has received an award.

2125 (10) At the conclusion of the innovation incentive award
2126 agreement, or its earlier termination, Enterprise Florida, Inc.,
2127 shall, within 90 days, report the results of the innovation
2128 incentive award to the Governor, the President of the Senate,
2129 and the Speaker of the House of Representatives.

2130 ~~(11)-(10)~~ Each award recipient shall comply with Enterprise
2131 Florida, Inc., shall develop business ethics standards developed
2132 by Enterprise Florida, Inc., which are based on appropriate best
2133 industry practices which shall be applicable to all award
2134 recipients. The standards shall address ethical duties of
2135 business enterprises, fiduciary responsibilities of management,
2136 and compliance with the laws of this state. Enterprise Florida,
2137 Inc., may collaborate with the State University System in
2138 reviewing and evaluating appropriate business ethics standards.
2139 Such standards shall be provided to the Governor, the President
2140 of the Senate, and the Speaker of the House of Representatives

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2141 ~~by December 31, 2006. An award agreement entered into on or~~
2142 ~~after December 31, 2006, shall require a recipient to comply~~
2143 ~~with the business ethics standards developed pursuant to this~~
2144 ~~section.~~

2145 Section 21. Subsections (5), (6) and (9) of section
2146 288.1162, Florida Statutes, are amended, and new subsections
2147 (10), (11), (12), and (13) are created, to read:

2148 (5) (a) As used in this section, the term "retained spring
2149 training franchise" means a spring training franchise that has
2150 been based in this state prior to January 1, 2000.

2151 (b) Prior to certifying an applicant as a "facility for a
2152 retained spring training franchise," the Office of Tourism,
2153 Trade, and Economic Development must determine that:

2154 1. A "unit of local government" as defined in s. 218.369
2155 is responsible for the acquisition, construction, management, or
2156 operation of the facility for a retained spring training
2157 franchise or holds title to the property on which the facility
2158 for a retained spring training franchise is located.

2159 2. The applicant has a verified copy of a signed agreement
2160 with a retained spring training franchise for the use of the
2161 facility for a term of at least 15 years.

2162 3. The applicant has a financial commitment to provide 50
2163 percent or more of the funds required by an agreement for the
2164 acquisition, construction, or renovation of the facility for a
2165 retained spring training franchise. The agreement can be
2166 contingent upon the awarding of funds under this section and
2167 other conditions precedent to use by the spring training
2168 franchise.

2169 4. The applicant has projections, verified by the Office
2170 of Tourism, Trade, and Economic Development, which demonstrate

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1 that the facility for a retained spring training franchise will
2172 attract a paid attendance of at least 50,000 annually.

2173 5. The facility for a retained spring training franchise
2174 is located in a county that is levying a tourist development tax
2175 pursuant to s. 125.0104.

2176 (c)1. The Office of Tourism, Trade, and Economic
2177 Development shall competitively evaluate applications for
2178 funding of a facility for a retained spring training franchise.
2179 ~~Applications must be submitted by October 1, 2000, with~~
2180 ~~certifications to be made by January 1, 2001. If the number of~~
2181 ~~applicants exceeds five and the aggregate funding request of all~~
2182 ~~applications exceeds \$208,335 per month, the office shall rank~~
2183 ~~the applications according to a selection criteria, certifying~~
2184 ~~the highest ranked proposals. The total number of certifications~~
2185 ~~made by the Office of Tourism, Trade, and Economic Development~~
2186 ~~shall not exceed 10. If the Office of Tourism, Trade, and~~
2187 ~~Economic Development withdraws certification for any given~~
2188 ~~facility the Office of Tourism, Trade, and Economic Development~~
2189 ~~may accept applications for an additional certification. The~~
2190 evaluation criteria shall include, with priority given in
2191 descending order to the following items:

2192 a. The intended use of the funds by the applicant for
2193 acquisition of a facility, or construction of a new facility, or
2194 renovation of an existing facility, with priority given to the
2195 construction of a new facility.

2196 b. The length of time that the existing franchise has been
2197 located in the state, with priority given to retaining
2198 franchises that have been in the same location the longest.

2199 c. The length of time that a facility to be used by a
2200 retained spring training franchise has been used by one or more
()1 spring training franchises, with priority given to a facility

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2 that has been in continuous use as a facility for spring
2203 training the longest.

2204 d. For those teams leasing a spring training facility from
2205 a unit of local government, the remaining time on the lease for
2206 facilities used by the spring training franchise, with priority
2207 given to the shortest time period remaining on the lease.

2208 e. The duration of the future-use agreement with the
2209 retained spring training franchise, with priority given to the
2210 future-use agreement having the longest duration.

2211 f. The amount of the local match, with priority given to
2212 the largest percentage of local match proposed.

2213 g. The net increase of total active recreation space owned
2214 by the applying unit of local government following the
2215 acquisition of land for the spring training facility, with
2216 priority given to the largest percentage increase of total
2217 active recreation space.

2218 h. The location of the facility in a brownfield, an
2219 enterprise zone, a community redevelopment area, or other area
2220 of targeted development or revitalization included in an Urban
2221 Infill Redevelopment Plan, with priority given to facilities
2222 located in these areas.

2223 i. The projections on paid attendance attracted by the
2224 facility and the proposed effect on the economy of the local
2225 community, with priority given to the highest projected paid
2226 attendance.

2227 ~~2. Beginning July 1, 2006, the Office of Tourism, Trade,~~
2228 ~~and Economic Development shall competitively evaluate~~
2229 ~~applications for funding of facilities for retained spring~~
2230 ~~training franchises in addition to those certified and funded~~
2231 ~~under subparagraph 1. An applicant that is a unit of government~~
2232 ~~that has an agreement for a retained spring training franchise~~

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33 for 15 or more years which was entered into between July 1,
2234 2003, and July 1, 2004, shall be eligible for funding.
2235 Applications must be submitted by October 1, 2006, with
2236 certifications to be made by January 1, 2007. The office shall
2237 rank the applications according to selection criteria,
2238 certifying no more than five proposals. The aggregate funding
2239 request of all applicants certified shall not exceed an
2240 aggregate funding request of \$208,335 per month. The evaluation
2241 criteria shall include the following, with priority given in
2242 descending order:

2243 a. The intended use of the funds by the applicant for
2244 acquisition or construction of a new facility.

2245 b. The intended use of the funds by the applicant to
2246 renovate a facility.

2247 c. The length of time that a facility to be used by a
38 retained spring training franchise has been used by one or more
2249 spring training franchises, with priority given to a facility
2250 that has been in continuous use as a facility for spring
2251 training the longest.

2252 d. For those teams leasing a spring training facility from
2253 a unit of local government, the remaining time on the lease for
2254 facilities used by the spring training franchise, with priority
2255 given to the shortest time period remaining on the lease. For
2256 consideration under this subparagraph, the remaining time on the
2257 lease shall not exceed 5 years, unless an agreement of 15 years
2258 or more was entered into between July 1, 2003, and July 1, 2004.

2259 e. The duration of the future use agreement with the
2260 retained spring training franchise, with priority given to the
2261 future use agreement having the longest duration.

2262 f. The amount of the local match, with priority given to
33 the largest percentage of local match proposed.

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2264 ~~g. The net increase of total active recreation space owned~~
2265 ~~by the applying unit of local government following the~~
2266 ~~acquisition of land for the spring training facility, with~~
2267 ~~priority given to the largest percentage increase of total~~
2268 ~~active recreation space.~~

2269 ~~h. The location of the facility in a brownfield area, an~~
2270 ~~enterprise zone, a community redevelopment area, or another area~~
2271 ~~of targeted development or revitalization included in an urban~~
2272 ~~infill redevelopment plan, with priority given to facilities~~
2273 ~~located in those areas.~~

2274 ~~i. The projections on paid attendance attracted by the~~
2275 ~~facility and the proposed effect on the economy of the local~~
2276 ~~community, with priority given to the highest projected paid~~
2277 ~~attendance.~~

2278 (d) Funds may not be expended to subsidize privately owned
2279 and maintained facilities for use by the spring training
2280 franchise.

2281 (e) Funds may be used to relocate a retained spring
2282 training franchise to another unit of local government ~~only if~~
2283 ~~the existing unit of local government with the retained spring~~
2284 ~~training franchise agrees to the relocation. if approved by the~~
2285 Office of Tourism, Trade, and Economic Development.

2286 (6) (a) An applicant certified as a facility for a new
2287 professional sports franchise or a facility for a retained
2288 professional sports franchise or as a facility for a retained
2289 spring training franchise may use funds provided pursuant to s.
2290 212.40 only for the public purpose of paying for the
2291 acquisition, construction, reconstruction, or renovation of a
2292 facility for a new professional sports franchise, a facility for
2293 a retained professional sports franchise, or a facility for a

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2294 retained spring training franchise or to pay or pledge for the
2295 payment of debt service on, or to fund debt service reserve
2296 funds, arbitrage rebate obligations, or other amounts payable
2297 with respect to, bonds issued for the acquisition, construction,
2298 reconstruction, or renovation of such facility or for the
2299 reimbursement of such costs or the refinancing of bonds issued
2300 for such purposes.

2301 (b) Beginning September 1, 2008, and every year
2302 thereafter, each local governmental entity certified to receive
2303 funding for a facility for a retained spring training franchise
2304 shall submit to the Office of Tourism, Trade, and Economic
2305 Development a report that includes, but is not limited to, a
2306 copy of its most recent annual audit; a detailed report on all
2307 local and state funds expended to date on the project being
2308 financed pursuant to this section; a copy of the contract
2309 between the certified local governmental entity and the spring
2310 training team; and evidence that the certified applicant
2311 continues to meet the criteria set forth in subsection(5)(b)1.-
2312 5.

2313 (9) An applicant is not qualified for certification under
2314 this section if the franchise formed the basis for a previous
2315 certification, unless the previous certification was withdrawn
2316 by the facility or invalidated by the Office of Tourism, Trade,
2317 and Economic Development or the ¹Department of Commerce before
2318 any funds were distributed pursuant to s. 212.20, or has been
2319 decertified pursuant to subsection (10). This subsection does
2320 not disqualify an applicant if the previous certification
2321 occurred between May 23, 1993, and May 25, 1993; however, any
2322 funds to be distributed pursuant to s. 212.20 for the second
2323 certification shall be offset by the amount distributed to the
2324 previous certified facility. Distribution of funds for the

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2325 second certification shall not be made until all amounts payable
2326 for the first certification have been distributed.

2327 (10) (a) The Office of Tourism, Trade, and Economic
2328 Development may decertify an applicant upon receipt of
2329 information that the applicant no longer meets or satisfies the
2330 criteria in subsection (5) (b)1.-5 or upon request of the local
2331 government. The Office of Tourism, Trade, and Economic
2332 Development will notify the Department of Revenue within 10 days
2333 of the decertification.

2334 (b) The Office of Tourism, Trade, and Economic Development
2335 shall order a decertified applicant to repay the total amount of
2336 unencumbered state funds received by the applicant, and any
2337 interest earnings on these funds. These funds and their interest
2338 earnings shall be deposited in the General Revenue Fund.

2339 (11) For the purpose of retaining the tradition of spring
2340 training baseball in Florida, by December 31, 2008, the Office
2341 of Tourism, Trade, and Economic Development shall develop a
2342 comprehensive strategic plan related to the:

2343 (a) Financing of spring training facilities;

2344 (b) Certification and decertification processes, including
2345 development of contract or funding agreement to be signed by the
2346 Office and local governments, including local governments
2347 currently certified;

2348 (c) Claw-back of state funds from decertified local
2349 governments;

2350 (d) Monitoring and oversight of the state funds awarded to
2351 applicants;

2352 (e) Identification of the financial impact spring training
2353 has on the state of Florida;

2354 (e) Identification of efforts made by other states to
2355 develop or grow their baseball spring training efforts, and

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2356 their effect on Florida's relationship with professional
2357 baseball; and

2358 (f) Legislative recommendations on how to sustain or
2359 improve Florida's spring training tradition.

2360 A copy of the strategic plan shall be submitted to the Governor,
2361 the President of the Senate, and the Speaker of the House of
2362 Representatives.

2363 (12) (a) The Office of Tourism, Trade, and Economic
2364 Development shall conduct a national search for a qualified
2365 person to fill the position of Commissioner of Baseball in
2366 Florida, and the Executive Director of the Office of Tourism,
2367 Trade, and Economic Development shall hire the Commissioner of
2368 Baseball in Florida. Guidelines for selection of the
2369 Commissioner of Baseball in Florida shall include, but not be
2370 limited to, the Commissioner of Baseball in Florida having the
2371 following:

2372 1. A working knowledge of spring training baseball activities
2373 in Florida, including but not limited to, the financial and day-
2374 to-day operations of spring training baseball in Florida;

2375 2. Marketing and promotion experience related to spring
2376 training baseball in Florida;

2377 3. Experience working with the owners and general managers of
2378 professional baseball franchises; and

2379 4. Experience working with state and local governmental
2380 agencies.

2381 (b) The duties of the Commissioner of Baseball in Florida
2382 include, but are not limited to:

2383 1. Executing strategies and tactics as called for in the
2384 strategic plan, including, but not limited to, creating
2385 mechanism for building and maintaining a relationship that is

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6 mutually beneficial to the State of Florida and baseball
2387 ownership groups;

2388 2. Reporting to the director of the Office of Tourism,
2389 Trade, and Economic Development on competitive activities and
2390 factors that may threaten spring training in Florida;

2391 3. Developing, monitoring and reporting performance
2392 measures that represent and illustrate the status and health of
2393 baseball spring training in Florida;

2394 4. Evaluating and recommending program direction congruent
2395 with the strategic plan; and

2396 5. Implementing, monitoring, reporting and otherwise
2397 managing the implementation of incentive programs as authorized
2398 and funded by the Legislature.

2399 (13) (c) The Office of Tourism, Trade, and Economic
2400 Development may adopt rules pursuant to s. 120.536(1) and s.
2401 120.54 to administer this section.

2402 Section 22. Subsection (8) is added to section
2403 288.1254, Florida Statutes, to read: 288.1254 Entertainment
2404 industry financial incentive program.--

2405 (8) REVERSION OF FUNDS; USE FOR FILM OR ARTS
2406 FESTIVALS.--Notwithstanding any provision of s. 216.301 to the
2407 contrary, funds appropriated for the purposes of implementing
2408 this section shall not revert until the end of the second fiscal
2409 year of the appropriation. Upon determination by the Office of
2410 Film and Entertainment, up to \$1.5 million of funds appropriated
2411 in fiscal year 2008-2009, may be used for international cultural
2412 festival planning and programming that generates significant
2413 regional or statewide return on investment and utilizes existing
2414 state-owned cultural facilities

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2415 Section 23. Section 288.7102, Florida Statutes, is amended
2416 to read:

2417 288.7102 Black Business Loan Program.--

2418 (1) The Black Business Loan Program is established in the
2419 Office of Tourism, Trade, and Economic Development. Under the
2420 program, the office shall annually certify eligible recipients
2421 and subsequently disburse funds appropriated by the Legislature,
2422 through such eligible recipients, to black business enterprises
2423 that cannot obtain capital through conventional lending
2424 institutions but that could otherwise compete successfully in
2425 the private sector.

2426 (2)-(1) The office shall establish an a uniform, open, and
2427 competitive application and annual certification process for
2428 entities seeking eligible recipients who seek funds to
2429 participate in providing provide loans, loan guarantees, or
2430 investments in black business enterprises pursuant to the
2431 Florida Black Business Investment Act. The board shall receive
2432 the applications and make recommendations for certification to
2433 the office. The office shall processes all applications and
2434 recertifications submitted by July 1 on or before September 30.

2435 (3)-(2) If the Black Business Loan Program is appropriated
2436 any funding in a fiscal year, the office shall distribute an
2437 equal amount of the appropriation, calculated as the total
2438 annual appropriation divided by the total number of the program
2439 recipients certified on or before September 30 of that fiscal
2440 year ~~The office, in consultation with the board, shall develop~~
2441 ~~an allocation policy to ensure that services provided under ss.~~
2442 ~~288.707-288.714 for the benefit of black business enterprises~~
2443 ~~are disbursed equitably throughout the state. The board shall~~
2444 ~~facilitate the formation of black business investment~~

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2445 ~~corporations in communities that are not served by such~~
2446 ~~corporations.~~

2447 ~~(4)-(3)~~ To be eligible to receive funds and provide loans,
2448 loan guarantees, or investments under this section, a recipient
2449 must:

2450 (a) Be a corporation registered in the state.

2451 (b) Demonstrate that its board of directors includes
2452 citizens of the state experienced in the development of black
2453 business enterprises.

2454 (c) Demonstrate that the recipient has a business plan
2455 that allows the recipient to operate in a manner consistent with
2456 ss. 288.707-288.714 and the rules of the office.

2457 (d) Demonstrate that the recipient has the technical
2458 skills to analyze and evaluate applications by black business
2459 enterprises for loans, loan guarantees, or investments.

2460 (e) Demonstrate that the recipient has established viable
2461 partnerships with public and private funding sources, economic
2462 development agencies, and workforce development and job referral
2463 networks.

2464 (f) Demonstrate that the recipient can provide a private
2465 match equal to 20 percent of the amount of funds provided by the
2466 office.

2467 (g) Agree to maintain the recipient's books and records
2468 relating to funds received by the office according to generally
2469 accepted accounting principles and in accordance with the
2470 requirements of s. 215.97(7) and to make those books and records
2471 available to the office for inspection upon reasonable notice.

2472 ~~(5)-(4)~~ The board shall annually recommend to the office
2473 certification of each eligible recipient, who must meet the
2474 provisions of ss. 288.707-288.714, the terms of the contract
2475 between the recipient and the office, and any other applicable

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2476 state or federal laws. An entity may not receive funds under ss.
2477 288.707-288.714 unless the entity meets annual certification
2478 requirements.

2479 ~~(6)~~(5) Upon approval by the office and prior to release of
2480 the funds as provided in this section, the office shall issue a
2481 letter certifying the applicant as qualified for an award. The
2482 office and the applicant shall enter into an agreement that sets
2483 forth the conditions for award of the funds. The agreement must
2484 include the total amount of funds awarded; the performance
2485 conditions that must be met once the funding has been awarded,
2486 including, but not limited to, compliance with all of the
2487 requirements of this section for eligible recipients of funds
2488 under this section; and sanctions for failure to meet
2489 performance conditions, including any provisions to recover
2490 awards.

2491 ~~(7)~~(6)(a) The office, in consultation with the board,
2492 shall adopt rules pursuant to ss. 120.536(1) and 120.54 to
2493 implement this section.

2494 (b) The board shall adopt policies and procedures
2495 necessary to implement this section.

2496 ~~(8)~~(7) A black business investment corporation certified
2497 by the office as an eligible recipient under this section is
2498 authorized to use funds appropriated for the Black Business Loan
2499 Program in any of the following forms:

2500 (a) Purchases of stock, preferred or common, voting or
2501 nonvoting; however, no more than 40 percent of the funds may be
2502 used for direct investments in black business enterprises;

2503 (b) Loans or loan guarantees, with or without recourse, in
2504 either a subordinated or priority position; or

2505 (c) Technical support to black business enterprises, not
2506 to exceed 7 percent of the funds received, and direct

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17 administrative costs, not to exceed 10 percent of the funds
2508 received.

2509 ~~(9)~~ It is the intent of the Legislature that if any one
2510 type of investment mechanism authorized in subsection ~~(8)~~ ~~(7)~~ is
2511 held to be invalid, all other valid mechanisms remain available.

2512 ~~(10)~~ All loans, loan guarantees, and investments, and
2513 any income related thereto, shall be used to carry out the
2514 public purpose of ss. 288.707-288.714, which is to develop black
2515 business enterprises. This subsection does not preclude a
2516 reasonable profit for the participating black business
2517 investment corporation or for return of equity developed to the
2518 state and participating financial institutions upon any
2519 distribution of the assets or excess income of the investment
2520 corporation.

2521 Section 24. Section 288.955, Florida Statutes, is amended
2522 to read:

2523 288.955 Scripps Florida Funding Corporation.--

2524 (1) DEFINITIONS.--As used in this section, the term:

2525 (a) "Agreement" means an agreement between the Office of
2526 Tourism, Trade, and Economic Development and recipients of
2527 Innovation Incentive Program grants pursuant to s. 288.1089.

2528 ~~(b)~~ "Contract" means the contract executed between the
2529 corporation and the grantee under this section.

2530 ~~(c)~~ "Corporation" means the Scripps Florida Funding
2531 Corporation created under this section.

2532 ~~(d)~~ "Grantee" means The Scripps Research Institute, a
2533 not-for-profit public benefit corporation, or a division,
2534 subsidiary, affiliate, or entity formed by The Scripps Research
2535 Institute to establish a state-of-the-art biomedical research
2536 institution and campus in this state.

37 (2) CREATION.--

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38 (a) There is created a not-for-profit corporation known as
2539 the Scripps Florida Funding Corporation, which shall be
2540 registered, incorporated, organized, and operated under chapter
2541 617.

2542 (b) The corporation is not a unit or entity of state
2543 government. However, the corporation is subject to the
2544 provisions of s. 24, Art. I of the State Constitution and
2545 chapter 119, relating to public meetings and records, and the
2546 provisions of chapter 286 relating to public meetings and
2547 records.

2548 (c) The corporation must establish at least one corporate
2549 office in this state and appoint a registered agent.

2550 (d) The corporation shall hire or contract for all staff
2551 necessary to the proper execution of its powers and duties
2552 within the funds appropriated to implement this section and
53 shall require that all officers, directors, and employees of the
2554 corporation comply with the code of ethics for public officers
2555 and employees under part III of chapter 112. In no case may the
2556 corporation expend more than \$300,000 in the first year and
2557 \$200,000 per year thereafter for staffing and necessary
2558 administrative expenditures, including, but not limited to,
2559 travel and per diem and audit expenditures, using funds
2560 appropriated to implement this section.

2561 (e) The Office of Tourism, Trade, and Economic Development
2562 shall provide administrative support to the corporation as
2563 requested by the corporation. In the event of the dissolution of
2564 the corporation, the office shall be the corporation's successor
2565 in interest and shall assume all rights, duties, and obligations
2566 of the corporation under any contract to which the corporation
2567 is then a party and under law.

58 (3) PURPOSES PURPOSE.--

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2570 (a) The corporation shall be organized to receive, hold,
2571 invest, administer, and disburse funds appropriated by the
2572 Legislature for the establishment and operation of a state-of-
2573 the-art biomedical research institution and campus in this state
2574 by The Scripps Research Institute. The corporation shall
2575 safeguard the state's commitment of financial support by
2576 ensuring that, as a condition for the receipt of these funds,
2577 the grantee meets its contractual obligations. In this manner,
2578 the corporation shall facilitate and oversee the state goal and
2579 public purpose of providing financial support for the
2580 institution and campus in order to expand the amount and
2581 prominence of biomedical research conducted in this state,
2582 provide an inducement for high-technology businesses to locate
2583 in this state, create educational opportunities through access
2584 to and partnerships with the institution, and promote improved
2585 health care through the scientific outcomes of the institution.

2585 (b) The corporation also shall serve in an oversight
2586 capacity for the Innovation Incentive Program created in s.
2587 288.1089. In that capacity, the corporation shall enter into a
2588 partnership with the Office of Tourism, Trade, and Economic
2589 Development and Enterprise Florida, Inc., in reviewing the
2590 performance and progress of grant recipients of the Innovation
2591 Incentive Program.

2592 (4) BOARD; MEMBERSHIP.--The corporation shall be governed
2593 by a board of directors.

2594 (a) The board of directors shall consist of nine voting
2595 members, of whom the Governor shall appoint three, the President
2596 of the Senate shall appoint three, and the Speaker of the House
2597 of Representatives shall appoint three. The director of the
2598 Office of Tourism, Trade, and Economic Development or the

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99 director's designee shall serve as an ex-officio, nonvoting
2600 member of the board of directors.

2601 (b) Each member of the board of directors shall serve for
2602 a term of 4 years, and ~~except that initially the Governor, the~~
2603 ~~President of the Senate, and the Speaker of the House of~~
2604 ~~Representatives each shall appoint one member for a term of 1~~
2605 ~~year, one member for a term of 2 years, and one member for a~~
2606 ~~term of 4 years to achieve staggered terms among the members of~~
2607 ~~the board. a member is not eligible for reappointment to the~~
2608 ~~board, except, however, that a member appointed to an initial~~
2609 ~~term of 1 year or 2 years may be reappointed for an additional~~
2610 ~~term of 4 years, and a person appointed to fill a vacancy with 2~~
2611 ~~years or less remaining on the term may be reappointed for an~~
2612 ~~additional term of 4 years. The Governor, the President of the~~
2613 ~~Senate, and the Speaker of the House of Representatives shall~~
2614 ~~make their initial appointments to the board by November 15,~~
2615 ~~2003.~~

2616 (c) The Governor, the President of the Senate, or the
2617 Speaker of the House of Representatives, respectively, shall
2618 fill a vacancy on the board of directors, according to who
2619 appointed the member whose vacancy is to be filled or whose term
2620 has expired. A vacancy that occurs before the scheduled
2621 expiration of the term of the member shall be filled for the
2622 remainder of the unexpired term.

2623 (d) Each member of the board of directors who is not
2624 otherwise required to file financial disclosure under s. 8, Art.
2625 II of the State Constitution or s. 112.3144 shall file
2626 disclosure of financial interests under s. 112.3145.

2627 (e) A person may not be appointed to the board of
2628 directors if he or she has had any direct interest in any
2629 contract, franchise, privilege, or other benefit granted by The

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2630 Scripps Research Institute, or any of its affiliate
2631 organizations, or with any grant recipients of the Innovation
2632 Incentive Program within 5 years before appointment. A person
2633 appointed to the board of directors must agree to refrain from
2634 having any direct interest in any contract, franchise,
2635 privilege, or other benefit granted by The Scripps Research
2636 Institute, or any of its affiliate organizations, or with any
2637 grant recipients of the Innovation Incentive Program during the
2638 term of his or her appointment and for 5 years after the
2639 termination of such appointment. It is a misdemeanor of the
2640 first degree, punishable as provided in s. 775.083 or s.
2641 775.084, for a person to accept appointment to the board of
2642 directors in violation of this paragraph or to accept a direct
2643 interest in any contract, franchise, privilege, or other benefit
2644 granted by the institution or affiliate within 5 years after the
2645 termination of his or her service on the board.

2646 (f) Each member of the board of directors shall serve
2647 without compensation, but shall receive travel and per diem
2648 expenses as provided in s. 112.061 while in the performance of
2649 his or her duties.

2650 (g) Each member of the board of directors is accountable
2651 for the proper performance of the duties of office, and each
2652 member owes a fiduciary duty to the people of the state to
2653 ensure that funds provided in furtherance of this section are
2654 disbursed and used as prescribed by law and contract. The
2655 Governor, the President of the Senate, or the Speaker of the
2656 House of Representatives, according to which officer appointed
2657 the member, may remove a member for malfeasance, misfeasance,
2658 neglect of duty, incompetence, permanent inability to perform
2659 official duties, unexcused absence from three consecutive
2660 meetings of the board, arrest or indictment for a crime that is

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2661 a felony or a misdemeanor involving theft or a crime of
2662 dishonesty, or pleading nolo contendere to, or being found
2663 guilty of, any crime.

2664 (5) ORGANIZATION; MEETINGS.--

2665 (a)1. The board of directors shall annually elect a
2666 chairperson and a vice chairperson from among the board's
2667 members. The members may, by a vote of five of the nine board
2668 members, remove a member from the position of chairperson or
2669 vice chairperson prior to the expiration of his or her term as
2670 chairperson or vice chairperson. His or her successor shall be
2671 elected to serve for the balance of the removed chairperson's or
2672 vice chairperson's term.

2673 2. The chairperson is responsible to ensure that records
2674 are kept of the proceedings of the board of directors and is the
2675 custodian of all books, documents, and papers filed with the
2676 board; the minutes of meetings of the board; and the official
2677 seal of the corporation.

2678 (b)1. The board of directors shall meet upon the call of
2679 the chairperson or at the request of a majority of the members,
2680 but no less than three times per calendar year.

2681 2. A majority of the voting members of the board of
2682 directors constitutes a quorum. Except as otherwise provided in
2683 this section, the board may take official action by a majority
2684 vote of the members present at any meeting at which a quorum is
2685 present. Members may not vote by proxy.

2686 3. A member of the board may participate in a meeting of
2687 the board by telephone or videoconference through which each
2688 member may hear every other member.

2689 (c) The corporation may include on the same meeting agenda
2690 matters related to The Scripps Research Institute and the
2691 Innovation Incentive Program.

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92 (6) POWERS AND DUTIES.--

2693 (a) The corporation is organized to receive, hold, invest,
2694 administer, and disburse funds appropriated by the Legislature
2695 in support of The Scripps Research Institute ~~this section~~ and to
2696 disburse any income generated from the investment of these funds
2697 consistent with the purpose and provisions of this section. In
2698 addition to the powers and duties prescribed in chapter 617 and
2699 the articles and bylaws adopted under that chapter, the
2700 corporation:

2701 1.(a) May make and enter into contracts and assume any
2702 other functions that are necessary to carry out the provisions
2703 of this section related to The Scripps Research Institute.

2704 2.(b) May enter into leases and contracts for the purchase
2705 of real property and hold notes, mortgages, guarantees, or
2706 security agreements to secure the performance of obligations of
2707 the grantee under the contract.

2708 3.(e) May perform all acts and things necessary or
2709 convenient to carry out the powers expressly granted in this
2710 section and in the a contract entered into between the
2711 corporation and the grantee.

2712 4.(d) May make expenditures, from funds provided by this
2713 state, including any necessary administrative expenditures
2714 consistent with its powers.

2715 ~~(e) May indemnify, and purchase and maintain insurance on~~
2716 ~~behalf of, directors, officers, and employees of the corporation~~
2717 ~~against any personal liability or accountability.~~

2718 5.(f) Shall disburse funds pursuant to the provisions of
2719 this section and a contract entered into between the corporation
2720 and the grantee.

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2721 6.(g) Shall receive and review reports and financial
2722 documentation provided by the grantee to ensure compliance with
2723 the provisions of this section and provisions of the contract.

2724 7.(h) Shall prepare an annual report as prescribed in
2725 subsection (14).

2726 (b) The corporation also is directed to:

2727 1. Review the business plans, quarterly reports, annual
2728 reports, and audit reports of entities that have received a
2729 grant from the Innovation Incentive Program pursuant to s.
2730 288.1089.

2731 2. Invite all Innovation Incentive Program grant
2732 recipients to appear at its meetings to present progress reports
2733 on their activities.

2734 3. Prepare an annual report as prescribed in subsection
2735 (15).

2736 (c) The corporation may indemnify, purchase, and maintain
2737 insurance on behalf of directors, officers, and employees of the
2738 corporation against any personal liability or accountability.

2739 (d) The corporation may otherwise perform all acts and
2740 things necessary or convenient to carry out the powers expressly
2741 granted in this section.

2742 (7) INVESTMENT OF FUNDS.--The corporation must enter into
2743 an agreement with the State Board of Administration under which
2744 funds received by the corporation from the Office of Tourism,
2745 Trade, and Economic Development which are not disbursed to the
2746 grantee shall be invested by the State Board of Administration
2747 on behalf of the corporation. Funds shall be invested in
2748 suitable instruments authorized under s. 215.47 and specified in
2749 investment guidelines established and agreed to by the State
2750 Board of Administration and the corporation.

51 (8) CONTRACT.--

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52 (a) The 20-year contract negotiated and executed by the
2753 corporation with the grantee ~~By January 30, 2004, the~~
2754 ~~corporation shall negotiate and execute a contract with the~~
2755 ~~grantee for a term of 20 years. Such contract shall govern the~~
2756 ~~disbursement and use of funds under this section. The board may,~~
2757 ~~by a simple majority vote, authorize one 45 day extension of~~
2758 ~~this deadline. The corporation may not execute the contract~~
2759 ~~unless the contract is approved by the affirmative vote of at~~
2760 ~~least seven of the nine members of the board of directors. At~~
2761 ~~least 14 days before execution of the contract, The Scripps~~
2762 ~~Research Institute must submit to the board, the Governor, the~~
2763 ~~President of the Senate, and the Speaker of the House of~~
2764 ~~Representatives an organizational plan, in a form and manner~~
2765 ~~prescribed by the board, for the establishment of a state of~~
2766 ~~the art biomedical research institution and campus in this~~
57 ~~state, and the board must submit a copy of the proposed contract~~
2768 ~~to the Governor, the President of the Senate, and the Speaker of~~
2769 ~~the House of Representatives.~~

2770 (b) ~~The contract, at a minimum, must contain provisions:~~

2771 1. ~~Specifying the procedures and schedules that govern the~~
2772 ~~disbursement of funds under this section and specifying the~~
2773 ~~conditions or deliverables that the grantee must satisfy before~~
2774 ~~the release of each disbursement.~~

2775 2. ~~Requiring the grantee to submit to the corporation a~~
2776 ~~business plan in a form and manner prescribed by the~~
2777 ~~corporation.~~

2778 3. ~~Prohibiting The Scripps Research Institute or the~~
2779 ~~grantee from establishing other biomedical science or research~~
2780 ~~facilities in any state other than this state or California for~~
2781 ~~a period of 12 years from the commencement of the contract.~~

82 ~~Nothing in this subparagraph shall prohibit the grantee from~~

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2783 establishing or engaging in normal collaborative activities with
2784 other organizations.

2785 4. Governing the ownership of or security interests in
2786 real property and personal property, including, but not limited
2787 to, research equipment, obtained through the financial support
2788 of state or local government, including a provision that in the
2789 event of a breach of the contract or in the event the grantee
2790 ceases operations in this state, such property purchased with
2791 state funds shall revert to the state and such property
2792 purchased with local funds shall revert to the local governing
2793 authority.

2794 5. Requiring the grantee to be an equal opportunity
2795 employer.

2796 6. Requiring the grantee to maintain a policy of awarding
2797 preference in employment to residents of this state, as defined
2798 by law, except for professional scientific staff positions
2799 requiring a doctoral degree, postdoctoral training positions,
2800 and graduate student positions.

2801 7. Requiring the grantee to maintain a policy of making
2802 purchases from vendors in this state, to the extent it is cost-
2803 effective and scientifically sound.

2804 8. Requiring the grantee to use the Internet-based job-
2805 listing system of the Agency for Workforce Innovation in
2806 advertising employment opportunities.

2807 9. Requiring the grantee to establish accredited science
2808 degree programs.

2809 10. Requiring the grantee to establish internship programs
2810 to create learning opportunities for educators and secondary,
2811 postsecondary, graduate, and doctoral students.

2812 11. Requiring the grantee to submit data to the
2813 corporation on the activities and performance during each fiscal

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2814 year and to provide to the corporation an annual accounting of
2815 the expenditure of funds disbursed under this section.

2816 12. Establishing that the corporation shall review the
2817 activities of the grantee to assess the grantee's financial and
2818 operational compliance with the provisions of the contract and
2819 with relevant provisions of law.

2820 13. Authorizing the grantee, when feasible, to use
2821 information submitted by it to the Federal Government or to
2822 other organizations awarding research grants to the grantee to
2823 help meet reporting requirements imposed under this section or
2824 the contract, if the information satisfies the reporting
2825 standards of this section and the contract.

2826 14. Unless amended pursuant to the force majeure
2827 provisions in subsection (18), requiring the grantee during the
2828 first 7 years of the contract to create 545 positions and to
2829 acquire associated research equipment for the grantee's facility
2830 in this state, and pay for related maintenance of the equipment,
2831 in a total amount of not less than \$45 million.

2832 15. Requiring the grantee to progress in the creation of
2833 the total number of jobs prescribed in subparagraph 14. on the
2834 following schedule: At least 38 positions in the 1st year, 168
2835 positions in the 2nd year, 280 positions in the 3rd year, 367
2836 positions in the 4th year, 436 positions in the 5th year, 500
2837 positions in the 6th year, and 545 positions in the 7th year.
2838 The corporation's board of directors may allow the grantee to
2839 deviate downward from such employee levels by 25 percent in any
2840 year, to allow the grantee flexibility in achieving the
2841 objectives set forth in the business plan provided to the
2842 corporation; however, the grantee must have no fewer than 545
2843 positions by the end of the 7th year.

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4 16. Requiring the grantee to allow the corporation to
2845 retain an independent certified public accountant licensed in
2846 this state pursuant to chapter 473 to inspect the records of the
2847 grantee in order to audit the expenditure of funds disbursed to
2848 the grantee. The independent certified public accountant shall
2849 not disclose any confidential or proprietary scientific
2850 information of the grantee.

2851 17. Requiring the grantee to purchase liability insurance
2852 and governing the coverage level of such insurance.

2853 ~~(b)-(e)~~ An amendment to the contract is not effective
2854 unless it is approved by the affirmative vote of at least seven
2855 of the nine members of the board of directors.

2856 (9) PERFORMANCE EXPECTATIONS FOR THE SCRIPPS RESEARCH
2857 INSTITUTE.--In addition to the provisions prescribed in
2858 subsection (8), the contract between the corporation and the
59 grantee shall include a provision that the grantee, in
2860 cooperation with the Office of Tourism, Trade, and Economic
2861 Development, shall report to the corporation on an annual basis
2862 certain performance expectations that reflect the aspirations of
2863 the Governor and the Legislature for the benefits accruing to
2864 this state as a result of the funds appropriated pursuant to
2865 this section. These shall include, but are not limited to,
2866 performance expectations addressing:

2867 (a) The number and dollar value of research grants
2868 obtained from the Federal Government or sources other than this
2869 state.

2870 (b) The percentage of total research dollars received by
2871 The Scripps Research Institute from sources other than this
2872 state which is used to conduct research activities by the
2873 grantee in this state.

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- 74 (c) The number or value of patents obtained by the
2875 grantee.
- 2876 (d) The number or value of licensing agreements executed
2877 by the grantee.
- 2878 (e) The extent to which research conducted by the grantee
2879 results in commercial applications.
- 2880 (f) The number of collaborative agreements reached and
2881 maintained with colleges and universities in this state and with
2882 research institutions in this state, including agreements that
2883 foster participation in research opportunities by public and
2884 private colleges and universities and research institutions in
2885 this state with significant minority populations, including
2886 historically black colleges and universities.
- 2887 (g) The number of collaborative partnerships established
2888 and maintained with businesses in this state.
- 39 (h) The total amount of funding received by the grantee
2890 from sources other than the State of Florida.
- 2891 (i) The number or value of spin-off businesses created in
2892 this state as a result of commercialization of the research of
2893 the grantee.
- 2894 (j) The number or value of businesses recruited to this
2895 state by the grantee.
- 2896 (k) The establishment and implementation of policies to
2897 promote supplier diversity using the guidelines developed by the
2898 Office of Supplier Diversity under s. 287.09451 and to comply
2899 with the ordinances, including any small business ordinances,
2900 enacted by the county and which are applicable to the biomedical
2901 research institution and campus located in this state.
- 2902 (l) The designation by the grantee of a representative to
2903 coordinate with the Office of Supplier Diversity.

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14 (m) The establishment and implementation of a program to
2905 conduct workforce recruitment activities at public and private
2906 colleges and universities and community colleges in this state
2907 which request the participation of the grantee.

2908
2909 ~~The contract shall require the grantee to provide information to~~
2910 ~~the corporation on the progress in meeting these performance~~
2911 ~~expectations on an annual basis.~~ It is the intent of the
2912 Legislature that, in fulfilling its obligation to work with
2913 Florida's public and private colleges and universities, The
2914 Scripps Research Institute's Florida facility work with such
2915 colleges and universities regardless of size.

2916 (10) DISBURSEMENT CONDITIONS.--In addition to the
2917 provisions prescribed in subsection (8), the contract between
2918 the corporation and the grantee shall include disbursement
19 conditions that must be satisfied by the grantee as a condition
2920 for the continued disbursement of funds under this section.
2921 These disbursement conditions shall be negotiated between the
2922 corporation and the grantee and shall not be designed to impede
2923 the ability of the grantee to attain full operational status.
2924 The disbursement conditions may be appropriately varied as to
2925 timeframes, numbers, values, and percentages. The disbursement
2926 conditions shall include, but are not limited to, the following
2927 areas:

2928 (a) Demonstrate creation of jobs and report on the average
2929 salaries paid.

2930 (b) Beginning 18 months after the grantee's occupancy of
2931 its permanent facility, the grantee shall annually obtain
2932 \$100,000 of nonstate funding for each full-time equivalent
2933 tenured-track faculty member employed at the grantee's Florida
34 facility.

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35 (c) No later than 3 years after the grantee's occupancy of
2936 its permanent facility, the grantee shall apply to the relevant
2937 accrediting agency for accreditation of its Florida graduate
2938 program.

2939 (d) The grantee shall purchase equipment for its Florida
2940 facility as scheduled in its contract with the corporation.

2941 (e) No later than 18 months after occupying its permanent
2942 facility, the grantee shall establish a program for qualified
2943 graduate students from Florida universities permitting them
2944 access to the facility for doctoral, thesis-related research.

2945 (f) No later than 18 months after occupancy of the
2946 permanent facility, the grantee shall establish a summer
2947 internship for high school students.

2948 (g) No later than 3 years after occupancy of the permanent
2949 facility, the grantee shall establish a research program for
50 middle and high school teachers.

2951 (h) No later than 18 months after occupancy of the
2952 permanent facility, the grantee shall establish a program for
2953 adjunct professors.

2954 (i) No later than 6 months after commissioning its high
2955 throughput technology, the grantee shall establish a program to
2956 allow open access for qualified science projects.

2957 (j) ~~Beginning June 2004,~~ The grantee shall collaborate
2958 ~~commence collaborative efforts~~ with Florida public and private
2959 colleges and universities, and shall continue cooperative
2960 collaboration through the term of the agreement.

2961 (k) Beginning 18 months after the grantee occupies the
2962 permanent facility, the grantee shall establish an annual
2963 seminar series featuring a review of the science work done by
2964 the grantee and its collaborators at the Florida facility.

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2965 (1) ~~Beginning June 2004,~~ The grantee shall collaborate
2966 ~~commence collaboration efforts~~ with the Office of Tourism,
2967 Trade, and Economic Development by complying with reasonable
2968 requests for cooperation in economic development efforts in the
2969 biomed/biotech industry. ~~No later than July 2004,~~ The grantee
2970 shall also designate a person who shall be charged with
2971 assisting in these collaborative efforts.

2972 (11) DISBURSEMENTS TO THE SCRIPPS RESEARCH INSTUTUTE.--

2973 (a) The corporation shall disburse funds to the grantee
2974 over a period of 7 calendar years starting in the calendar year
2975 beginning January 1, 2004, under the terms and conditions of the
2976 contract. The corporation shall complete disbursement of the
2977 total amount of funds payable to the grantee under the contract
2978 no later than December 31, 2010, unless the grantee fails to
2979 satisfy the terms and conditions of the contract. Any funds of
2980 the corporation that are not disbursed by December 31, 2010,
2981 shall be paid to the Biomedical Research Trust Fund of the
2982 Department of Health.

2983 (b) The contract shall provide for a reduction or
2984 elimination of funding in any year if:

- 2985 1. The grantee is no longer operating in this state;
2986 2. The grantee has failed to commit in writing to maintain
2987 operations in the state for the succeeding year; or
2988 3. The grantee commits a material default or breach of the
2989 contract, as defined and governed by the contract. Determination
2990 of material default or breach of contract shall require the
2991 affirmative vote of at least seven of the nine members of the
2992 board.

2993 (c) Each disbursement by the corporation to the grantee
2994 under this section is conditioned upon the affirmative approval
2995 of at least five of the nine members of the board of directors

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2996 and upon demonstration by the grantee that it has met the
2997 particular contractual deliverables that are the basis for that
2998 disbursement.

2999 (12) USE OF FUNDS.--

3000 (a) Funds appropriated in furtherance of this section may
3001 not be disbursed or expended for activities that do not
3002 principally benefit or that are not directly related to the
3003 establishment or operation of the grantee in this state, except
3004 upon approval of the affirmative vote of at least seven of the
3005 nine members of the board of directors.

3006 (b) ~~No~~ Funds appropriated in furtherance of this section
3007 may not be used for the purpose of lobbying any branch or agency
3008 of state government or any political subdivision of the state.

3009 (c) The grantee must provide for separate accounts for any
3010 funds appropriated in furtherance of this section and separate
3011 books and records relating to The Scripps Research Institute's
3012 Florida operation.

3013 (13) REINVESTMENT.--

3014 (a) The grantee shall reinvest 15 percent of the net
3015 royalty revenues, including the revenues from the sale of stock,
3016 received by The Scripps Research Institute from the licensing or
3017 transfer of inventions, methods, processes, and other patentable
3018 discoveries conceived or reduced to practice using the grantee's
3019 Florida facilities or Florida employees, in whole or in part,
3020 and to which the grantee becomes entitled during the 20 years
3021 following the effective date of the contract between the
3022 corporation and the grantee. For purposes of this paragraph, the
3023 term "net royalty revenues" means all royalty revenues less the
3024 cost of obtaining, maintaining, and enforcing related patent and
3025 intellectual property rights, both foreign and domestic.

26 Reinvestment payments under this paragraph shall commence no

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3027 later than 6 months after the grantee has received the final
3028 disbursement under the contract and shall continue until the
3029 maximum reinvestment has been paid.

3030 (b) The grantee shall reinvest 15 percent of the gross
3031 revenues it receives from naming opportunities associated with
3032 any facility it builds in this state. For purposes of this
3033 section, the term "naming opportunities" includes charitable
3034 donations from any person or entity in consideration for the
3035 right to have all or a portion of the facility named for or in
3036 the memory of any person, living or dead, or for any entity. The
3037 obligation to make reinvestment payments under this section
3038 shall commence upon the execution of the contract between the
3039 corporation and the grantee.

3040
3041 All reinvestment payments made pursuant to this section shall be
3042 remitted to the state for deposit in the Biomedical Research
3043 Trust Fund or, if such fund has ceased to exist, in another
3044 trust fund that supports biomedical research, as determined by
3045 law. The maximum reinvestment required of the grantee pursuant
3046 to this subsection shall not exceed \$200 million. At such time
3047 as the reinvestment payments equal \$155 million or the contract
3048 expires, whichever is earlier, the board of the corporation
3049 shall determine whether the performance expectations and
3050 disbursement conditions have been met. If the board determines
3051 that the performance expectations and disbursement conditions
3052 have been met, the amount of \$200 million shall be reduced to
3053 \$155 million. The grantee shall annually submit a schedule of
3054 the shares of stock held by it as payment of the royalty
3055 referred to in paragraph (a) and report on any trades or
3056 activity concerning such stock. The grantee's obligations under

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3057 this subsection shall survive the expiration or termination of
3058 the contract between the corporation and the grantee.

3059 (14) ANNUAL REPORT ON THE SCRIPPS RESEARCH INSTITUTE.--By
3060 December 1 of each year, the corporation shall prepare a report
3061 of the activities and outcomes under this section for the
3062 preceding fiscal year. The report, at a minimum, must include:

3063 (a) A description of the activities of the corporation in
3064 managing and enforcing the contract with the grantee.

3065 (b) An accounting of the amount of funds disbursed during
3066 the preceding fiscal year to the grantee.

3067 (c) An accounting of expenditures by the grantee during
3068 the fiscal year of funds disbursed under this section.

3069 (d) Information on the number and salary level of jobs
3070 created by the grantee, including the number and salary level of
3071 jobs created for residents of this state.

3072 (e) Information on the amount and nature of economic
3073 activity generated through the activities of the grantee.

3074 (f) An assessment of factors affecting the progress toward
3075 achieving the projected biotech industry cluster associated with
3076 the grantee's operations, as projected by economists on behalf
3077 of the Executive Office of the Governor.

3078 (g) A compliance and financial audit of the accounts and
3079 records of the corporation at the end of the preceding fiscal
3080 year conducted by an independent certified public accountant in
3081 accordance with rules of the Auditor General.

3082 (h) A description of the status of the performance
3083 expectations under subsection (9) and the disbursement
3084 conditions under subsection (10).
3085

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36 The corporation shall submit the report to the Governor, the
3087 President of the Senate, and the Speaker of the House of
3088 Representatives.

3089 (15) REPORT ON INNOVATION INCENTIVE PROGRAM

3090 ACTIVITIES.--The corporation shall prepare an annual report of
3091 the activities and outcomes related to its oversight role for
3092 the Innovation Incentive Program for the preceding fiscal year.
3093 The report, at a minimum, must include:

3094 (a) An assessment of the progress made by each grant
3095 recipient of the Innovation Incentive Program in achieving its
3096 agreement objectives, benchmarks, and performance expectations,
3097 and a discussion of all relevant factors related to its progress
3098 or lack thereof.

3099 (b) A review of the previous year's compliance and
3100 financial audits of the accounts and records of each grant
3101 recipient conducted by an independent certified public
3102 accountant in accordance with rules of the Auditor General.

3103 (c) Any recommended legislative changes or administrative
3104 improvements that may be undertaken by the Executive Office of
3105 the Governor.

3106
3107 The corporation shall submit the report to the Governor, the
3108 President of the Senate, and the Speaker of the House of
3109 Representatives by January 10 of each year, beginning in 2009.

3110 (16) ~~(15)~~ PROGRAM EVALUATION.--

3111 (a) Before January 1, 2007, the Office of Program Policy
3112 Analysis and Government Accountability shall conduct a
3113 performance audit of the Office of Tourism, Trade, and Economic
3114 Development and the corporation relating to the provisions of
3115 this section. The audit shall assess the implementation and

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16 outcomes of activities under this section. At a minimum, the
3117 audit shall address:

3118 1. Performance of the Office of Tourism, Trade, and
3119 Economic Development in disbursing funds appropriated under this
3120 section.

3121 2. Performance of the corporation in managing and
3122 enforcing the contract with the grantee.

3123 3. Compliance by the corporation with the provisions of
3124 this section and the provisions of the contract.

3125 4. Economic activity generated through funds disbursed
3126 under the contract.

3127 (b) Before January 1, 2010, the Office of Program Policy
3128 Analysis and Government Accountability shall update the report
3129 required under paragraph (a) this subsection. In addition to
3130 addressing the items prescribed in paragraph (a), the updated
3131 report shall include a recommendation on whether the Legislature
3132 should retain the statutory authority for the corporation taking
3133 into account the corporation's oversight role for the Innovation
3134 Incentive Program.

3135
3136 A report of each audit's findings and recommendations shall be
3137 submitted to the Governor, the President of the Senate, and the
3138 Speaker of the House of Representatives. In completing the
3139 performance audits required under this subsection, the Office of
3140 Program Policy Analysis and Government Accountability shall
3141 maximize the use of reports submitted by the grantee to the
3142 Federal Government or to other organizations awarding research
3143 grants to the grantee.

3144 ~~(17)(16)~~ LIABILITY.--

3145 (a) The appropriation or disbursement of funds under this
16 section does not constitute a debt, liability, or obligation of

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17 the State of Florida, any political subdivision thereof, or the
3148 corporation or a pledge of the faith and credit of the state or
3149 of any such political subdivision.

3150 (b) The appropriation or disbursement of funds under this
3151 section does not subject the State of Florida, any political
3152 subdivision thereof, or the corporation to liability related to
3153 the research activities and research products of the grantee.

3154 (18)~~(17)~~ FORCE MAJEURE.--Notwithstanding any other
3155 provisions contained in this act, if the grantee is prevented
3156 from timely achieving any deadlines set forth in this act due to
3157 its inability to occupy its permanent Florida facility within 2
3158 years after entering into the memorandum of agreement pursuant
3159 to s. 403.973, as a result of permitting delays and related
3160 administrative or judicial proceedings, acts of God, labor
3161 disturbances, or other similar events beyond the control of the
3162 grantee, the deadline shall be extended by the number of days by
3163 which the grantee was delayed in commencing its occupancy of its
3164 permanent Florida facility. In no event shall the extension be
3165 for more than 4 years. Upon the occurrence of a force majeure
3166 event, the Scripps Florida Funding Corporation shall continue to
3167 fund the grantee at a level that permits it to sustain its
3168 current level of operations until the force majeure event ceases
3169 and the grantee is able to resume the contract schedule
3170 governing disbursement.

3171 Section 25. Subsections (2) and (4) of section 288.9624,
3172 Florida Statutes, is amended to read:

3173 288.9624 Florida Opportunity Fund; creation; duties.--

3174 (2) Upon organization, the board shall conduct a national
3175 solicitation for investment plan proposals from qualified
3176 venture capital investment managers for the raising and
3177 investing of capital by the Florida Opportunity Fund. Any

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78 proposed investment plan must address the applicant's level of
3179 experience, quality of management, investment philosophy and
3180 process, provability of success in fundraising, prior investment
3181 fund results, and plan for achieving the purposes of ss.

3182 288.9621-288.9624. The board shall recommend ~~select~~ only venture
3183 capital investment managers having demonstrated expertise in the
3184 management of and investment in companies for final approval to
3185 the board of directors of Enterprise Florida, Inc.

3186 (4) For the purpose of mobilizing investment in a broad
3187 variety of Florida-based, new technology companies and
3188 generating a return sufficient to continue reinvestment, the
3189 fund shall:

3190 (a) 1. Except as otherwise provided in this section, invest
3191 directly only in seed and early stage venture capital funds that
3192 have experienced managers or management teams with demonstrated
73 experience, expertise, and a successful history in the
3194 investment of venture capital funds. Investments must be focused
3195 ~~focusing~~ on opportunities in this state. The fund may not make
3196 direct investments in individual businesses if the business can
3197 demonstrate significant economic benefit to the state. While not
3198 precluded from investing in venture capital funds that have
3199 investments outside this state, the fund must require a venture
3200 capital fund to show a record of successful investment in this
3201 state, to be based in this state, or to have an office in this
3202 state staffed with a full-time, professional venture investment
3203 executive in order to be eligible for investment.

3204 2. In entering into partnerships with state universities
3205 that are designated as research universities having very high
3206 research activity by the 2005 Carnegie Classifications, invest
3207 directly in state-based seed or early state venture capital
78 funds. These investments shall be used to support companies that

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09 are developing the commercialization of a particular product or
3210 service, and that are operating from laboratory or office space
3211 on a university campus which has been constructed by a private
3212 developer who is providing a minimum match of \$3 for every \$1 of
3213 state funds for constructions and investment.

3214 Section 26. Subsection (7) is added to section 290.0055,
3215 Florida Statutes, to read:

3216 290.0055 Local nominating procedure.--

3217 (7) The governing body of a jurisdiction that contains a
3218 designated enterprise zone that includes a state designated
3219 rural area of critical economic concern, pursuant to s.
3220 288.0656(7), may apply to the Office of Tourism, Trade, and
3221 Economic Development to expand the boundaries of the enterprise
3222 zone by not more than 3 square miles. The expansion must be
3223 contiguous to an existing enterprise zone boundary.

04 Notwithstanding the area of limitations found in subsection (4),
3225 the Office of Tourism, Trade, and Economic Development may
3226 approve the boundary amendment if the boundary change continues
3227 to satisfy the requirements of paragraphs (6)(b) and (c).

3228 Section 27. Subsections (3) and (8) of section 403.973,
3229 Florida Statutes, is amended to read:

3230 403.973 Expedited permitting; comprehensive plan
3231 amendments.--

3232 (3)(a) The Governor, through the office, shall direct the
3233 creation of regional permit action teams, for the purpose of
3234 expediting review of permit applications and local comprehensive
3235 plan amendments submitted by:

- 3236 1. Businesses creating at least 100 jobs, or
3237 2. Businesses creating at least 50 jobs if the project is
3238 located in an enterprise zone, or in a county having a
09 population of less than 75,000 or in a county having a

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3240 population of less than 100,000 which is contiguous to a county
3241 having a population of less than 75,000, as determined by the
3242 most recent decennial census, residing in incorporated and
3243 unincorporated areas of the county, or

3244 (b) On a case-by-case basis and at the request of a county
3245 or municipal government, the office may certify as eligible for
3246 expedited review a project not meeting the minimum job creation
3247 thresholds but creating a minimum of 10 jobs. The recommendation
3248 from the governing body of the county or municipality in which
3249 the project may be located is required in order for the office
3250 to certify that any project is eligible for expedited review
3251 under this paragraph. When considering projects that do not meet
3252 the minimum job creation thresholds but that are recommended by
3253 the governing body in which the project may be located, the
3254 office shall consider economic impact factors that include, but
3255 are not limited to:

- 3256 1. The proposed wage and skill levels relative to those
3257 existing in the area in which the project may be located;
- 3258 2. The project's potential to diversify and strengthen the
3259 area's economy;
- 3260 3. The amount of capital investment; and
- 3261 4. The number of jobs that will be made available for
3262 persons served by the welfare transition program.

3263 (c) At the request of a county or municipal government,
3264 the office or a Quick Permitting County may certify projects
3265 located in counties where the ratio of new jobs per participant
3266 in the welfare transition program, as determined by Workforce
3267 Florida, Inc., is less than one or otherwise critical, as
3268 eligible for the expedited permitting process. Such projects
3269 must meet the numerical job creation criteria of this

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3270 subsection, but the jobs created by the project do not have to
3271 be high-wage jobs that diversify the state's economy.

3272 (d) Projects located in a designated brownfield area are
3273 eligible for the expedited permitting process.

3274 (e) Projects that are part of the state-of-the-art
3275 biomedical research institution and campus to be established in
3276 this state by the grantee under s. 288.955 are eligible for the
3277 expedited permitting process, if the projects are designated as
3278 part of the institution or campus by the board of county
3279 commissioners of the county in which the institution and campus
3280 are established.

3281 (f) Projects that are associated with a new mixed-use
3282 community housing research and development, manufacturing and
3283 demonstration of technologies for improving energy-efficiency of
3284 residential and non-residential uses, and utilizing an
3285 alternative source of water supply.

3286 (8) Each memorandum of agreement shall include a process
3287 for final agency action on permit applications and local
3288 comprehensive plan amendment approvals within 90 days after
3289 receipt of a completed application, unless the applicant agrees
3290 to a longer time period or the office determines that unforeseen
3291 or uncontrollable circumstances preclude final agency action
3292 within the 90-day timeframe. Permit applications governed by
3293 federally delegated or approved permitting programs whose
3294 requirements would prohibit or be inconsistent with the 90-day
3295 timeframe are exempt from this provision, but must be processed
3296 by the agency with federally delegated or approved program
3297 responsibility as expeditiously as possible. For projects which
3298 have submitted a completed application prior to qualification of
3299 the project under this section, the memorandum of agreement may
3300 proceed concurrently with the processing of applications, and

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3301 the timeframes in this section shall begin from receipt of
3302 certification or the project's eligibility.

3303 Section 28. Effective October 1, 2008, subsection (18) of
3304 section 443.036, Florida Statutes, is amended to read:

3305 443.036 Definitions.—As used in this chapter, the term:

3306 (18) "Employee leasing company" means an employing unit
3307 that has a valid and active license under chapter 468 and that
3308 maintains the records required by s. 443.171(5) and, in
3309 addition, maintains quarterly reports on the clients of the
3310 employee leasing company and the internal staff of the employee
3311 leasing company a listing of the clients of the employee leasing
3312 company and of the employees, including their social security
3313 numbers, who have been assigned to work at each client company
3314 job site. Further, each client company job site must be
3315 identified by industry, products or services, and address. The
3316 client list must be provided to the tax collection service
3317 provider by June 30 and by December 31 of each year. As used in
3318 this subsection, the term "client" means a party who has
3319 contracted with an employee leasing company to provide a worker,
3320 or workers, to perform services for the client. Leased
3321 employees include employees subsequently placed on the payroll
3322 of the employee leasing company on behalf of the client. An
3323 employee leasing company must notify the tax collection service
3324 provider within 30 days after the initiation or termination of
3325 the company's relationship with any client company under chapter
3326 468.

3327 Section 29. Paragraph (a) of subsection one of section
3328 443.1216, Florida Statutes, is amended to read:

3329 443.1216 Employment.—Employment, as defined in s. 443.036,
3330 is subject to this chapter under the following conditions:

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1 (1) (a) The employment subject to this chapter includes a
3332 service performed, including a service performed in interstate
3333 commerce, by:

3334 1. An officer of a corporation.

3335 2. An individual who, under the usual common-law rules
3336 applicable in determining the employer-employee relationship, is
3337 an employee. However, whenever a client, as defined in s.
3338 443.036(18), which would otherwise be designated as an employing
3339 unit has contracted with an employee leasing company to supply
3340 it with workers, those workers are considered employees of the
3341 employee leasing company. An employee leasing company may lease
3342 corporate officers of the client to the client and other workers
3343 to the client, except as prohibited by regulations of the
3344 Internal Revenue Service. Employees of an employee leasing
3345 company must be reported under the employee leasing company's
16 tax identification number and contribution rate for work
3347 performed for the employee leasing company.

3348 a. In addition to any other report required to be filed by
3349 law, an employee leasing company shall submit a report which
3350 must include every client establishment and each establishment
3351 of the employee leasing company to the Florida Agency for
3352 Workforce Innovation, Labor Market Statistics Center, or as
3353 otherwise directed by the agency, which must include the
3354 following information for each establishment:

3355 i. the trade or establishment name;

3356 ii. the former unemployment compensation account number, if
3357 available;

3358 iii. the former Federal Employment Identification Number
3359 (FEIN), if available;

3360 iv. the industry code recognized and published by the
51 United States Office of Management and Budget, if available;

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52 v. a description of the client's primary business activity
3363 in order to verify or assign an industry code;

3364 vi. the physical location address;

3365 vii. the number of full-time and part-time employees who
3366 worked during or received pay that was subject to unemployment
3367 compensation taxes for the pay period including the 12th of the
3368 month for each month of the quarter;

3369 viii. the total wages subject to unemployment compensation
3370 taxes paid during the calendar quarter;

3371 ix. an internal identification code to uniquely identify
3372 each establishment of each client,

3373 x. the month and year the client entered into contract; and

3374 xi. the month and year the client terminated the contract
3375 for services.

3376 b. The report shall be submitted electronically or in a
77 manner otherwise prescribed by the Agency in the format
3378 specified by the U.S. Bureau of Labor Statistics for its
3379 Multiple Worksite Report for Professional Employer
3380 Organizations. The report must be provided quarterly to the
3381 Agency for Workforce Innovation, Labor Market Statistics Center,
3382 or as otherwise directed by the agency, and must be filed by the
3383 last day of the month immediately following the end of the
3384 calendar quarter. The information required in subsection
3385 (1)(a)2.a.x. and xi. of this paragraph need only be provided in
3386 the quarter in which the contract to which it relates was
3387 entered into or terminated. The sum of the employment data and
3388 the sum of the wage data on this report must match the
3389 employment and wages reported on the unemployment compensation
3390 quarterly tax and wage report.

3391 c. The Agency for Workforce Innovation shall have
72 rulemaking authority as necessary to implement the provisions of

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3393 subsection (1)(a)2 and shall have the authority to administer,
3394 collect, enforce and waive the penalty imposed by s.
3395 443.141(1)(b) for the report required by paragraph (a)2.

3396 d. For the purposes of subsection (1)(a)2, the term
3397 "establishment" or "worksite" shall mean any location where
3398 business is conducted or where services or industrial operations
3399 are performed.

3400 3. An individual other than an individual who is an
3401 employee under subparagraph 1. or subparagraph 2., who performs
3402 services for remuneration for any person:

3403 a. As an agent-driver or commission-driver engaged in
3404 distributing meat products, vegetable products, fruit products,
3405 bakery products, beverages other than milk, or laundry or
3406 drycleaning services for his or her principal.

3407 b. As a traveling or city salesperson engaged on a full-
3408 time basis in the solicitation on behalf of, and the
3409 transmission to, his or her principal of orders from
3410 wholesalers, retailers, contractors, or operators of hotels,
3411 restaurants, or other similar worksites for merchandise for
3412 resale or supplies for use in their business operations. This
3413 sub-subparagraph does not apply to an agent-driver or a
3414 commission-driver and does not apply to sideline not apply to an
3415 agent-driver or a commission-driver and does not apply to
3416 sideline sales activities performed on behalf of a person other
3417 than the salesperson's principal.

3418 4. The services described in subparagraph 3. are employment
3419 subject to this chapter only if:

3420 a. The contract of service contemplates that substantially
3421 all of the services are to be performed personally by the
3422 individual;

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3423 b. The individual does not have a substantial investment in
3424 facilities used in connection with the services, other than
3425 facilities used for transportation; and

3426 c. The services are not in the nature of a single
3427 transaction that is not part of a continuing relationship with
3428 the person for whom the services are performed.

3429 Section 30. Section 770.041, Florida Statutes, is created
3430 to read:

3431 770.041 Civil Liability of entities that provide for
3432 business evaluations based on consumer complaints. --

3433 (1) Any business that evaluates, ranks, or rates another
3434 business shall not be liable for any damages caused to the
3435 business being evaluated, ranked, or rated for any defamatory
3436 statement published or uttered in or as a part of an evaluation,
3437 ranking, or rating of a business unless it shall be alleged and
3438 proved by a preponderance of the evidence by the complaining
3439 party, that business that evaluates, ranks, or rates a business
3440 has failed to exercise due care to prevent the publication or
3441 utterance of such statement.

3442 (2) A business that evaluates, ranks, or rates another
3443 business shall be entitled to a presumption that due care was
3444 exercised if the business providing the evaluation, ranking, or
3445 rating provides for the business that is being evaluated,
3446 ranked, or rated to provide a response to the evaluation,
3447 ranking, or rating. The opportunity to respond must be made
3448 available to the business being evaluated, ranked, or rated at
3449 no cost. The response of a business that is being evaluated,
3450 ranked, or rated shall be published at the same time and manner
3451 that the evaluation, rating, or ranking is published.

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3452 (3) A party that prevails in proving a cause of action as
3453 provided for in subsection (1) shall be entitled to the recovery
3454 of attorneys' fees, expenses, and court costs.

3455 (4) A party that prevails in proving a cause of action as
3456 provided for in subsection (1) to this subsection shall be
3457 entitled to treble damages.

3458 Section 31. In order to carry out the additional
3459 responsibilities in this act, two full-time equivalent positions
3460 and the recurring sum of \$160,000 for associated salaries and
3461 benefits is appropriated from the General Revenue Fund to the
3462 Office of Tourism, Trade, and Economic Development.

3463 Section 32. Subsection (2) of section 257.193, Florida
3464 Statutes, is amended to read:

3465 257.193 Community Libraries in Caring Program.--

3466 (2) The purpose of the Community Libraries in Caring
3467 Program is to assist libraries in rural communities, as defined
3468 in s. 288.0656(2)(b) and subject to the provisions of s.
3469 288.06561, to strengthen their collections and services, improve
3470 literacy in their communities, and improve the economic
3471 viability of their communities.

3472 Section 33. Section 288.019, Florida Statutes, is amended
3473 to read:

3474 288.019 Rural considerations in grant review and
3475 evaluation processes.--Notwithstanding any other law, and to the
3476 fullest extent possible, the member agencies and organizations
3477 of the Rural Economic Development Initiative (REDI) as defined
3478 in s. 288.0656(6)(a) shall review all grant and loan application
3479 evaluation criteria to ensure the fullest access for rural
3480 counties as defined in s. 288.0656(2)(b) to resources available
3481 throughout the state.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

32 (1) Each REDI agency and organization shall review all
3483 evaluation and scoring procedures and develop modifications to
3484 those procedures which minimize the impact of a project within a
3485 rural area.

3486 (2) Evaluation criteria and scoring procedures must
3487 provide for an appropriate ranking based on the proportionate
3488 impact that projects have on a rural area when compared with
3489 similar project impacts on an urban area.

3490 (3) Evaluation criteria and scoring procedures must
3491 recognize the disparity of available fiscal resources for an
3492 equal level of financial support from an urban county and a
3493 rural county.

3494 (a) The evaluation criteria should weight contribution in
3495 proportion to the amount of funding available at the local
3496 level.

37 (b) In-kind match should be allowed and applied as
3498 financial match when a county is experiencing financial distress
3499 through elevated unemployment at a rate in excess of the state's
3500 average by 5 percentage points or because of the loss of its ad
3501 valorem base.

3502 (4) For existing programs, the modified evaluation
3503 criteria and scoring procedure must be delivered to the Office
3504 of Tourism, Trade, and Economic Development for distribution to
3505 the REDI agencies and organizations. The REDI agencies and
3506 organizations shall review and make comments. Future rules,
3507 programs, evaluation criteria, and scoring processes must be
3508 brought before a REDI meeting for review, discussion, and
3509 recommendation to allow rural counties fuller access to the
3510 state's resources.

3511 Section 34. Section 288.06561, Florida Statutes, is
12 amended to read:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

13 288.06561 Reduction or waiver of financial match
3514 requirements.--Notwithstanding any other law, the member
3515 agencies and organizations of the Rural Economic Development
3516 Initiative (REDI), as defined in s. 288.0656(6)(a), shall review
3517 the financial match requirements for projects in rural areas as
3518 defined in s. 288.0656(2)(b).

3519 (1) Each agency and organization shall develop a proposal
3520 to waive or reduce the match requirement for rural areas.

3521 (2) Agencies and organizations shall ensure that all
3522 proposals are submitted to the Office of Tourism, Trade, and
3523 Economic Development for review by the REDI agencies.

3524 (3) These proposals shall be delivered to the Office of
3525 Tourism, Trade, and Economic Development for distribution to the
3526 REDI agencies and organizations. A meeting of REDI agencies and
3527 organizations must be called within 30 days after receipt of
28 such proposals for REDI comment and recommendations on each
3529 proposal.

3530 (4) Waivers and reductions must be requested by the county
3531 or community, and such county or community must have three or
3532 more of the factors identified in s. 288.0656(2)(a).

3533 (5) Any other funds available to the project may be used
3534 for financial match of federal programs when there is fiscal
3535 hardship, and the match requirements may not be waived or
3536 reduced.

3537 (6) When match requirements are not reduced or eliminated,
3538 donations of land, though usually not recognized as an in-kind
3539 match, may be permitted.

3540 (7) To the fullest extent possible, agencies and
3541 organizations shall expedite the rule adoption and amendment
3542 process if necessary to incorporate the reduction in match by
13 rural areas in fiscal distress.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

14 (8) REDI shall include in its annual report an evaluation
3545 on the status of changes to rules, number of awards made with
3546 waivers, and recommendations for future changes.

3547 Section 35. Subsection (2) of section 288.7094, Florida
3548 Statutes, is amended to read:

3549 288.7094 Black business investment corporations.--

3550 (2) A black business investment corporation that meets the
3551 requirements of s. 288.7102(4)-(3) is eligible to participate in
3552 the Black Business Loan Program and shall receive priority
3553 consideration by the Office of Tourism, Trade, and Economic
3554 Development for participation in the program.

3555 Section 36. Paragraph (d) of subsection (15) of section
3556 627.6699, Florida Statutes, is amended to read:

3557 627.6699 Employee Health Care Access Act.--

3558 (15) SMALL EMPLOYERS ACCESS PROGRAM.--

59 (d) Eligibility.--

3560 1. Any small employer that is actively engaged in
3561 business, has its principal place of business in this state,
3562 employs up to 25 eligible employees on business days during the
3563 preceding calendar year, employs at least 2 employees on the
3564 first day of the plan year, and has had no prior coverage for
3565 the last 6 months may participate.

3566 2. Any municipality, county, school district, or hospital
3567 employer located in a rural community as defined in s.
3568 288.0656(2)-(b) may participate.

3569 3. Nursing home employers may participate.

3570 4. Each dependent of a person eligible for coverage is
3571 also eligible to participate.

3572 Any employer participating in the program must do so until the
3573 end of the term for which the carrier providing the coverage is
74 obligated to provide such coverage to the program. Coverage for

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

75 a small employer group that ceases to meet the eligibility
3576 requirements of this section may be terminated at the end of the
3577 policy period for which the necessary premiums have been paid.

3578 Section 37. If any provision of this act or its
3579 application to any person or circumstance is held invalid, the
3580 invalidity does not affect other provisions or applications of
3581 the act which can be given effect without the invalid provision
3582 or application, and to this end the provisions of this act are
3583 declared severable.

3584 Section 38. Except as otherwise specifically provided in
3585 this act, this act shall take effect July 1, 2008.

3586
3587
3588 -----
3589 T I T L E A M E N D M E N T

3590 Remove the entire title and insert:

3591 A bill to be entitled

3592 An act relating to economic development; creating s.
3593 288.7001, F.S.; providing a short title; providing
3594 findings and purpose; providing definitions; creating the
3595 Small Business Regulatory Advisory Council; providing for
3596 appointments, membership, and meetings; providing
3597 administrative location for the council; providing powers
3598 and limitations of the council; providing for coordinated
3599 review of agency rules by the council with agency sunset
3600 review; providing timelines for review; providing for the
3601 council to issue a business-friendly scorecard of agency
3602 rules; creating s. 288.7002, F.S.; providing findings and
3603 purpose; providing definitions; providing for selection of
3604 the Florida Small Business Advocate; providing for
75 preferred qualifications of the advocate; providing duties

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

3606 of the advocate; providing for agency cooperation with the
3607 advocate; providing for an annual report by the advocate
3608 to the Governor and Legislature; amending s. 11.908, F.S.;
3609 requiring a Joint Legislative Sunset Committee to consult
3610 with the Small Business Regulatory Advisory Council in its
3611 sunset review of a state agency; amending s. 11.911, F.S.;
3612 requiring the Legislative Sunset Committee to include in
3613 its report any recommendations of the Small Business
3614 Regulatory Advisory Council concerning the rules of an
3615 agency recommended to be continued or reorganized;
3616 amending s. 11.919, F.S.; requiring agency assistance to
3617 the Small Business Regulatory Advisory Council;
3618 authorizing the council to access or request information
3619 and assistance; amending s. 120.54, F.S.; requiring an
3620 agency to prepare a statement of estimated regulatory
3621 costs; requiring agency notification to the Small Business
3622 Regulatory Advisory Council relating to proposed agency
3623 action affecting small business; requiring an agency to
3624 adopt regulatory alternatives offered by the council under
3625 certain circumstances; providing for rule filing extension
3626 when regulatory alternatives are offered by the council;
3627 providing for outside review of regulatory alternatives
3628 not adopted by an agency and for an agency response;
3629 amending s. 120.74, F.S.; requiring biennial rule review
3630 by agency to consider the impact of rules on small
3631 business and include the results in a report to the
3632 Legislature; amending s. 220.191, F.S.; requiring
3633 applications for capital investment tax credits to be
3634 reviewed under a specified provision; creating s. 288.061,
3635 F.S.; providing an economic development incentive
36 application process; providing time periods and

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

37 requirements for certification for economic development
3638 incentive applications; amending s. 288.063, F.S.;
3639 requiring that adoption of criteria by which certain
3640 transportation projects are to be specified and identified
3641 be done in accordance with a specified provision; amending
3642 s. 288.065, F.S.; revising Rural Community Development
3643 Revolving Loan Fund program requirements; amending s.
3644 288.0655, F.S.; authorizing the Office of Tourism, Trade,
3645 and Economic Development to award grants for a certain
3646 percentage of total infrastructure project costs for
3647 certain catalyst site funding applications; providing for
3648 waiver of the local matching requirement; expanding
3649 eligible facilities for authorized infrastructure
3650 projects; amending s. 288.0656, F.S.; providing
3651 legislative intent; revising and providing definitions;
37 providing certain additional review and action
3653 requirements for REDI relating to rural communities;
3654 revising representation on REDI; deleting a limitation on
3655 characterization as a rural area of critical economic
3656 concern; authorizing rural areas of critical economic
3657 concern to designate certain catalyst projects for certain
3658 purposes; providing project requirements; requiring the
3659 initiative to assist local governments with certain
3660 comprehensive planning needs; providing procedures and
3661 requirements for such assistance; revising certain
3662 reporting requirements for REDI; amending s. 288.0657,
3663 F.S.; revising the definition for a rural community;
3664 amending s. 288.1045, F.S.; revising provisions relating
3665 to the application and refund process for the qualified
3666 defense contractor tax refund program; revising the cap on
57 refunds per applicant; deleting a report requirement;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

58 extending the expiration date; amending s. 288.106, F.S.;
3669 revising provisions relating to the application process
3670 for the qualified target industry businesses; revising an
3671 economic-stimulus exemption request provision; deleting an
3672 expiration provision; amending s. 288.107, F.S.; providing
3673 additional criteria for participation in the brownfield
3674 redevelopment bonus refund; requiring that applications
3675 for brownfield redevelopment bonus refunds be considered
3676 under a specified provision; amending s. 288.108, F.S.;
3677 requiring that applications for high-impact business
3678 performance grants be considered under a specified
3679 provision; deleting certain final order and report
3680 requirements; amending s. 288.1088, F.S.; requiring that
3681 applications concerning the Quick Action Closing Fund be
3682 considered under a specified provision; providing a time
33 period for the director to recommend approval or
3684 disapproval of a project for receipt of funds from the
3685 Quick Action Closing Fund; amending s. 288.1089, F.S.;
3686 revising application requirements for innovation incentive
3687 awards; revising evaluation and recommendation
3688 requirements for innovation incentive awards; requiring
3689 the Legislative Budget Commission to review and approve an
3690 innovation incentive award before the Executive Office of
3691 the Governor releases the funds; amending s. 288.1162,
3692 F.S.; revising provisions relating to funding for
3693 relocation of spring training franchises; requiring local
3694 governments receiving funds to submit annual reports;
3695 requiring the Office of Tourism, Trade, and Economic
3696 Development to develop a comprehensive strategic plan
3697 including the use of financial resources for the purpose
98 of retaining the tradition of spring training in Florida;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

3700 39 creating a Commissioner of Baseball; amending s. 288.1254,
3701 F.S., relating to the reversion of appropriations for film
3702 incentives; providing a limited amount of funds to be used
3703 for international cultural festivals upon certain
3704 determinations; amending s. 288.7102, F.S.; revising
3705 provisions relating to the application and certification
3706 process for the Black Business Loan Program; providing
3707 requirements concerning distribution of program funding;
3708 amending s. 288.955, F.S.; revising definitions; requiring
3709 the Scripps Florida Funding Corporation, along with the
3710 Office of Tourism, Trade, and Economic Development and
3711 Enterprise Florida, Inc., to review the performance and
3712 progress of grant recipients of the Innovation Incentive
3713 Program; deleting obsolete provisions; revising the duties
3714 of the corporation; amending s. 288.9624, F.S.; revising
3715 the determination of a fund allocation manager; providing
3716 that venture-capital funds affiliated with certain state
3717 universities are eligible for investment by the Florida
3718 Opportunity Fund; providing direct business investments by
3719 the Florida Opportunity Fund; amending s. 290.0055, F.S.;
3720 providing for expansion of enterprise zones located
3721 entirely within state designated rural areas of critical
3722 economic concern; providing limits on such expansion;
3723 amending s. 403.973, F.S.; providing expedited permitting
3724 for certain projects; amending s. 443.036, F.S.; revising
3725 definitions; amending s. 443.1216, F.S.; requiring
3726 quarterly reports that include client and establishment
3727 specific information; authorizing the Agency for Workforce
3728 Innovation to adopt rules; providing enforcement
3729 authority; creating s. 770.041, F.S.; providing private
cause of action for negligent evaluation, ranking, or

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

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rating of a business; providing two full-time equivalent position and an appropriation for the Office of Tourism, Trade, and Economic Development; amending ss. 257.193, 288.019, 288.06561, 288.7094, and 627.6699, F.S.; conforming cross-references; providing severability; providing an effective date.

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building
HB 7113 : Department of Law Enforcement

AMENDED

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown			X		
Dean Cannon	X				
Joyce Cusack	X				
Bill Galvano	X				
Michael Grant			X		
Adam Hasner	X				
Dorothy Hukill	X				
Will Kendrick	X				
Dick Kravitz	X				
Carlos Lopez-Cantera	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				
Will Weatherford	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 32		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

AMENDED

Location: 212 Knott Building

HB 7115 : Counterfeiting a Payment Instrument

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson			X		
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown			X		
Dean Cannon	X				
Joyce Cusack	X				
Bill Galvano	X				
Michael Grant	X				
Adam Hasner	X				
Dorothy Hukill	X				
Will Kendrick	X				
Dick Kravitz	X				
Carlos Lopez-Cantera	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				
Will Weatherford	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 31		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building

AMENDED

HB 7117 : Criminal Use of Personal Identification Information

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown			X		
Dean Cannon	X				
Joyce Cusack	X				
Bill Galvano	X				
Michael Grant	X				
Adam Hasner	X				
Dorothy Hukill	X				
Will Kendrick	X				
Dick Kravitz	X				
Carlos Lopez-Cantera	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			
Will Weatherford	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 32		Total Nays: 1			

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building

AMENDED

HB 7119 : Uniform Port Access Credential Card

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown			X		
Dean Cannon	X				
Joyce Cusack	X				
Bill Galvano	X				
Michael Grant	X				
Adam Hasner	X				
Dorothy Hukill	X				
Will Kendrick	X				
Dick Kravitz	X				
Carlos Lopez-Cantera	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 Sellar	X				
Priscilla Taylor	X				
Anthony Traviesa	X				
Baxter Troutman			X		
Shelley Vana	X				
Will Weatherford	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 32		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building

AMENDED

HB 7123 : Government Accountability and Efficiency

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley	X				
Aaron Bean	X				
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown			X		
Dean Cannon	X				
Joyce Cusack	X				
Bill Galvano	X				
Michael Grant	X				
Adam Hasner	X				
Dorothy Hukill	X				
Will Kendrick	X				
Dick Kravitz			X		
Carlos Lopez-Cantera	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 Seifer			X		
Priscilla Taylor	X				
Anthony Traviesa	X				
Baxter Troutman			X		
Shelley Vana	X				
Will Weatherford	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 28		Total Nays: 0			

Appearances:

Dan Owens (Lobbyist) - Information Only
 Fl. Assoc. of Counties
 100 S. Monroe Street
 Tallahassee Florida 32301
 Phone: (850) 922-4300

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

AMENDED

Location: 212 Knott Building

Kraig Conn (Lobbyist) - Information Only

Florida League of Cities

301 S. Bronough

Tallahassee Florida 32301

Phone: (850) 222-9684

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

1

Amendment No. (for drafter's use only)

Bill No. 7123

COUNCIL/COMMITTEE ACTION

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

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

Amendment

5 Remove line(s) 148-162 and insert:

6 designated general fund balances.

7 (2) Each budget shall conform to the following specific
8 directions and requirements:

9 (a) Budgets that do not meet the Distinguished Budget
10 Presentation Award criteria established by the Government
11 Finance Officers Association shall, by fund and by spending
12 entity within each fund for the fiscal year, set for the
13 following:

14 1. All proposed budget expenditures summarized by the
15 object of expenditure to be undertaken or executed by any
16 spending entity during the fiscal year.

17 2. Anticipated revenues for the fiscal year.

18 3. Estimated beginning and ending fund balances.

19 4. The corresponding actual figures for the prior year,
20 current year budget or estimated current year actual,
21

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 7123

COUNCIL/COMMITTEE ACTION

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

2

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

3
4 **Amendment**

5 Remove line(s) 316-318 and insert:
6 accounts prescribed by the appropriate state agency. The county
7 shall make the summary statement available to
8

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

3

Amendment No. (for drafter's use only)

Bill No. 7123

COUNCIL/COMMITTEE ACTION

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

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

Amendment

3
 4 Remove line(s) 664-685 and insert:
 5 funds after the adoption of the final budget, those funds shall
 6 be treated as unreserved undesignated funds. Unanticipated
 7 undesignated funds do not include: federal revenues; state
 8 special revenues; matching funds; or local government or utility
 9 project funds. The unreserved undesignated fund balance, as
 10 defined in s. 129.02(1), shall not exceed 20 percent of
 11 operating revenues or 90 days of regular general fund operating
 12 expenditures, whichever is greater, necessary to secure and
 13 maintain credit ratings, meet seasonal shortfalls in cash flow,
 14 and reduce susceptibility to emergency or unanticipated
 15 expenditures or to address revenue shortfalls. Any remaining
 16 unreserved undesignated fund balance shall not be used to
 17 increase recurring expenditures within the budget, but shall be
 18 carried forward to the next fiscal year in furtherance of the
 19 fund. The final budget, except for unreserved undesignated
 20 funds, may be amended by including unanticipated such funds, so
 21 long as notice of intention to amend is published in the notice

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

22 of the governing board meeting at which the amendment will be
23 considered, pursuant to s. 120.525. The notice shall set forth a
24 summary of the proposed amendment. However, in the event of a
25 disaster or of an emergency arising to prevent or avert the
26 same, the governing board shall not be limited by the budget but
27 shall have authority to apply such funds as may be available
28 therefor or as may be procured for such purpose.
29

4

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 7123

COUNCIL/COMMITTEE ACTION

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

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

Amendment

4 Remove line(s) 500-612 and insert:
 5 designated general fund balances.

6 (2)~~(1)~~ When a new special district is created, the
 7 district must forward to the department, within 30 days after
 8 the adoption of the special act, rule, ordinance, resolution, or
 9 other document that provides for the creation of the district, a
 10 copy of the document and a written statement that includes a
 11 reference to the status of the special district as dependent or
 12 independent and the basis for such classification. In addition
 13 to the document or documents that create the district, the
 14 district must also submit a map of the district, showing any
 15 municipal boundaries that cross the district's boundaries, and
 16 any county lines if the district is located in more than one
 17 county. The department must notify the local government or other
 18 entity and the district within 30 days after receipt of the
 19 document or documents that create the district as to whether the
 20 district has been determined to be dependent or independent.

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Amendment No. (for drafter's use only)

21 (3)~~(2)~~ Any amendment, modification, or update of the
22 document by which the district was created, including changes in
23 boundaries, must be filed with the department within 30 days
24 after adoption. The department may initiate proceedings against
25 special districts as provided in s. 189.421 for failure to file
26 the information required by this subsection.

27 (4a)~~(3)~~ The governing body of each special district shall
28 adopt a budget by resolution each fiscal year. The total amount
29 available from taxation and other sources, including amounts
30 carried over from prior fiscal years, must equal the total of
31 appropriations for expenditures and reserves. The adopted budget
32 must regulate expenditures of the special district, and it is
33 unlawful for any officer of a special district to expend or
34 contract for expenditures in any fiscal year except in pursuance
35 of budgeted appropriations. Budgets that exceed \$250,000 in
36 revenues and that do not meet the Distinguished Budget
37 Presentation Award criteria established by the Government
38 Finance Officers Association, the budget shall, by fund and by
39 spending entity within each fund for the fiscal year, set forth
40 the following:

- 41 1. All proposed budget expenditures summarized by the
42 object of expenditure to be undertaken or executed by any
43 spending entity during the fiscal year;
44 2. Anticipated revenues for the fiscal year;
45 3. Estimated beginning and ending fund balances;
46 4. The corresponding actual figures for the prior
47 year, current year budget or estimated current year actual,
48 and proposed budget for the next fiscal year consistent
49 with the basis of accounting used to prepare the budget;
50 and

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51 5. Explanatory schedules or statements noting material
52 changes in proposed expenditures by spending entity.

53 (5) Special districts whose budgets exceed \$250,000
54 in revenues shall prepare a written summary, not to exceed
55 four pages, describing the important features of the
56 proposed budget. The summary shall include an overview of
57 the special district, a description of the previous fiscal
58 year's performance, a review of the current fiscal year's
59 revenues and expenditures, and an economic outlook and
60 future challenges or objectives description. The summary
61 must include within it a statement of the budgetary basis
62 of accounting used and a description of the services to be
63 delivered during the fiscal year. The special district
64 shall make the summary available to district residents by
65 posting the summary at a designated public office within
66 the boundaries of the district, or, if a public office is
67 not available within the boundaries, by posting with a
68 public office close to the boundaries of the special
69 district. For those special districts websites, the
70 district shall post the summary prominently online.

71 (6) For budgets that exceed \$250,000 in revenues,
72 tentative budgets and final budgets, approved by the
73 governing body, shall be filed as a public record at a
74 designated public office within the boundaries of the
75 special district, or, if a public office is not available
76 within the boundaries, shall be filed with a public office
77 close to the boundaries of the special district. For
78 special districts that have websites, tentative budgets and
79 final budgets, approved by the governing body, shall be
80 made available online when filed with the designated public

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81 office and remain online until the final budget is adopted
82 for the next fiscal year.

83 (7) (a) Special districts that have received a
84 Certificate of Achievement for Excellence in Financial
85 Reporting from the Government Finance Officers Association
86 shall make the Comprehensive Annual Financial Report
87 available to district residents by posting the report at a
88 designated public office within the boundaries of the
89 special district, or, if a public office is not available
90 within the boundaries, shall file the report with a public
91 office close to the boundaries of the special district and
92 post the report prominently online if the district has a
93 website.

94 (b) Special districts the budgets of which exceed
95 \$250,000 in revenues and that have not received a
96 Certificate of Achievement for Excellence in Financial
97 Reporting from the Government Finance Officers Association
98 shall, upon receipt of the tentative budgets of each
99 spending entity and completion of any revisions made by the
100 special district, prepare a statement summarizing all of
101 the adopted tentative budgets. This summary statement shall
102 show for each budget the total of all budgets, the proposed
103 tax millages, the balances, the reserves, and the total of
104 each major classification of receipts and expenditures,
105 classified according to the classification of accounts
106 prescribed by the appropriate state agency, and a brief
107 explanation of any material increase or decrease by
108 spending entity. The special district shall make the
109 summary statement available to district residents by
110 posting at a designated public office within the boundaries

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11 of the special district, or, if a public office is not
112 available within the boundaries, the statement shall be
113 filed with a public office close to the boundaries of the
114 special district and post the statement prominently online
115 if the district has a website.

116 (8) The unreserved undesignated fund balance shall not
117 exceed 20 percent of operating revenues or 90 days of regular
118 general fund operating expenditures, whichever is greater,
119 necessary to secure and maintain credit ratings, meet seasonal
120 shortfalls in cash flow, and reduce susceptibility to emergency
121 or unanticipated expenditures or to address revenue shortfalls.
122 Any remaining unreserved undesignated fund balance shall not be
123 used to increase recurring expenditures within the budget, but
124 shall be carried forward to the next fiscal year in furtherance
125 of the fund.

126 (9)(4) The proposed budget of a dependent special district
127 shall be presented in accordance with generally accepted
128 accounting principles, contained within the general budget of
129 the local governing authority, and be clearly stated as the
130 budget of the dependent district. However, with the concurrence
131 of the local governing authority, a dependent district may be
132 budgeted separately.

133 (10)(5) The governing body of each special district at any
134 time within a fiscal year or within up to 60 days following the
135 end of the fiscal year may amend a budget for that year. The
136 budget amendment must be adopted by resolution.

137 (11)(6) A local governing authority may, in its discretion,
138 review the budget or tax levy of any special district located
139 solely within its boundaries.

140 (12)(7) All reports or information required to be filed

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5

Amendment No. (for drafter's use only)

Bill No. 7123

COUNCIL/COMMITTEE ACTION

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

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

Amendment

5 Remove line(s) 376-462 and insert:

6 designated general fund balances.

7 (2)~~(1)~~ Each municipality shall make provision for
 8 establishing a fiscal year beginning October 1 of each year and
 9 ending September 30 of the following year.

10 (3)~~(2)~~ The governing body of each municipality shall adopt
 11 a budget each fiscal year. The budget shall~~must~~ be adopted by
 12 ordinance or resolution unless otherwise specified in the
 13 respective municipality's charter. The amount available from
 14 taxation and other sources, including amounts carried over from
 15 prior fiscal years, must equal the total appropriations for
 16 expenditures and reserves. The budget shall~~must~~ regulate
 17 expenditures of the municipality, and it is unlawful for any
 18 officer of a municipal government to expend or contract for
 19 expenditures in any fiscal year except in pursuance of budgeted
 20 appropriations. The tentative budgets and final budgets,
 21 approved by the governing body, shall be filed at a designated

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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22 public office within the boundaries of the municipality as a
23 public record. For those municipalities that have websites, the
24 tentative budgets and final budgets, approved by the governing
25 body, shall be made available online when filed with the
26 designated public office and remain online until the final
27 budget is adopted for the next fiscal year.

28 (4) Budgets that do not meet the Distinguished Budget
29 Presentation Award criteria established by the Government
30 Finance Officers Association and that exceed \$1 million shall,
31 by fund and by spending entity within each fund for the fiscal
32 year, set forth the following:

33 1. All proposed budget expenditures summarized by the
34 object of expenditure to be undertaken or executed by any
35 spending entity during the fiscal year.

36 2. Anticipated revenues for the fiscal year.

37 3. Estimated beginning and ending fund balances.

38 4. The corresponding actual figures for the prior year,
39 current year budget or estimated current year actual, and
40 proposed budget for the next fiscal year consistent with the
41 basis of accounting used to prepare the budget; and

42 5. Explanatory schedules or statements noting
43 material changes in proposed expenditures by spending
44 entity.

45 (5) Municipalities shall prepare a written summary,
46 not to exceed four pages, describing the important features
47 of the proposed budget. The summary shall include an
48 overview of the municipality, a description of the previous
49 fiscal year's performance, a review of the current fiscal
50 year's revenues and expenditures, and an economic outlook
51 and future challenges or objectives description. The

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52 summary must include within it a statement of the budgetary
53 basis of accounting used and a description of the services
54 to be delivered during the fiscal year. The municipality
55 shall make the summary available to municipal residents by
56 posting the summary at a designated public office within
57 the boundaries of the municipality and posting the summary
58 prominently online if the municipality has a website.

59 (6) (a) Municipalities that have received a Certificate of
60 Achievement for Excellence in Financial Reporting from the
61 Government Finance Officers Association shall make the
62 Comprehensive Annual Financial Report available to municipal
63 residents by posting the report at a designated public office
64 within the boundaries of the municipality and posting the report
65 prominently online if the municipality has a website.

66 (b) Municipalities the budgets of which are over \$1
67 million and that have not received a Certificate of
68 Achievement for Excellence in Financial Reporting from the
69 Government Finance Officers Association shall, upon receipt
70 of the tentative budgets of each spending entity and
71 completion of any revisions made by the municipality,
72 prepare a statement summarizing all of the adopted
73 tentative budgets. This summary statement shall show for
74 each budget the total of all budgets, the proposed tax
75 millages, the balances, the reserves, and the total of each
76 major classification of receipts and expenditures,
77 classified according to the classification of accounts
78 prescribed by the appropriate state agency, and a brief
79 explanation of any material increase or decrease by
80 spending entity. The municipality shall make the summary
81 statement available to municipal residents by posting the

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82 statement at a designated public office within the
83 boundaries of the municipality and posting the statement
84 prominently online if the municipality has a website.

85 (7) The unreserved undesignated fund balance shall not
86 exceed 20 percent of operating revenues or 90 days of regular
87 general fund operating expenditures, whichever is greater,
88 necessary to secure and maintain credit ratings, meet seasonal
89 shortfalls in cash flow, and reduce susceptibility to emergency
90 or unanticipated expenditures or to address revenue shortfalls.
91 Any remaining unreserved undesignated fund balance shall not be
92 used to increase recurring expenditures within the budget, but
93 shall be carried forward to the next fiscal year in furtherance
94 of the fund.

95 (8)(3) The governing body of each municipality at any time

96

COUNCIL MEETING REPORT

Policy & Budget Council

4/15/2008 9:00:00AM

Location: 212 Knott Building

AMENDED

HJR 7125 : State and Local Government Revenue Limitations

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley		X			
Aaron Bean	X				
Dorothy Bendross-Mindingall		X			
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg		X			
Donald Brown	X				
Dean Cannon	X				
Joyce Cusack		X			
Bill Galvano	X				
Michael Grant	X				
Adam Hasner	X				
Dorothy Hukill	X				
Will Kendrick	X				
Dick Kravitz	X				
Carlos Lopez-Cantera	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 Sellar	X				
Priscilla Taylor		X			
Anthony Traviesa	X				
Baxter Troutman	X				
Shelley Vana		X			
Will Weatherford	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 26		Total Nays: 9			

Committee meeting was reported out: Tuesday, April 15, 2008 10:01:24PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (01)

Bill No. 7125

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 Saunders offered the following:

3
4 **Amendment**

5 Remove line 102 and insert:
6 activities. The Legislature must provide for an increase to the
7 revenue limit to account for revenues expended to comply with
8 state and federal mandates.
9