



Appropriations Committee

Wednesday, February 15, 2012
8:00 AM – 11:30 AM
212 Knott Building

Action Packet

Dean Cannon
Speaker

Denise Grimsley
Chair

COMMITTEE MEETING REPORT

Appropriations Committee

2/15/2012 8:00:00AM

AMENDED

Location: Webster Hall (212 Knott)

Summary:

Appropriations Committee

Wednesday February 15, 2012 08:00 am

CS/HB 181	Favorable With Committee Substitute	Yeas: 21	Nays: 0
CS/HB 455	Favorable With Committee Substitute Amendment 049687	Yeas: 20	Nays: 0
CS/HB 465	Favorable	Yeas: 21	Nays: 0
CS/HB 525	Favorable With Committee Substitute Amendment 798293	Yeas: 12	Nays: 8
CS/HB 695	Favorable With Committee Substitute Amendment 601211 Amendment 920593	Yeas: 16	Nays: 3
HB 813	Favorable	Yeas: 14	Nays: 6
HB 945	Favorable With Committee Substitute Amendment 650829	Yeas: 20	Nays: 0
CS/HB 999	Favorable With Committee Substitute Amendment 642457	Yeas: 19	Nays: 0
CS/HB 1097	Favorable With Committee Substitute Amendment 196047	Yeas: 21	Nays: 0
CS/HB 1163	Favorable With Committee Substitute Amendment 229807 Amendment 393255 Amendment 843513	Yeas: 21	Nays: 0
CS/HB 1205	Temporarily Deferred Bill failed 10 yeas 11 nays. Motion to reconsider passed 14 yeas 7 nays.		
CS/CS/HB 1261	Favorable With Committee Substitute Amendment 428721	Yeas: 18	Nays: 0
CS/HB 1383	Favorable With Committee Substitute Amendment 444331	Yeas: 19	Nays: 0
HB 7049	Favorable	Yeas: 19	Nays: 0
HB 7069	Favorable With Committee Substitute Amendment 592017	Yeas: 20	Nays: 0

Committee meeting was reported out: Wednesday, February 15, 2012 7:09:30PM

COMMITTEE MEETING REPORT

Appropriations Committee

2/15/2012 8:00:00AM

Location: Webster Hall (212 Knott)

AMENDED

Summary: (continued)

Appropriations Committee

Wednesday February 15, 2012 08:00 am

HB 7095	Favorable With Committee Substitute	Yeas: 19	Nays: 0
	Amendment 322919 Adopted Without Objection		
HB 7099	Favorable With Committee Substitute	Yeas: 20	Nays: 1
	Amendment 171541 Adopted Without Objection		

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COMMITTEE MEETING REPORT

Appropriations Committee

2/15/2012 8:00:00AM

Location: Webster Hall (212 Knott)

AMENDED

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Denise Grimsley (Chair)	X		
Gary Aubuchon	X		
Leonard Bemby	X		
Charles Chestnut IV	X		
Marti Coley	X		
Chris Dorworth	X		
Richard Glorioso	X		
Ed Hooper	X		
Mike Horner	X		
Matt Hudson	X		
Dorothy Hukill	X		
Mia Jones	X		
Martin Kiar	X		
Paige Kreegel	X		
Seth McKeel	X		
H. Marlene O'Toole	X		
Ari Porth	X		
William Proctor	X		
Darryl Rouson	X		
Franklin Sands	X		
Ron Saunders	X		
Robert Schenck			X
William Snyder	X		
Trudi Williams			X
Totals:	22	0	2

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COMMITTEE MEETING REPORT

Appropriations Committee

2/15/2012 8:00:00AM

Location: Webster Hall (212 Knott)

AMENDED

CS/HB 181 : Sponsorship of State Greenways and Trails

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon	X				
Leonard Bemby	X				
Charles Chestnut IV	X				
Marti Coley	X				
Chris Dorworth	X				
Richard Glorioso	X				
Ed Hooper				X	
Mike Horner	X				
Matt Hudson	X				
Dorothy Hukill	X				
Mia Jones	X				
Martin Kiar	X				
Paige Kreegel	X				
Seth McKeel	X				
H. Marlene O'Toole	X				
Ari Porth	X				
William Proctor	X				
Darryl Rouson	X				
Franklin Sands	X				
Ron Saunders	X				
Robert Schenck			X		
William Snyder	X				
Trudi Williams			X		
Denise Grimsley (Chair)	X				
Total Yeas: 21		Total Nays: 0			

Appearances:

Pardue, Howard - Opponent
Florida Trail Association
809 Madiara Circle
Tallahassee FL 323012
Phone: (850) 386-1494

Committee meeting was reported out: Wednesday, February 15, 2012 7:09:30PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 181 (2012)

Amendment No.

COMMITTEE/SUBCOMMITTEE 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 Committee/Subcommittee hearing bill: Appropriations Committee
2 Representative Slosberg offered the following:

Klar

4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. This act may be cited as the "John Anthony
7 Wilson Bicycle Safety Act."

8 Section 2. Section 260.0144, Florida Statutes, is created
9 to read:

10 260.0144 Sponsorship of state greenways and trails.—The
11 department may enter into a concession agreement with a not-for-
12 profit entity or private sector business or entity for
13 commercial sponsorship to be displayed on state greenway and
14 trail facilities or property specified in this section. The
15 department may establish the cost for entering into a concession
16 agreement.

17 (1) A concession agreement shall be administered by the
18 department and must include the requirements found in this
19 section.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 181 (2012)

Amendment No.

20 (2) (a) Space for a commercial sponsorship display may be
21 provided through a concession agreement on certain state-owned
22 greenway or trail facilities or property.

23 (b) Signage or displays erected under this section shall
24 comply with the provisions of s. 337.407 and chapter 479, and
25 shall be limited as follows:

26 1. One large sign or display, not to exceed 16 square feet
27 in area, may be located at each trailhead or parking area.

28 2. One small sign or display, not to exceed 4 square feet
29 in area, may be located at each designated trail public access
30 point.

31 (c) Before installation, each name or sponsorship display
32 must be approved by the department.

33 (d) The department shall ensure that the size, color,
34 materials, construction, and location of all signs are
35 consistent with the management plan for the property and the
36 standards of the department, do not intrude on natural and
37 historic settings, and contain only a logo selected by the
38 sponsor and the following sponsorship wording:

39
40 ...(Name of the sponsor)...proudly sponsors the costs
41 of maintaining the...(Name of the greenway or
42 trail)....

43
44 (e) Sponsored trails and greenways are authorized only at:

45 1. Florida Keys Overseas Heritage Trail.

46 2. Blackwater Heritage Trail.

47 3. Tallahassee-St. Marks Historic Railroad State Trail.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 181 (2012)

Amendment No.

48 4. Nature Coast State Trail.

49 5. Withlacoochee State Trail.

50 6. General James A. Van Fleet State Trail.

51 7. Palatka-Lake Butler State Trail.

52 (f) All costs of a display, including development,
53 construction, installation, operation, maintenance, and removal
54 costs, shall be paid by the concessionaire.

55 (3) A concession agreement shall be for a minimum of 1
56 year, but may be for a longer period under a multiyear
57 agreement, and may be terminated for just cause by the
58 department upon 60 days' advance notice. Just cause for
59 termination of a concession agreement includes, but is not
60 limited to, violation of the terms of the concession agreement
61 or any provision of this section.

62 (4) Commercial sponsorship pursuant to a concession
63 agreement is for public relations or advertising purposes of the
64 not-for-profit entity or private sector business or entity, and
65 may not be construed by that not-for-profit entity or private
66 sector business or entity as having a relationship to any other
67 actions of the department.

68 (5) This section does not create a proprietary or
69 compensable interest in any sign, display site, or location.

70 (6) Proceeds from concession agreements shall be
71 distributed as follows:

72 (a) Eighty-five percent shall be deposited into the
73 appropriate department trust fund that is the source of funding
74 for management and operation of state greenway and trail
75 facilities and properties.

Amendment No.

76 (b) Fifteen percent shall be deposited into the State
77 Transportation Trust Fund for use in the Traffic and Bicycle
78 Safety Education Program and the Safe Paths to School Program
79 administered by the Department of Transportation.

80 (7) The department may adopt rules to administer this
81 section.

82 Section 3. This act shall take effect July 1, 2012.

83

84

85

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

87 Remove the entire title and insert:

88 A bill to be entitled

89 An act relating to the sponsorship of state greenways
90 and trails; creating the "John Anthony Wilson Bicycle
91 Safety Act"; creating s. 260.0144, F.S.; providing for
92 the Department of Environmental Protection to enter
93 into concession agreements for commercial sponsorship
94 displays to be displayed on certain state greenway and
95 trail facilities or property; providing requirements
96 for concession agreements; specifying which greenways
97 and trails may be included in the sponsorship program;
98 providing for distribution of proceeds from the
99 concession agreements; authorizing the department to
100 adopt rules; providing an effective date.

COMMITTEE MEETING REPORT

Appropriations Committee

2/15/2012 8:00:00AM

Location: Webster Hall (212 Knott)

AMENDED

CS/HB 455 : Sex Offenses

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon			X		
Leonard Bembry	X				
Charles Chestnut IV	X				
Marti Coley	X				
Chris Dorworth	X				
Richard Glorioso	X				
Ed Hooper	X				
Mike Horner	X				
Matt Hudson	X				
Dorothy Hukill	X				
Mia Jones	X				
Martin Kiar	X				
Paige Kreegel			X		
Seth McKeel	X				
H. Marlene O'Toole	X				
Ari Porth	X				
William Proctor	X				
Darryl Rouson	X				
Franklin Sands	X				
Ron Saunders	X				
Robert Schenck			X		
William Snyder	X				
Trudi Williams			X		
Denise Grimsley (Chair)	X				
Total Yeas: 20		Total Nays: 0			

CS/HB 455 Amendments

Amendment 049687

Adopted Without Objection

Appearances:

Poore, Terri (Lobbyist) - Proponent
Director of Public Affairs, Florida Council Against Sexual Violence
1820 East Park Avenue Suite 100
Tallahassee FL 32301
Phone: 850-363-2918

Pitts, Brian - Opponent
Trustee-Justice-2-Jesus
1119 Newton Avenue South
S. Petersburg Florida 33705
Phone: 727-897-9291

Committee meeting was reported out: Wednesday, February 15, 2012 7:09:30PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 455 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Appropriations Committee
2 Representative Glorioso offered the following:

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

5 Between lines 1709 and 1710, insert:

6 Section 17. The sum of \$112,420 of recurring funds from the
7 General Revenue Fund is appropriated to the Department of
8 Corrections to provide electronic monitoring as required in this
9 bill.

10
11
12
13 -----
14 **T I T L E A M E N D M E N T**

15 Remove line 89 and insert:
16 references; providing an appropriation; providing an effective
17 date.
18

COMMITTEE MEETING REPORT

Appropriations Committee

2/15/2012 8:00:00AM

Location: Webster Hall (212 Knott)

AMENDED

CS/HB 465 : District School Board Bonds

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon	X				
Leonard Bembry	X				
Charles Chestnut IV	X				
Marti Coley	X				
Chris Dorworth	X				
Richard Glorioso	X				
Ed Hooper				X	
Mike Horner	X				
Matt Hudson	X				
Dorothy Hukill	X				
Mia Jones	X				
Martin Kiar	X				
Paige Kreegel	X				
Seth McKeel	X				
H. Marlene O'Toole	X				
Ari Porth	X				
William Proctor	X				
Darryl Rouson	X				
Franklin Sands	X				
Ron Saunders	X				
Robert Schenck			X		
William Snyder	X				
Trudi Williams			X		
Denise Grimsley (Chair)	X				
Total Yeas: 21		Total Nays: 0			

Appearances:

Mallette, Kelly (Lobbyist) - Waive In Support
Miami-Dade County Public Schools
1450 NW 2nd Ave
Miami FL 33132
Phone: (305)935-1866

Committee meeting was reported out: Wednesday, February 15, 2012 7:09:30PM

COMMITTEE MEETING REPORT

Appropriations Committee

2/15/2012 8:00:00AM

Location: Webster Hall (212 Knott)

AMENDED

CS/HB 525 : State Retirement

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon	X				
Leonard Bembry		X			
Charles Chestnut IV		X			
Marti Coley	X				
Chris Dorworth	X				
Richard Glorioso	X				
Ed Hooper	X				
Mike Horner			X		
Matt Hudson	X				
Dorothy Hukill	X				
Mia Jones		X			
Martin Kiar		X			
Paige Kreegel		X			
Seth McKeel	X				
H. Marlene O'Toole	X				
Ari Porth		X			
William Proctor	X				
Darryl Rouson					X
Franklin Sands		X			
Ron Saunders		X			
Robert Schenck			X		
William Snyder	X				
Trudi Williams			X		
Denise Grimsley (Chair)	X				
Total Yeas: 12		Total Nays: 8			

CS/HB 525 Amendments

Amendment 798293

Adopted Without Objection

Appearances:

Amendment 1 and CS/HB 525

Rainey, Gary (Lobbyist) - Opponent
President, Florida Professional Firefighters
345 W Madison St
Tallahassee FL 32301
Phone: (850)224-7333

Amendment 1 and CS/HB 525

Taylor, Rowan - Opponent
President IAFF Local 1403/ Miami-Dade Firefighters
8000 NW 21st St.
Miami FL 33321

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COMMITTEE MEETING REPORT

Appropriations Committee

2/15/2012 8:00:00AM

AMENDED

Location: Webster Hall (212 Knott)

CS/HB 525 : State Retirement (continued)

Appearances: (continued)

Amendment 1

Angelo, Fred - Proponent

1st Leg. Vice President/ Professional Firefighters/Paramedics of PBC
2328 S. Congress
West Palm Beach FL 33406
Phone: (561)969-0729

Amendment 1

Edson, Linda (General Public) - Opponent

Leon/Wakulla Retired Educators Association
1841 Myrick Rd.
Tallahassee FL 32303
Phone: 850-385-3196

Amendment 1 and CS/HB 525

Jacobs, Ferraro - Waive In Opposition

4409 W. Humphrey St.
Tampa FL 33614
Phone: (813)240-9451

Amendment 1 and CS/HB 525

Hollis, Henry (State Employee) - Waive In Opposition

12417 Dawn Vista Drive
Riverview FL
Phone: (813)215-5945

Adams, Leticia (Lobbyist) - Waive In Support

Florida Chamber of Commerce
136 S. Bronough St.
Tallahassee FL 32301
Phone: (850) 521-1279

Martin, Douglas (Lobbyist) - Opponent

AFSCME Florida Council 79
3064 Highland Oaks Ter
Tallahassee FL 32301
Phone: (850)222-0842

Ratcliff, John - Information Only

SEIU Healthcare Local 1991/Nurses, Physicians, Jackson Health System
18441 NW 2nd Ave #502
Miami Shores FL 33169
Phone: (305)620-6555

Perry, Gail Marie (General Public) - Opponent

Chair, Communications Workers of America Council of Florida
P O Box 1766
Pompano Beach FL 33061
Phone: 954-850-4055

Committee meeting was reported out: Wednesday, February 15, 2012 7:09:30PM

COMMITTEE MEETING REPORT

Appropriations Committee

2/15/2012 8:00:00AM

AMENDED

Location: Webster Hall (212 Knott)

CS/HB 525 : State Retirement (continued)

Appearances: (continued)

Messersmith, Frank (Lobbyist) - Proponent
Florida Sheriffs Association
2901 Lake Bradford Rd
Tallahassee FL 32310
Phone: (850) 576-5858

Puckett, Matthew (Lobbyist) - Information Only
Florida Police Benevolent Association, Inc
300 E Brevard St
Tallahassee FL 32301
Phone: (850)222-3329

Carmichael, Larry L. - Opponent
State Legislative Chair, Florida Retired Educators
1407 Devils Dip
Tallahassee FL 32308-5140
Phone: (850)877-7618

Suarez, Robert (Lobbyist) - Information Only
Florida Firefighters
345 W Madison Street
Tallahassee Florida

Templin, Rich (Lobbyist) - Waive In Opposition
Florida AFL-CIO
135 S. Monroe
Tallahassee FL 32301
Phone: 850-224-6926

Dix, Patsy (Lobbyist) - Waive In Opposition
Florida Education Association
213 S Adams St
Tallahassee FL 32301
Phone: (850)224-2078

Davis, Carolyn - Waive In Opposition
643 Poinsettia Drive
Largo FL 33770
Phone: (727)475-8512

Davis, Raymond - Waive In Opposition
643 Poinsettia Drive
Largo FL 33770
Phone: (727)475-8512

Committee meeting was reported out: Wednesday, February 15, 2012 7:09:30PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 525 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Appropriations Committee
2 Representative Workman offered the following:

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

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (29) and paragraph (b) of subsection (45)
7 of section 121.021, Florida Statutes, are amended, and paragraph
8 (c) is added to subsection (45) of that section, to read:

9 121.021 Definitions.—The following words and phrases as
10 used in this chapter have the respective meanings set forth
11 unless a different meaning is plainly required by the context:

12 (29) "Normal retirement date" means the date a member
13 attains normal retirement age and is vested, which is determined
14 as follows:

15 (a) ~~1-~~ If a Regular Class member, a Senior Management
16 Service Class member, or an Elected Officers' Class member
17 initially enrolled;

18 1. Before July 1, 2011:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 525 (2012)

Amendment No. 1

19 a. The first day of the month the member attains age 62;
20 or

21 b. The first day of the month following the date the
22 member completes 30 years of creditable service, regardless of
23 age.

24 2. ~~If a Regular Class member, a Senior Management Service~~
25 ~~Class member, or an Elected Officers' Class member initially~~
26 ~~enrolled~~ On or after July 1, 2011:

27 a. The first day of the month the member attains age 65;
28 or

29 b. The first day of the month following the date the
30 member completes 33 years of creditable service, regardless of
31 age.

32 (b)~~1~~. If a Special Risk Class member initially enrolled:

33 1. Before July 1, 2011:

34 a. The first day of the month the member attains age 55
35 and completes the years of creditable service in the Special
36 Risk Class equal to or greater than the years of service
37 required for vesting;

38 b. The first day of the month following the date the
39 member completes 25 years of creditable service in the Special
40 Risk Class, regardless of age; or

41 c. The first day of the month following the date the
42 member completes 25 years of creditable service and attains age
43 52, which service may include a maximum of 4 years of military
44 service credit if such credit is not claimed under any other
45 system and the remaining years are in the Special Risk Class.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 525 (2012)

Amendment No. 1

46 2. ~~If a Special Risk Class member initially enrolled~~ On or
47 after July 1, 2011:

48 a. The first day of the month the member attains age 55 ~~60~~
49 and completes the years of creditable service in the Special
50 Risk Class equal to or greater than the years of service
51 required for vesting;

52 b. The first day of the month the member attains age 48
53 ~~and following the date the member completes 25 30~~ years of
54 creditable service in the Special Risk Class, ~~regardless of age;~~
55 or

56 c. The first day of the month following the date the
57 member completes 25 30 years of creditable service and attains
58 age 52 57, which service may include a maximum of 4 years of
59 military service credit if such credit is not claimed under any
60 other system and the remaining years are in the Special Risk
61 Class.

62
63 For pension plan members, "normal retirement age" is attained on
64 the "normal retirement date." For investment plan members,
65 normal retirement age is the date a member attains his or her
66 normal retirement date as provided in this section, or the date
67 a member is vested under the investment plan as provided in s.
68 121.4501(6), whichever is later.

69 (45) "Vested" or "vesting" means the guarantee that a
70 member is eligible to receive a future retirement benefit upon
71 completion of the required years of creditable service for the
72 employee's class of membership, even though the member may have
73 terminated covered employment before reaching normal or early

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 525 (2012)

Amendment No. 1

74 retirement date. Being vested does not entitle a member to a
75 disability benefit. Provisions governing entitlement to
76 disability benefits are set forth under s. 121.091(4).

77 (b) Any member initially enrolled in the Florida
78 Retirement System on or after July 1, 2011, but before July 1,
79 2012, shall be vested in the pension plan upon completion of 8
80 years of creditable service.

81 (c) Any member initially enrolled in the Florida
82 Retirement System on or after July 1, 2012, shall be vested in
83 the pension plan upon completion of 11 years of creditable
84 service.

85 Section 2. Paragraph (f) of subsection (1) and paragraph
86 (e) of subsection (6) of section 121.055, Florida Statutes, are
87 amended to read:

88 121.055 Senior Management Service Class.—There is hereby
89 established a separate class of membership within the Florida
90 Retirement System to be known as the "Senior Management Service
91 Class," which shall become effective February 1, 1987.

92 (1)

93 (f) Effective July 1, 1997:

94 1. Except as provided in subparagraph 3., an elected state
95 officer eligible for membership in the Elected Officers' Class
96 under s. 121.052(2)(a), (b), or (c) who elects membership in the
97 Senior Management Service Class under s. 121.052(3)(c) may,
98 within 6 months after assuming office or within 6 months after
99 this act becomes a law for serving elected state officers, elect
100 to participate in the Senior Management Service Optional Annuity

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 525 (2012)

Amendment No. 1

101 Program, as provided in subsection (6), in lieu of membership in
102 the Senior Management Service Class.

103 2. Except as provided in subparagraph 3., an elected
104 officer of a local agency employer eligible for membership in
105 the Elected Officers' Class under s. 121.052(2)(d) who elects
106 membership in the Senior Management Service Class under s.
107 121.052(3)(c) may, within 6 months after assuming office, or
108 within 6 months after this act becomes a law for serving elected
109 officers of a local agency employer, elect to withdraw from the
110 Florida Retirement System, as provided in subparagraph (b)2., in
111 lieu of membership in the Senior Management Service Class.

112 3. A retiree of a state-administered retirement system who
113 is initially reemployed in a regularly established position on
114 or after July 1, 2010, as an elected official eligible for the
115 Elected Officers' Class may not be enrolled in renewed ~~renew~~
116 membership in the Senior Management Service Class or in the
117 Senior Management Service Optional Annuity Program as provided
118 in subsection (6), and may not withdraw from the Florida
119 Retirement System as a renewed member as provided in
120 subparagraph (b)2., as applicable, in lieu of membership in the
121 Senior Management Service Class.

122 (6)

123 (e) Benefits.—

124 1. Benefits under the Senior Management Service Optional
125 Annuity Program are payable only to members of the program, or
126 their beneficiaries as designated by the member in the contract
127 with the provider company, and must be paid by the designated
128 company in accordance with the terms of the annuity contract

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 525 (2012)

Amendment No. 1

129 applicable to the member. A member must be terminated from all
130 employment relationships with Florida Retirement System
131 employers for 3 calendar months to begin receiving the employer-
132 funded and employee-funded benefit. The department may authorize
133 a distribution of up to 10 percent of the member's account after
134 being terminated from employment with participating employers
135 for 1 calendar month if the member has reached the normal
136 retirement date as defined in s. 121.021. The department may
137 adopt rules to implement this subparagraph. The member must meet
138 the definition of termination in s. 121.021(39) beginning the
139 month after receiving a benefit, including a distribution.
140 Benefits funded by employer and employee contributions are
141 payable under the terms of the contract to the member, his or
142 her beneficiary, or his or her estate, in addition to:

143 a. A lump-sum payment to the beneficiary upon the death of
144 the member;

145 b. A cash-out of a de minimis account upon the request of
146 a former member who has been terminated for a minimum of 6
147 calendar months from the employment that entitled him or her to
148 optional annuity program participation. Such cash-out must be a
149 complete liquidation of the account balance with that company
150 and is subject to the Internal Revenue Code;

151 c. A mandatory distribution of a de minimis account of a
152 former member who has been terminated for a minimum of 6
153 calendar months from the employment that entitled him or her to
154 optional annuity program participation as authorized by the
155 department; or

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 525 (2012)

Amendment No. 1

156 d. A lump-sum direct rollover distribution whereby all
157 accrued benefits, plus interest and investment earnings, are
158 paid from the member's account directly to the custodian of an
159 eligible retirement plan, as defined in s. 402(c)(8)(B) of the
160 Internal Revenue Code, on behalf of the member.

161 2. Under the Senior Management Service Optional Annuity
162 Program, benefits, including employee contributions, are not
163 payable for employee hardships, unforeseeable emergencies,
164 loans, medical expenses, educational expenses, purchase of a
165 principal residence, payments necessary to prevent eviction or
166 foreclosure on an employee's principal residence, or any other
167 reason except a requested distribution for retirement, a
168 mandatory de minimis distribution authorized by the
169 administrator, or a required minimum distribution provided
170 pursuant to the Internal Revenue Code before termination from
171 all employment relationships with participating employers for 3
172 calendar months.

173 3. The benefits payable to any person under the Senior
174 Management Service Optional Annuity Program, and any
175 contribution accumulated under such program, are not subject to
176 assignment, execution, or attachment or to any legal process
177 whatsoever.

178 4. Except as provided in subparagraph 5., a member who
179 terminates employment and receives a distribution, including a
180 rollover or trustee-to-trustee transfer, funded by employer and
181 required employee contributions is a retiree of ~~deemed to be~~
182 ~~retired from~~ a state-administered retirement system. A retiree
183 of a state-administered retirement system who is initially

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Published On: 2/14/2012 9:20:01 PM

Amendment No. 1

184 reemployed in a regularly established position on or after July
185 1, 2010, is not eligible to be enrolled in renewed membership if
186 ~~the member is subsequently employed with an employer that~~
187 ~~participates in the Florida Retirement System.~~

188 5. A member who receives optional annuity program benefits
189 funded by employer and employee contributions as a mandatory
190 distribution of a de minimis account authorized by the
191 department is not considered a retiree.

192

193 As used in this paragraph, a "de minimis account" means an
194 account with a provider company containing employer and employee
195 contributions and accumulated earnings of not more than \$5,000
196 made under this chapter.

197 Section 3. Paragraph (a) of subsection (3) and paragraph
198 (a) of subsection (4) of section 121.091, Florida Statutes, are
199 amended to read:

200 121.091 Benefits payable under the system.—Benefits may
201 not be paid under this section unless the member has terminated
202 employment as provided in s. 121.021(39)(a) or begun
203 participation in the Deferred Retirement Option Program as
204 provided in subsection (13), and a proper application has been
205 filed in the manner prescribed by the department. The department
206 may cancel an application for retirement benefits when the
207 member or beneficiary fails to timely provide the information
208 and documents required by this chapter and the department's
209 rules. The department shall adopt rules establishing procedures
210 for application for retirement benefits and for the cancellation

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 525 (2012)

Amendment No. 1

211 of such application when the required information or documents
212 are not received.

213 (3) EARLY RETIREMENT BENEFIT.—Upon retirement on his or
214 her early retirement date, the member shall receive an immediate
215 monthly benefit that shall begin to accrue on the first day of
216 the month of the retirement date and be payable on the last day
217 of that month and each month thereafter during his or her
218 lifetime. Such benefit shall be calculated as follows:

219 (a) For a member initially enrolled:

220 1. Before July 1, 2011, the amount of each monthly payment
221 shall be computed in the same manner as for a normal retirement
222 benefit, in accordance with subsection (1), but shall be based
223 on the member's average monthly compensation and creditable
224 service as of the member's early retirement date. The benefit so
225 computed shall be reduced by five-twelfths of 1 percent for each
226 complete month by which the early retirement date precedes the
227 normal retirement date of age 62 for a member of the Regular
228 Class, Senior Management Service Class, or the Elected Officers'
229 Class, and age 55 for a member of the Special Risk Class, or age
230 52 if a Special Risk member has completed 25 years of creditable
231 service in accordance with s. 121.021(29)(b)1.c.

232 2. On or after July 1, 2011, the amount of each monthly
233 payment shall be computed in the same manner as for a normal
234 retirement benefit, in accordance with subsection (1), but shall
235 be based on the member's average monthly compensation and
236 creditable service as of the member's early retirement date. The
237 benefit so computed shall be reduced by five-twelfths of 1
238 percent for each complete month by which the early retirement

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 525 (2012)

Amendment No. 1

239 date precedes the normal retirement date of age 65 for a member
240 of the Regular Class, Senior Management Service Class, or the
241 Elected Officers' Class, and age 55 ~~60~~ for a member of the
242 Special Risk Class, or age 48 ~~57~~ if a Special Risk member has
243 completed 25 ~~30~~ years of creditable service in accordance with
244 s. 121.021(29)(b)2.b. ~~s. 121.021(29)(b)2.c.~~

245 (4) DISABILITY RETIREMENT BENEFIT.—

246 (a) Disability retirement; entitlement and effective
247 date.—

248 1.a. A member who becomes totally and permanently
249 disabled, as defined in paragraph (b), after completing 5 years
250 of creditable service, or a member who becomes totally and
251 permanently disabled in the line of duty regardless of service,
252 is entitled to a monthly disability benefit; except that any
253 member with less than 5 years of creditable service on July 1,
254 1980, or any person who becomes a member of the Florida
255 Retirement System on or after such date must have completed 10
256 years of creditable service before becoming totally and
257 permanently disabled in order to receive disability retirement
258 benefits for any disability which occurs other than in the line
259 of duty. However, if a member employed on July 1, 1980, who has
260 less than 5 years of creditable service as of that date becomes
261 totally and permanently disabled after completing 5 years of
262 creditable service and is found not to have attained fully
263 insured status for benefits under the federal Social Security
264 Act, such member is entitled to a monthly disability benefit.

265 b. Effective July 1, 2001, for a member initially enrolled
266 before July 1, 2012, a member of the pension plan who becomes

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Published On: 2/14/2012 9:20:01 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 525 (2012)

Amendment No. 1

267 totally and permanently disabled, as defined in paragraph (b),
268 after completing 8 years of creditable service, or a member who
269 becomes totally and permanently disabled in the line of duty
270 regardless of service, is entitled to a monthly disability
271 benefit.

272 c. For a member of the pension plan who is initially
273 enrolled on or after July 1, 2012, and becomes totally and
274 permanently disabled, as described in paragraph (b), after
275 completing the years of service for vesting provided in s.
276 121.021, or a member who becomes totally and permanently
277 disabled in the line of duty regardless of service, is entitled
278 to a monthly disability benefit.

279 2. If the division has received from the employer the
280 required documentation of the member's termination of
281 employment, the effective retirement date for a member who
282 applies and is approved for disability retirement shall be
283 established by rule of the division.

284 3. For a member who is receiving Workers' Compensation
285 payments, the effective disability retirement date may not
286 precede the date the member reaches Maximum Medical Improvement
287 (MMI), unless the member terminates employment before reaching
288 MMI.

289 Section 4. Paragraphs (a), (b), and (g) of subsection (5)
290 of section 121.35, Florida Statutes, are amended to read:

291 121.35 Optional retirement program for the State
292 University System.—

293 (5) BENEFITS.—

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 525 (2012)

Amendment No. 1

294 (a) Benefits are payable under the optional retirement
295 program only to vested members participating in the program, or
296 their beneficiaries as designated by the member in the contract
297 with a provider company, and such benefits shall be paid only by
298 the designated company in accordance with s. 403(b) of the
299 Internal Revenue Code and the terms of the annuity contract or
300 investment contracts applicable to the member. A benefit under
301 the optional retirement program is a distribution requested by
302 the member or surviving beneficiary funded in part or in whole
303 by employer or required employee contributions, plus earnings,
304 and includes rolling a distribution over to another qualified
305 plan. Benefits accrue in individual accounts that are member-
306 directed, portable, and funded by employer and employee
307 contributions and the earnings thereon. The member must be
308 terminated for 3 calendar months from all employment
309 relationships with all Florida Retirement System employers to
310 begin receiving the benefit. The department may authorize a
311 distribution of up to 10 percent of the member's account after
312 being terminated from employment with participating employers
313 for 1 calendar month if the member has reached the normal
314 retirement date as defined in s. 121.021. The department may
315 adopt rules to implement this paragraph. Benefits funded by
316 employer and required employee contributions are payable in
317 accordance with the following terms and conditions:

318 1. Benefits shall be paid only to a participating member,
319 to his or her beneficiaries, or to his or her estate, as
320 designated by the member.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 525 (2012)

Amendment No. 1

321 2. Benefits shall be paid by the provider company or
322 companies in accordance with the law, the provisions of the
323 contract, and any applicable department rule or policy.

324 3. In the event of a member's death, moneys accumulated
325 by, or on behalf of, the member, less withholding taxes remitted
326 to the Internal Revenue Service, if any, shall be distributed to
327 the member's designated beneficiary or beneficiaries, or to the
328 member's estate, as if the member retired on the date of death,
329 as provided in paragraph (d). No other death benefits are
330 available to survivors of members under the optional retirement
331 program except for such benefits, or coverage for such benefits,
332 as are separately afforded by the employer, at the employer's
333 discretion.

334 (b) Benefits, including employee contributions, are not
335 payable for employee hardships, unforeseeable emergencies,
336 loans, medical expenses, educational expenses, purchase of a
337 principal residence, payments necessary to prevent eviction or
338 foreclosure on an employee's principal residence, or any other
339 reason except a requested distribution for retirement, a
340 mandatory de minimis distribution authorized by the
341 administrator, or a required minimum distribution provided
342 pursuant to the Internal Revenue Code ~~before termination from~~
343 ~~all employment relationships with participating employers for 3~~
344 ~~calendar months.~~

345 (g) Benefits funded by the participating member's
346 voluntary personal contributions may be paid out after
347 termination from employment with all participating employers for
348 3 calendar months ~~at any time~~ and in any form within the limits

798293 - h0525-StrikeAll Workman1.docx

Published On: 2/14/2012 9:20:01 PM

Amendment No. 1

349 provided in the contract between the member and the provider
350 company. The member shall notify the provider company regarding
351 the date and provisions under which he or she wants to receive
352 the employee-funded portion of the plan.

353 Section 5. Paragraph (i) of subsection (2), paragraph (b)
354 of subsection (3), subsection (4), and paragraph (c) of
355 subsection (5) of section 121.4501, Florida Statutes, are
356 amended to read:

357 121.4501 Florida Retirement System Investment Plan.—

358 (2) DEFINITIONS.—As used in this part, the term:

359 (i) "Member" or "employee" means an eligible employee who
360 enrolls in or is defaulted into the investment plan as provided
361 in subsection (4), a terminated Deferred Retirement Option
362 Program member as described in subsection (21), or a beneficiary
363 or alternate payee of a member or employee.

364 (3) RETIREMENT SERVICE CREDIT; TRANSFER OF BENEFITS.—

365 (b) Notwithstanding paragraph (a), an eligible employee
366 who elects to participate in or is defaulted into the investment
367 plan and establishes one or more individual member accounts may
368 elect to transfer to the investment plan a sum representing the
369 present value of the employee's accumulated benefit obligation
370 under the pension plan, except as provided in paragraph (4)(d).
371 Upon transfer, all service credit earned under the pension plan
372 is nullified for purposes of entitlement to a future benefit
373 under the pension plan. A member may not transfer the
374 accumulated benefit obligation balance from the pension plan
375 after the time period for enrolling ~~in the investment plan~~ has
376 expired.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 525 (2012)

Amendment No. 1

377 1. For purposes of this subsection, the present value of
378 the member's accumulated benefit obligation is based upon the
379 member's estimated creditable service and estimated average
380 final compensation under the pension plan, subject to
381 recomputation under subparagraph 2. For state employees, initial
382 estimates shall be based upon creditable service and average
383 final compensation as of midnight on June 30, 2002; for district
384 school board employees, initial estimates shall be based upon
385 creditable service and average final compensation as of midnight
386 on September 30, 2002; and for local government employees,
387 initial estimates shall be based upon creditable service and
388 average final compensation as of midnight on December 31, 2002.
389 The dates specified are the "estimate date" for these employees.
390 The actuarial present value of the employee's accumulated
391 benefit obligation shall be based on the following:

392 a. The discount rate and other relevant actuarial
393 assumptions used to value the Florida Retirement System Trust
394 Fund at the time the amount to be transferred is determined,
395 consistent with the factors provided in sub-subparagraphs b. and
396 c.

397 b. A benefit commencement age, based on the member's
398 estimated creditable service as of the estimate date.

399 c. Except as provided under sub-subparagraph d., for a
400 member initially enrolled:

401 (I) Before July 1, 2011, the benefit commencement age is
402 the younger of the following, but may not be younger than the
403 member's age as of the estimate date:

404 (A) Age 62; or

798293 - h0525-StrikeAll Workman1.docx

Published On: 2/14/2012 9:20:01 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 525 (2012)

Amendment No. 1

405 (B) The age the member would attain if the member
406 completed 30 years of service with an employer, assuming the
407 member worked continuously from the estimate date, and
408 disregarding any vesting requirement that would otherwise apply
409 under the pension plan.

410 (II) On or after July 1, 2011, the benefit commencement
411 age is the younger of the following, but may not be younger than
412 the member's age as of the estimate date:

413 (A) Age 65; or

414 (B) The age the member would attain if the member
415 completed 33 years of service with an employer, assuming the
416 member worked continuously from the estimate date, and
417 disregarding any vesting requirement that would otherwise apply
418 under the pension plan.

419 d. For members of the Special Risk Class and for members
420 of the Special Risk Administrative Support Class entitled to
421 retain the special risk normal retirement date:

422 (I) Initially enrolled before July 1, 2011, the benefit
423 commencement age is the younger of the following, but may not be
424 younger than the member's age as of the estimate date:

425 (A) Age 55; or

426 (B) The age the member would attain if the member
427 completed 25 years of service with an employer, assuming the
428 member worked continuously from the estimate date, and
429 disregarding any vesting requirement that would otherwise apply
430 under the pension plan.

431 (II) Initially enrolled on or after July 1, 2011, the
432 benefit commencement age is the younger of the following, but

798293 - h0525-StrikeAll Workman1.docx

Published On: 2/14/2012 9:20:01 PM

Amendment No. 1

433 may not be younger than the member's age as of the estimate
434 date:

435 (A) Age 55 ~~60~~; or

436 (B) ~~The Age 48 the member would attain~~ if the member
437 completed 25 ~~30~~ years of service with an employer, assuming the
438 member worked continuously from the estimate date, and
439 disregarding any vesting requirement that would otherwise apply
440 under the pension plan.

441 e. The calculation must disregard vesting requirements and
442 early retirement reduction factors that would otherwise apply
443 under the pension plan.

444 2. For each member who elects to transfer moneys from the
445 pension plan to his or her account in the investment plan, the
446 division shall recompute the amount transferred under
447 subparagraph 1. within 60 days after the actual transfer of
448 funds based upon the member's actual creditable service and
449 actual final average compensation as of the initial date of
450 participation in the investment plan. If the recomputed amount
451 differs from the amount transferred by \$10 or more, the division
452 shall:

453 a. Transfer, or cause to be transferred, from the Florida
454 Retirement System Trust Fund to the member's account the excess,
455 if any, of the recomputed amount over the previously transferred
456 amount together with interest from the initial date of transfer
457 to the date of transfer under this subparagraph, based upon the
458 effective annual interest equal to the assumed return on the
459 actuarial investment which was used in the most recent actuarial
460 valuation of the system, compounded annually.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 525 (2012)

Amendment No. 1

461 b. Transfer, or cause to be transferred, from the member's
462 account to the Florida Retirement System Trust Fund the excess,
463 if any, of the previously transferred amount over the recomputed
464 amount, together with interest from the initial date of transfer
465 to the date of transfer under this subparagraph, based upon 6
466 percent effective annual interest, compounded annually, pro rata
467 based on the member's allocation plan.

468 3. If contribution adjustments are made as a result of
469 employer errors or corrections, including plan corrections,
470 following recomputation of the amount transferred under
471 subparagraph 1., the member is entitled to the additional
472 contributions or is responsible for returning any excess
473 contributions resulting from the correction. However, any return
474 of such erroneous excess pretax contribution by the plan must be
475 made within the period allowed by the Internal Revenue Service.
476 The present value of the member's accumulated benefit obligation
477 shall not be recalculated.

478 4. As directed by the member, the state board shall
479 transfer or cause to be transferred the appropriate amounts to
480 the designated accounts within 30 days after the effective date
481 of the member's participation in the investment plan unless the
482 major financial markets for securities available for a transfer
483 are seriously disrupted by an unforeseen event that causes the
484 suspension of trading on any national securities exchange in the
485 country where the securities were issued. In that event, the 30-
486 day period may be extended by a resolution of the state board.
487 Transfers are not commissionable or subject to other fees and
488 may be in the form of securities or cash, as determined by the

798293 - h0525-StrikeAll Workman1.docx

Published On: 2/14/2012 9:20:01 PM

Amendment No. 1

489 state board. Such securities are valued as of the date of
490 receipt in the member's account.

491 5. If the state board or the division receives
492 notification from the United States Internal Revenue Service
493 that this paragraph or any portion of this paragraph will cause
494 the retirement system, or a portion thereof, to be disqualified
495 for tax purposes under the Internal Revenue Code, the portion
496 that will cause the disqualification does not apply. Upon such
497 notice, the state board and the division shall notify the
498 presiding officers of the Legislature.

499 (4) PARTICIPATION; ENROLLMENT.—

500 (a)1. With respect to an eligible employee who is employed
501 in a regularly established position on June 1, 2002, by a state
502 employer:

503 a. Any such employee may elect to participate in the
504 investment plan in lieu of retaining his or her membership in
505 the pension plan. The election must be made in writing or by
506 electronic means and must be filed with the third-party
507 administrator by August 31, 2002, or, in the case of an active
508 employee who is on a leave of absence on April 1, 2002, by the
509 last business day of the 5th month following the month the leave
510 of absence concludes. This election is irrevocable, except as
511 provided in paragraph (h) ~~(g)~~. Upon making such election, the
512 employee shall be enrolled as a member of the investment plan,
513 the employee's membership in the Florida Retirement System is
514 governed by the provisions of this part, and the employee's
515 membership in the pension plan terminates. The employee's
516 enrollment in the investment plan is effective the first day of

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 525 (2012)

Amendment No. 1

517 the month for which a full month's employer contribution is made
518 to the investment plan.

519 b. Any such employee who fails to elect to participate in
520 the investment plan within the prescribed time period is deemed
521 to have elected to retain membership in the pension plan, and
522 the employee's option to elect to participate in the investment
523 plan is forfeited.

524 2. With respect to employees who become eligible to
525 participate in the investment plan by reason of employment in a
526 regularly established position with a state employer commencing
527 after April 1, 2002, through June 30, 2012:

528 a. Any such employee shall, by default, be enrolled in the
529 pension plan at the commencement of employment, and may, by the
530 last business day of the 5th month following the employee's
531 month of hire, elect to participate in the investment plan. The
532 employee's election must be made in writing or by electronic
533 means and must be filed with the third-party administrator. The
534 election to participate in the investment plan is irrevocable,
535 except as provided in paragraph (h) ~~(g)~~.

536 b. If the employee files such election within the
537 prescribed time period, enrollment in the investment plan is
538 effective on the first day of employment. The retirement
539 contributions paid through the month of the employee plan change
540 shall be transferred to the investment program, and, effective
541 the first day of the next month, the employer and employee must
542 pay the applicable contributions based on the employee
543 membership class in the program.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 525 (2012)

Amendment No. 1

544 c. Any such ~~An~~ employee who fails to elect to participate
545 in the investment plan within the prescribed time period is
546 deemed to have elected to retain membership in the pension plan,
547 and the employee's option to elect to participate in the
548 investment plan is forfeited.

549 3. With respect to employees who become eligible to
550 participate in the investment plan pursuant to s.
551 121.051(2)(c)3. or s. 121.35(3)(i), the employee may elect to
552 participate in the investment plan in lieu of retaining his or
553 her membership in the State Community College System Optional
554 Retirement Program or the State University System Optional
555 Retirement Program. The election must be made in writing or by
556 electronic means and must be filed with the third-party
557 administrator. This election is irrevocable, except as provided
558 in paragraph (h) ~~(g)~~. Upon making such election, the employee
559 shall be enrolled as a member in the investment plan, the
560 employee's membership in the Florida Retirement System is
561 governed by the provisions of this part, and the employee's
562 participation in the State Community College System Optional
563 Retirement Program or the State University System Optional
564 Retirement Program terminates. The employee's enrollment in the
565 investment plan is effective on the first day of the month for
566 which a full month's employer and employee contribution is made
567 to the investment plan.

568 4. For purposes of this paragraph, "state employer" means
569 any agency, board, branch, commission, community college,
570 department, institution, institution of higher education, or
571 water management district of the state, which participates in

798293 - h0525-StrikeAll Workman1.docx

Published On: 2/14/2012 9:20:01 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 525 (2012)

Amendment No. 1

572 the Florida Retirement System for the benefit of certain
573 employees.

574 (b)1. With respect to an eligible employee who is employed
575 in a regularly established position on September 1, 2002, by a
576 district school board employer:

577 a. Any such employee may elect to participate in the
578 investment plan in lieu of retaining his or her membership in
579 the pension plan. The election must be made in writing or by
580 electronic means and must be filed with the third-party
581 administrator by November 30, or, in the case of an active
582 employee who is on a leave of absence on July 1, 2002, by the
583 last business day of the 5th month following the month the leave
584 of absence concludes. This election is irrevocable, except as
585 provided in paragraph (h) ~~(g)~~. Upon making such election, the
586 employee shall be enrolled as a member of the investment plan,
587 the employee's membership in the Florida Retirement System is
588 governed by the provisions of this part, and the employee's
589 membership in the pension plan terminates. The employee's
590 enrollment in the investment plan is effective the first day of
591 the month for which a full month's employer contribution is made
592 to the investment program.

593 b. Any such employee who fails to elect to participate in
594 the investment plan within the prescribed time period is deemed
595 to have elected to retain membership in the pension plan, and
596 the employee's option to elect to participate in the investment
597 plan is forfeited.

598 2. With respect to employees who become eligible to
599 participate in the investment plan by reason of employment in a

798293 - h0525-StrikeAll Workman1.docx

Published On: 2/14/2012 9:20:01 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 525 (2012)

Amendment No. 1

600 regularly established position with a district school board
601 employer commencing after July 1, 2002, through June 30, 2012:

602 a. Any such employee shall, by default, be enrolled in the
603 pension plan at the commencement of employment, and may, by the
604 last business day of the 5th month following the employee's
605 month of hire, elect to participate in the investment plan. The
606 employee's election must be made in writing or by electronic
607 means and must be filed with the third-party administrator. The
608 election to participate in the investment plan is irrevocable,
609 except as provided in paragraph (h) ~~(g)~~.

610 b. If the employee files such election within the
611 prescribed time period, enrollment in the investment plan is
612 effective on the first day of employment. The employer
613 retirement contributions paid through the month of the employee
614 plan change shall be transferred to the investment plan, and,
615 effective the first day of the next month, the employer shall
616 pay the applicable contributions based on the employee
617 membership class in the investment plan.

618 c. Any such employee who fails to elect to participate in
619 the investment plan within the prescribed time period is deemed
620 to have elected to retain membership in the pension plan, and
621 the employee's option to elect to participate in the investment
622 plan is forfeited.

623 3. For purposes of this paragraph, "district school board
624 employer" means any district school board that participates in
625 the Florida Retirement System for the benefit of certain
626 employees, or a charter school or charter technical career

Amendment No. 1

627 center that participates in the Florida Retirement System as
628 provided in s. 121.051(2)(d).

629 (c)1. With respect to an eligible employee who is employed
630 in a regularly established position on December 1, 2002, by a
631 local employer:

632 a. Any such employee may elect to participate in the
633 investment plan in lieu of retaining his or her membership in
634 the pension plan. The election must be made in writing or by
635 electronic means and must be filed with the third-party
636 administrator by February 28, 2003, or, in the case of an active
637 employee who is on a leave of absence on October 1, 2002, by the
638 last business day of the 5th month following the month the leave
639 of absence concludes. This election is irrevocable, except as
640 provided in paragraph (h) ~~(g)~~. Upon making such election, the
641 employee shall be enrolled as a participant of the investment
642 plan, the employee's membership in the Florida Retirement System
643 is governed by the provisions of this part, and the employee's
644 membership in the pension plan terminates. The employee's
645 enrollment in the investment plan is effective the first day of
646 the month for which a full month's employer contribution is made
647 to the investment plan.

648 b. Any such employee who fails to elect to participate in
649 the investment plan within the prescribed time period is deemed
650 to have elected to retain membership in the pension plan, and
651 the employee's option to elect to participate in the investment
652 plan is forfeited.

653 2. With respect to employees who become eligible to
654 participate in the investment plan by reason of employment in a

798293 - h0525-StrikeAll Workman1.docx

Published On: 2/14/2012 9:20:01 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 525 (2012)

Amendment No. 1

655 regularly established position with a local employer commencing
656 after October 1, 2002, through June 30, 2012:

657 a. Any such employee shall, by default, be enrolled in the
658 pension plan at the commencement of employment, and may, by the
659 last business day of the 5th month following the employee's
660 month of hire, elect to participate in the investment plan. The
661 employee's election must be made in writing or by electronic
662 means and must be filed with the third-party administrator. The
663 election to participate in the investment plan is irrevocable,
664 except as provided in paragraph (h) ~~(g)~~.

665 b. If the employee files such election within the
666 prescribed time period, enrollment in the investment plan is
667 effective on the first day of employment. The employer
668 retirement contributions paid through the month of the employee
669 plan change shall be transferred to the investment plan, and,
670 effective the first day of the next month, the employer shall
671 pay the applicable contributions based on the employee
672 membership class in the investment plan.

673 c. Any such employee who fails to elect to participate in
674 the investment plan within the prescribed time period is deemed
675 to have elected to retain membership in the pension plan, and
676 the employee's option to elect to participate in the investment
677 plan is forfeited.

678 3. For purposes of this paragraph, "local employer" means
679 any employer not included in paragraph (a) or paragraph (b).

680 (d)1. With respect to employees who become eligible to
681 participate in the investment plan by reason of employment in a
682 regularly established position commencing on or after July 1,

798293 - h0525-StrikeAll Workman1.docx

Published On: 2/14/2012 9:20:01 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 525 (2012)

Amendment No. 1

683 2012, any such employee shall be enrolled in the pension plan at
684 the commencement of employment, and may, by the last business
685 day of the 12th month following the employee's month of hire,
686 elect to participate in the pension plan or the investment plan.
687 Eligible employees may make a plan election only if they are
688 earning service credit in an employer-employee relationship
689 consistent with s. 121.021(17)(b), excluding leaves of absence
690 without pay.

691 2. The employee's election must be made in writing or by
692 electronic means and must be filed with the third-party
693 administrator. The election to participate in the pension plan
694 or investment plan is irrevocable, except as provided in
695 paragraph (h).

696 3. If the employee fails to make an election to either the
697 pension plan or investment plan during the 12 months following
698 the month of hire, the employee is deemed to have elected the
699 investment plan, and will be defaulted to the investment plan
700 retroactively to the employee's date of employment. The
701 employee's option to participate in the pension plan is
702 forfeited, except as provided in paragraph (h).

703 4. The amount of the employee and employer contributions
704 paid prior to the default to the investment plan shall be
705 transferred to the investment plan along with any accumulated
706 benefit obligation from previous pension plan service and placed
707 in a default fund as designated by the State Board of
708 Administration. The employee may move the contributions once an
709 account is activated in the investment plan.

Amendment No. 1

710 5. Effective the first day of the month after an eligible
711 employee makes a plan election to the pension plan or investment
712 plan, or after the month of default to the investment plan, the
713 employee and employer shall pay the applicable contributions
714 based on the employee membership class in the pension plan or
715 investment plan.

716 ~~(e)-(d)~~ Contributions available for self-direction by a
717 member who has not selected one or more specific investment
718 products shall be allocated as prescribed by the state board.
719 The third-party administrator shall notify the member at least
720 quarterly that the member should take an affirmative action to
721 make an asset allocation among the investment products.

722 ~~(f)-(e)~~ On or after July 1, 2011, a member of the pension
723 plan who obtains a refund of employee contributions retains his
724 or her prior plan choice upon return to employment in a
725 regularly established position with a participating employer.

726 ~~(g)-(f)~~ A member of the investment plan who takes a
727 distribution of any contributions from his or her investment
728 plan account is considered a retiree. A retiree who is initially
729 reemployed on or after July 1, 2010, is not eligible for renewed
730 membership.

731 ~~(h)-(g)~~ After the period during which an eligible employee
732 had the choice to elect the pension plan or the investment plan,
733 or the month following the receipt of the eligible employee's
734 plan election, if sooner, the employee shall have one
735 opportunity, at the employee's discretion, to choose to move
736 from the pension plan to the investment plan or from the
737 investment plan to the pension plan. Eligible employees may

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 525 (2012)

Amendment No. 1

738 elect to move between plans only if they are earning service
739 credit in an employer-employee relationship consistent with s.
740 121.021(17)(b), excluding leaves of absence without pay.
741 Effective July 1, 2005, such elections are effective on the
742 first day of the month following the receipt of the election by
743 the third-party administrator and are not subject to the
744 requirements regarding an employer-employee relationship or
745 receipt of contributions for the eligible employee in the
746 effective month, except when the election is received by the
747 third-party administrator. This paragraph is contingent upon
748 approval by the Internal Revenue Service.

749 1. If the employee chooses to move to the investment plan,
750 the provisions of subsection (3) govern the transfer.

751 2. If the employee chooses to move to the pension plan,
752 the employee must transfer from his or her investment plan
753 account, and from other employee moneys as necessary, a sum
754 representing the present value of that employee's accumulated
755 benefit obligation immediately following the time of such
756 movement, determined assuming that attained service equals the
757 sum of service in the pension plan and service in the investment
758 plan. Benefit commencement occurs on the first date the employee
759 is eligible for unreduced benefits, using the discount rate and
760 other relevant actuarial assumptions that were used to value the
761 pension plan liabilities in the most recent actuarial valuation.
762 For any employee who, at the time of the second election,
763 already maintains an accrued benefit amount in the pension plan,
764 the then-present value of the accrued benefit is deemed part of
765 the required transfer amount. The division must ensure that the

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 525 (2012)

Amendment No. 1

766 transfer sum is prepared using a formula and methodology
767 certified by an enrolled actuary. A refund of any employee
768 contributions or additional member payments made which exceed
769 the employee contributions that would have accrued had the
770 member remained in the pension plan and not transferred to the
771 investment plan is not permitted.

772 3. Notwithstanding subparagraph 2., an employee who
773 chooses to move to the pension plan and who became eligible to
774 participate in the investment plan by reason of employment in a
775 regularly established position with a state employer after June
776 1, 2002; a district school board employer after September 1,
777 2002; or a local employer after December 1, 2002, must transfer
778 from his or her investment plan account, and from other employee
779 moneys as necessary, a sum representing the employee's actuarial
780 accrued liability. A refund of any employee contributions or
781 additional participant payments made which exceed the employee
782 contributions that would have accrued had the member remained in
783 the pension plan and not transferred to the investment plan is
784 not permitted.

785 4. An employee's ability to transfer from the pension plan
786 to the investment plan pursuant to paragraphs (a) - (g) ~~(a) - (d)~~,
787 and the ability of a current employee to have an option to later
788 transfer back into the pension plan under subparagraph 2., shall
789 be deemed a significant system amendment. Pursuant to s.
790 121.031(4), any resulting unfunded liability arising from actual
791 original transfers from the pension plan to the investment plan
792 must be amortized within 30 plan years as a separate unfunded
793 actuarial base independent of the reserve stabilization

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Published On: 2/14/2012 9:20:01 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 525 (2012)

Amendment No. 1

794 mechanism defined in s. 121.031(3)(f). For the first 25 years, a
795 direct amortization payment may not be calculated for this base.
796 During this 25-year period, the separate base shall be used to
797 offset the impact of employees exercising their second program
798 election under this paragraph. The actuarial funded status of
799 the pension plan will not be affected by such second program
800 elections in any significant manner, after due recognition of
801 the separate unfunded actuarial base. Following the initial 25-
802 year period, any remaining balance of the original separate base
803 shall be amortized over the remaining 5 years of the required
804 30-year amortization period.

805 5. If the employee chooses to transfer from the investment
806 plan to the pension plan and retains an excess account balance
807 in the investment plan after satisfying the buy-in requirements
808 under this paragraph, the excess may not be distributed until
809 the member retires from the pension plan. The excess account
810 balance may be rolled over to the pension plan and used to
811 purchase service credit or upgrade creditable service in the
812 pension plan.

813 (5) CONTRIBUTIONS.—

814 (c) The state board, acting as plan fiduciary, must ensure
815 that all plan assets are held in a trust, pursuant to s. 401 of
816 the Internal Revenue Code. The fiduciary must ensure that such
817 contributions are allocated as follows:

818 1. The employer and employee contribution portion
819 earmarked for member accounts shall be used to purchase
820 interests in the appropriate investment vehicles as specified by
821 the member, or in accordance with paragraph (4)(e) ~~(4)(d)~~.

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Published On: 2/14/2012 9:20:01 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 525 (2012)

Amendment No. 1

822 2. The employer contribution portion earmarked for
823 administrative and educational expenses shall be transferred to
824 the Florida Retirement System Investment Plan Trust Fund.

825 3. The employer contribution portion earmarked for
826 disability benefits shall be transferred to the Florida
827 Retirement System Trust Fund.

828 Section 6. Paragraph (b) of subsection (2) of section
829 121.591, Florida Statutes, is amended to read:

830 121.591 Payment of benefits.—Benefits may not be paid
831 under the Florida Retirement System Investment Plan unless the
832 member has terminated employment as provided in s.
833 121.021(39)(a) or is deceased and a proper application has been
834 filed as prescribed by the state board or the department. Before
835 termination of employment, benefits, including employee
836 contributions, are not payable under the investment plan for
837 employee hardships, unforeseeable emergencies, loans, medical
838 expenses, educational expenses, purchase of a principal
839 residence, payments necessary to prevent eviction or foreclosure
840 on an employee's principal residence, or any other reason prior
841 to termination from all employment relationships with
842 participating employers. The state board or department, as
843 appropriate, may cancel an application for retirement benefits
844 if the member or beneficiary fails to timely provide the
845 information and documents required by this chapter and the rules
846 of the state board and department. In accordance with their
847 respective responsibilities, the state board and the department
848 shall adopt rules establishing procedures for application for
849 retirement benefits and for the cancellation of such application

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Published On: 2/14/2012 9:20:01 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 525 (2012)

Amendment No. 1

850 if the required information or documents are not received. The
851 state board and the department, as appropriate, are authorized
852 to cash out a de minimis account of a member who has been
853 terminated from Florida Retirement System covered employment for
854 a minimum of 6 calendar months. A de minimis account is an
855 account containing employer and employee contributions and
856 accumulated earnings of not more than \$5,000 made under the
857 provisions of this chapter. Such cash-out must be a complete
858 lump-sum liquidation of the account balance, subject to the
859 provisions of the Internal Revenue Code, or a lump-sum direct
860 rollover distribution paid directly to the custodian of an
861 eligible retirement plan, as defined by the Internal Revenue
862 Code, on behalf of the member. Any nonvested accumulations and
863 associated service credit, including amounts transferred to the
864 suspense account of the Florida Retirement System Investment
865 Plan Trust Fund authorized under s. 121.4501(6), shall be
866 forfeited upon payment of any vested benefit to a member or
867 beneficiary, except for de minimis distributions or minimum
868 required distributions as provided under this section. If any
869 financial instrument issued for the payment of retirement
870 benefits under this section is not presented for payment within
871 180 days after the last day of the month in which it was
872 originally issued, the third-party administrator or other duly
873 authorized agent of the state board shall cancel the instrument
874 and credit the amount of the instrument to the suspense account
875 of the Florida Retirement System Investment Plan Trust Fund
876 authorized under s. 121.4501(6). Any amounts transferred to the
877 suspense account are payable upon a proper application, not to

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 525 (2012)

Amendment No. 1

878 include earnings thereon, as provided in this section, within 10
879 years after the last day of the month in which the instrument
880 was originally issued, after which time such amounts and any
881 earnings attributable to employer contributions shall be
882 forfeited. Any forfeited amounts are assets of the trust fund
883 and are not subject to chapter 717.

884 (2) DISABILITY RETIREMENT BENEFITS.—Benefits provided
885 under this subsection are payable in lieu of the benefits that
886 would otherwise be payable under the provisions of subsection
887 (1). Such benefits must be funded from employer contributions
888 made under s. 121.571, transferred employee contributions and
889 funds accumulated pursuant to paragraph (a), and interest and
890 earnings thereon.

891 (b) Disability retirement; entitlement.—

892 1.a. For a member of the investment plan who is initially
893 enrolled before July 1, 2012, and becomes totally and
894 permanently disabled, as defined in paragraph (d), after
895 completing 8 years of creditable service, or a member who
896 becomes totally and permanently disabled in the line of duty
897 regardless of length of service, is entitled to a monthly
898 disability benefit.

899 b. For a member of the investment plan who is initially
900 enrolled on or after July 1, 2012, and becomes totally and
901 permanently disabled, as defined in paragraph (d), after
902 completing the years of service required for vesting provided in
903 s. 121.021, or a member who becomes totally and permanently
904 disabled in the line of duty regardless of length of service, is
905 entitled to a monthly disability benefit.

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Published On: 2/14/2012 9:20:01 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 525 (2012)

Amendment No. 1

906 2. In order for service to apply toward the 11 & years of
907 creditable service required for regular disability benefits, or
908 toward the creditable service used in calculating a service-
909 based benefit as provided under paragraph (g), the service must
910 be creditable service as described below:

911 a. The member's period of service under the investment
912 plan shall be considered creditable service, except as provided
913 in subparagraph d.

914 b. If the member has elected to retain credit for service
915 under the pension plan as provided under s. 121.4501(3), all
916 such service shall be considered creditable service.

917 c. If the member elects to transfer to his or her member
918 accounts a sum representing the present value of his or her
919 retirement credit under the pension plan as provided under s.
920 121.4501(3), the period of service under the pension plan
921 represented in the present value amounts transferred shall be
922 considered creditable service, except as provided in
923 subparagraph d.

924 d. If a member has terminated employment and has taken
925 distribution of his or her funds as provided in subsection (1),
926 all creditable service represented by such distributed funds is
927 forfeited for purposes of this subsection.

928 Section 7. Paragraph (b) of subsection (5) and subsection
929 (7) of section 1012.875, Florida Statutes, are amended to read:

930 1012.875 State Community College System Optional
931 Retirement Program.—Each Florida College System institution may
932 implement an optional retirement program, if such program is
933 established therefor pursuant to s. 1001.64(20), under which

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Published On: 2/14/2012 9:20:01 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 525 (2012)

Amendment No. 1

934 annuity or other contracts providing retirement and death
935 benefits may be purchased by, and on behalf of, eligible
936 employees who participate in the program, in accordance with s.
937 403(b) of the Internal Revenue Code. Except as otherwise
938 provided herein, this retirement program, which shall be known
939 as the State Community College System Optional Retirement
940 Program, may be implemented and administered only by an
941 individual Florida College System institution or by a consortium
942 of Florida College System institutions.

943 (5)

944 (b) Benefits are payable under the optional retirement
945 program to program participants or their beneficiaries and paid
946 only by the designated company in accordance with the terms of
947 the contracts applicable to the program participant. Benefits
948 shall accrue in individual accounts that are participant-
949 directed, portable, and funded by employer and employee
950 contributions and the earnings thereon. Benefit payments may not
951 be made until the member has been terminated for 3 calendar
952 months, except the college may authorize a distribution of up to
953 10 percent of the member's account after the member is
954 terminated from employment with a Florida Retirement System
955 participating employer for 1 calendar month if the member has
956 reached the normal retirement date as defined in s. 121.021. The
957 board of trustees for the college may adopt rules to implement
958 this paragraph. Benefits funded by employer and employee
959 contributions are payable in accordance with the following terms
960 and conditions:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 525 (2012)

Amendment No. 1

961 1. Benefits shall be payable only to a participant, to his
962 or her beneficiaries, or to his or her estate, as designated by
963 the participant.

964 2. Benefits shall be paid by the provider company or
965 companies in accordance with the law, the provisions of the
966 contract, and any applicable employer rule or policy.

967 3. In the event of a participant's death, moneys
968 accumulated by, or on behalf of, the participant, less
969 withholding taxes remitted to the Internal Revenue Service, if
970 any, shall be distributed to the participant's designated
971 beneficiary or beneficiaries, or to the participant's estate, as
972 if the participant retired on the date of death as provided in
973 paragraph (d). No other death benefits are available for
974 survivors of participants under the optional retirement program
975 except for such benefits, or coverage for such benefits, as are
976 separately afforded by the employer at the employer's
977 discretion.

978 (7) Benefits, including employee contributions, are not
979 payable for employee hardships, unforeseeable emergencies,
980 loans, medical expenses, educational expenses, purchase of a
981 principal residence, payments necessary to prevent eviction or
982 foreclosure on an employee's principal residence, or any other
983 reason except a requested distribution for retirement, a
984 mandatory de minimis distribution authorized by the
985 administrator, or a required minimum distribution provided
986 pursuant to the Internal Revenue Code before termination from
987 all employment relationships with participating employers for 3
988 calendar months.

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Published On: 2/14/2012 9:20:01 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 525 (2012)

Amendment No. 1

989 Section 8. (1) Effective July 1, 2012, in order to fund
990 the benefit changes provided in this act, the required
991 contribution rates of the Florida Retirement System in s.
992 121.71(4), shall be adjusted as follows:

993 (a) Regular Class shall be decreased by 0.05 percentage
994 points.

995 (b) Special Risk Class shall be increased by 1.19
996 percentage points.

997 (c) Special Risk Administrative Support Class shall be
998 increased by 0.65 percentage points.

999 (d) Elected Officers' Class for Legislators, Governor, Lt.
1000 Governor, Cabinet Officers, State Attorneys, and Public
1001 Defenders shall be decreased by 0.58 percentage points.

1002 (e) Elected Officers' Class for Justices and Judges shall
1003 be decreased by 0.17 percentage points.

1004 (f) Elected Officers' Class for County Elected Officers
1005 shall be decreased by 0.59 percentage points.

1006 (g) Senior Management Service Class shall be decreased by
1007 0.11 percentage points.

1008 (h) Deferred Retirement Option Program shall be increased
1009 by 0.33 percentage points.

1010 (2) Effective July 1, 2012, in order to fund the benefit
1011 changes provided in this act, the required contribution rates
1012 for the unfunded actuarial liability of the Florida Retirement
1013 System in s. 121.71(5) shall be adjusted as follows:

1014 (a) Regular Class shall be decreased by 0.02 percentage
1015 points.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 525 (2012)

Amendment No. 1

1016 (b) Special Risk Class shall be decreased by 0.51
1017 percentage points.

1018 (c) Special Risk Administrative Support Class shall be
1019 decreased by 0.27 percentage points.

1020 (d) Elected Officers' Class for Legislators, Governor, Lt.
1021 Governor, Cabinet Officers, State Attorneys, and Public
1022 Defenders shall be decreased by 0.06 percentage points.

1023 (e) Elected Officers' Class for Justices and Judges shall
1024 be decreased by 0.06 percentage points.

1025 (f) Elected Officers' Class for County Elected Officers
1026 shall be increased by 0.32 percentage points.

1027 (g) Senior Management Service Class shall be decreased by
1028 0.01 percentage points.

1029 (3) The adjustments provided in subsections (1) and (2)
1030 shall be in addition to all other changes to such contribution
1031 rates which may be enacted into law to take effect on July 1,
1032 2012. The Division of Statutory Revision is directed to adjust
1033 accordingly the contribution rates provided in s. 121.71.

1034 Section 9. The Legislature finds that a proper and
1035 legitimate state purpose is served when employees and retirees
1036 of the state and its political subdivisions, and the dependents,
1037 survivors, and beneficiaries of such employees and retirees, are
1038 extended the basic protections afforded by governmental
1039 retirement systems that provide fair and adequate benefits and
1040 that are managed, administered, and funded in an actuarially
1041 sound manner as required by s. 14, Art. X of the State
1042 Constitution and part VII of chapter 112, Florida Statutes.

Amendment No. 1

1043 Therefore, the Legislature determines and declares that this act
1044 fulfills an important state interest.

1045 Section 10. This act shall take effect July 1, 2012.

1046

1047

1048

1049 -----

1050

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

1051

Remove the entire title and insert:

1052

An act relating to state retirement; amending s. 121.021,

1053

F.S.; revising definitions of the terms "normal retirement

1054

date" and "vested" or "vesting"; amending s. 121.055, F.S.;

1055

clarifying provisions related to the prohibition of

1056

hardship loans or payments; clarifying that a retiree who

1057

is reemployed in a regularly established position after a

1058

certain date may not be enrolled as a renewed member;

1059

authorizing certain distributions to a member who is

1060

terminated from employment for 1 calendar month if the

1061

member has reached the normal retirement date; providing

1062

rulemaking authority to the Department of Management

1063

Services; amending s. 121.091, F.S.; revising provisions

1064

related to the early retirement benefit calculation to

1065

conform to changes made by the act; revising provisions

1066

related to the disability retirement benefit calculation to

1067

conform to changes made by the act; amending s. 121.35,

1068

F.S.; providing that a benefit for the purposes of the

1069

optional retirement program for the State University System

1070

includes a certain distribution; clarifying provisions

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 525 (2012)

Amendment No. 1

1071 related to the prohibition of hardship loans or payments;
1072 clarifying when voluntary contributions may be paid out;
1073 authorizing certain distributions to a member who is
1074 terminated from employment for 1 calendar month if the
1075 member has reached the normal retirement date; providing
1076 rulemaking authority to the Department of Management
1077 Services; amending s. 121.4501, F.S.; revising the
1078 definition of the term "member" or "employee"; requiring
1079 new employees to, by default, be enrolled in the investment
1080 plan; authorizing new employees to elect to participate in
1081 the pension plan or the investment plan within a specified
1082 time; revising the benefit commencement age and years of
1083 service to conform to changes made by the act; conforming
1084 cross-references; amending s. 121.591, F.S.; revising
1085 provisions related to the disability retirement benefit
1086 calculation to conform to changes made by the act; amending
1087 s. 1012.875, F.S.; clarifying provisions related to the
1088 prohibition of hardship loans or payments; authorizing
1089 certain distributions to a member who is terminated from
1090 employment for 1 calendar month if the member has reached
1091 the normal retirement date; providing rulemaking authority
1092 to the boards of trustees for colleges; providing for
1093 contribution rate adjustments to fund benefit changes
1094 provided in this act; directing the Division of Statutory
1095 Revision to adjust contribution rates set forth in s.
1096 121.71, F.S.; providing a declaration of important state
1097 interest; providing an effective date.

COMMITTEE MEETING REPORT

Appropriations Committee

2/15/2012 8:00:00AM

Location: Webster Hall (212 Knott)

AMENDED

CS/HB 695 : Development of Oil and Gas Resources

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon	X				
Leonard Bemby	X				
Charles Chestnut IV	X				
Marti Coley			X		
Chris Dorworth	X				
Richard Glorioso	X				
Ed Hooper	X				
Mike Horner			X		
Matt Hudson	X				
Dorothy Hukill	X				
Mia Jones	X				
Martin Kiar		X			
Paige Kreegel	X				
Seth McKeel	X				
H. Marlene O'Toole	X				
Ari Porth	X				
William Proctor	X				
Darryl Rouson					X
Franklin Sands		X			
Ron Saunders		X			
Robert Schenck			X		
William Snyder	X				
Trudi Williams			X		
Denise Grimsley (Chair)	X				
Total Yeas: 16		Total Nays: 3			

CS/HB 695 Amendments

Amendment 601211

Adopted Without Objection

Amendment 920593

Adopted Without Objection

Appearances:

Cullen, David (Lobbyist) - Opponent
 Sierra Club
 820 E. Call Street
 Tallahassee FL 32301
 Phone: (941)323-2404

Committee meeting was reported out: Wednesday, February 15, 2012 7:09:30PM

COMMITTEE MEETING REPORT

Appropriations Committee

2/15/2012 8:00:00AM

AMENDED

Location: Webster Hall (212 Knott)

CS/HB 695 : Development of Oil and Gas Resources (continued)

Appearances: (continued)

Yon, Mary Jean (Lobbyist) - Opponent
Audubon of Florida
3324 Charleston Road
Tallahassee Florida 32309
Phone: 850-519-7859

Amendment and CS/HB 695
Patchett, R. Dale (Lobbyist) - Waive In Support
Fairways Exploration and Development LLC
3069 Carlow Circle
Tallahassee FL 32309
Phone: (850)509-9509

Bevis, Brewster (Lobbyist) - Waive In Support
Vice President, External Relations, Associated Industries of Florida
516 N. Adams St.
Tallahassee FL 32301
Phone: 850-224-7173

Hamilton, Eric (Lobbyist) - Waive In Support
Florida Petroleum Council
215 S Monroe St Ste 800
Tallahassee FL 32301
Phone: (850)561-6300

Kunkel, Stephanie (Lobbyist) - Waive In Support
Clean Water Association
1830 Meriadoc Road
Tallahassee FL 32303
Phone: 850-320-4208

Committee meeting was reported out: Wednesday, February 15, 2012 7:09:30PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 695 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Appropriations Committee
2 Representative Ford offered the following:

3

4 **Amendment**

5 Remove line 46 and insert:

6 develop oil and gas resources under onshore lands west of the
7 Tallahassee Meridian (longitude 84°16' 37.59" west) owned by a

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 695 (2012)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Appropriations Committee
2 Representative Ford offered the following:

3

4 **Amendment**

5 Remove line 64 and insert:

6 generate for the state. The proposal for upland state lands must
7 be consistent with approved land management plans approved
8 pursuant to s. 253.034, Florida Statutes.

COMMITTEE MEETING REPORT

Appropriations Committee

2/15/2012 8:00:00AM

Location: Webster Hall (212 Knott)

AMENDED

HB 813 : Eligibility for Temporary Cash Assistance and Food Assistance

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon				X	
Leonard Bemby		X			
Charles Chestnut IV		X			
Marti Coley	X				
Chris Dorworth	X				
Richard Glorioso	X				
Ed Hooper	X				
Mike Horner			X		
Matt Hudson	X				
Dorothy Hukill	X				
Mia Jones		X			
Martin Kiar	X				
Paige Kreegel	X				
Seth McKeel	X				
H. Marlene O'Toole	X				
Ari Porth		X			
William Proctor	X				
Darryl Rouson		X			
Franklin Sands	X				
Ron Saunders		X			
Robert Schenck			X		
William Snyder	X				
Trudi Williams			X		
Denise Grimsley (Chair)	X				
Total Yeas: 14		Total Nays: 6			

Appearances:

Pitts, Brian - Information Only
Trustee-Justice-2-Jesus
1119 Newton Avenue South
S. Petersburg Florida 33705
Phone: 727-897-9291

Committee meeting was reported out: Wednesday, February 15, 2012 7:09:30PM

COMMITTEE MEETING REPORT

Appropriations Committee

2/15/2012 8:00:00AM

Location: Webster Hall (212 Knott)

AMENDED

HB 945 : Broadband Internet Service

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon	X				
Leonard Bemby	X				
Charles Chestnut IV	X				
Marti Coley	X				
Chris Dorworth			X		
Richard Glorioso	X				
Ed Hooper				X	
Mike Horner	X				
Matt Hudson	X				
Dorothy Hukill	X				
Mia Jones	X				
Martin Kiar	X				
Paige Kreegel	X				
Seth McKeel	X				
H. Marlene O'Toole	X				
Ari Porth	X				
William Proctor	X				
Darryl Rouson	X				
Franklin Sands	X				
Ron Saunders	X				
Robert Schenck			X		
William Snyder	X				
Trudi Williams			X		
Denise Grimsley (Chair)	X				
Total Yeas: 20		Total Nays: 0			

HB 945 Amendments

Amendment 650829

Adopted Without Objection

Appearances:

Pitts, Brian - Opponent
Trustee-Justice-2-Jesus
1119 Newton Avenue South
S. Petersburg Florida 33705
Phone: 727-897-9291

Committee meeting was reported out: Wednesday, February 15, 2012 7:09:30PM

Amendment No. 1

COMMITTEE/SUBCOMMITTEE 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 Committee/Subcommittee hearing bill: Appropriations Committee
 2 Representative Holder offered the following:

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

5 Remove line 104 and insert:

6 Section 2. All powers, duties, functions, records,
 7 offices, property, pending issues, existing contracts,
 8 administrative authority, administrative rules, and unexpended
 9 balance of appropriations, allocations, and other funds relating
 10 to the Broadband Initiative Program in the Department of
 11 Management Services are transferred by a type two transfer, as
 12 defined in s. 20.06(2), Florida Statutes, to the Department of
 13 Economic Opportunity.

14 Section 3. (1) The Department of Management Services, in
 15 consultation with the Department of Economic Opportunity, shall
 16 develop and submit to the United States Department of Commerce a
 17 request to transfer the federal broadband grant from the
 18 Department of Management Services to the Department of Economic
 19 Opportunity. Upon receipt from the United States Department of

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Amendment No. 1

20 Commerce of its approval or denial of the request for a transfer
21 of the broadband grant, the Department of Management Services
22 shall, in writing, immediately notify the Governor, the
23 President of the Senate, and the Speaker of the House of
24 Representatives of that decision.

25 (2) If the request for a transfer of the federal broadband
26 grant is approved pursuant to subsection (1), the Department of
27 Management Services shall submit a budget amendment for approval
28 by the Legislative Budget Commission pursuant to s.
29 216.292(4)(d), Florida Statutes, to transfer from the department
30 to the Department of Economic Opportunity the funds necessary to
31 implement this act.

32 (3) This section shall take effect upon this act becoming
33 a law.

34 Section 4. Except as otherwise expressly provided in this
35 act and except for this section, which shall take effect upon
36 this act becoming a law, this act shall take effect upon
37 approval of the budget amendment required under section 3.
38
39

40 -----
41 **T I T L E A M E N D M E N T**

42 Remove line 14 and insert:
43 providing for a type two transfer of the Broadband Initiative
44 Program from the Department of Management Services to the
45 Department of Economic Opportunity; requiring the Department of
46 Management Services to submit to the United States Department of
47 Commerce a request to transfer its federal broadband grant to

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 945 (2012)

Amendment No. 1

48 the Department of Economic Opportunity; requiring the Department
49 of Management Services to notify the Governor, the President of
50 the Senate, and the Speaker of the House of Representatives of
51 the decision of the United States Department of Commerce;
52 requiring the Department of Management Services, if the request
53 is approved, to submit a budget amendment for approval by the
54 Legislative Budget Commission to transfer from the department to
55 the Department of Economic Opportunity the funds and positions
56 necessary to implement this act; providing a contingent
57 effective date.

COMMITTEE MEETING REPORT

Appropriations Committee

2/15/2012 8:00:00AM

Location: Webster Hall (212 Knott)

AMENDED

CS/HB 999 : Onsite Sewage Treatment and Disposal Systems

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon	X				
Leonard Bemby	X				
Charles Chestnut IV	X				
Marti Coley	X				
Chris Dorworth	X				
Richard Glorioso	X				
Ed Hooper	X				
Mike Horner			X		
Matt Hudson	X				
Dorothy Hukill	X				
Mia Jones	X				
Martin Kiar	X				
Paige Kreegel			X		
Seth McKeel	X				
H. Marlene O'Toole	X				
Ari Porth	X				
William Proctor	X				
Darryl Rouson				X	
Franklin Sands	X				
Ron Saunders	X				
Robert Schenck			X		
William Snyder	X				
Trudi Williams			X		
Denise Grimsley (Chair)	X				
Total Yeas: 19		Total Nays: 0			

CS/HB 999 Amendments

Amendment 642457

Adopted Without Objection

Appearances:

Peterson, Dan (Lobbyist) - Proponent
 Coalition for Property Rights
 2878 S. Osceola Ave.
 Orlando FL 32806
 Phone: (407)758-2491

Cullen, David (Lobbyist) - Opponent
 Sierra Club
 111 2nd Ave NE Ste 1001
 St Petersburg FL 33701
 Phone: (941)323-2404

Committee meeting was reported out: Wednesday, February 15, 2012 7:09:30PM

COMMITTEE MEETING REPORT

Appropriations Committee

2/15/2012 8:00:00AM

AMENDED

Location: Webster Hall (212 Knott)

CS/HB 999 : Onsite Sewage Treatment and Disposal Systems (continued)

Appearances: (continued)

Himschoot, Bob - Waive In Support
Florida Onsite Wastewater Association
PO Box 27
Fort Myers FL 33902
Phone: (239)478-0759

Hetrick, Keith (Lobbyist) - Waive In Support
Florida Home Builders Association
201 E Park Ave
Tallahassee FL 32301
Phone: (850)224-4316

Adams, Leticia (Lobbyist) - Waive In Support
Florida Chamber of Commerce
136 S. Bronough St.
Tallahassee FL 32301
Phone: (850) 521-1279

Amendment 1 and CS/HB 999
Rothell, John (Lobbyist) - Waive In Support
Florida Association of Realtors
200 S Monroe St
Tallahassee FL 32301
Phone: (850)224-1400

Cory, Keyna (Lobbyist) - Waive In Support
Senior Lobbyist, Associated Industries of Florida
110 E. College Ave.
Tallahassee FL 32301
Phone: (850)651-1065

Committee meeting was reported out: Wednesday, February 15, 2012 7:09:30PM

Amendment No. 1

COMMITTEE/SUBCOMMITTEE 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 Committee/Subcommittee hearing bill: Appropriations Committee
2 Representative Dorworth offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

6 Section 1. Subsections (1), (5), (6), and (7) of section
7 381.0065, Florida Statutes, are amended, paragraphs (b) through
8 (p) of subsection (2) of that section are redesignated as
9 paragraphs (c) through (q), respectively, a new paragraph (b) is
10 added to that subsection, paragraph (j) of subsection (3) and
11 paragraph (n) of subsection (4) of that section are amended, and
12 paragraphs (w) through (z) are added to subsection (4) of that
13 section, to read:

14 381.0065 Onsite sewage treatment and disposal systems;
15 regulation.—

16 (1) LEGISLATIVE INTENT.—

17 (a) It is the intent of the Legislature that proper
18 management of onsite sewage treatment and disposal systems is
19 paramount to the health, safety, and welfare of the public. ‡

Amendment No. 1

20 ~~is further the intent of the Legislature that the department~~
21 ~~shall administer an evaluation program to ensure the operational~~
22 ~~condition of the system and identify any failure with the~~
23 ~~system.~~

24 (b) It is the intent of the Legislature that where a
25 publicly owned or investor-owned sewerage system is not
26 available, the department shall issue permits for the
27 construction, installation, modification, abandonment, or repair
28 of onsite sewage treatment and disposal systems under conditions
29 as described in this section and rules adopted under this
30 section. It is further the intent of the Legislature that the
31 installation and use of onsite sewage treatment and disposal
32 systems not adversely affect the public health or significantly
33 degrade the groundwater or surface water.

34 (2) DEFINITIONS.—As used in ss. 381.0065-381.0067, the
35 term:

36 (b)1. "Bedroom" means a room that can be used for sleeping
37 and that:

38 a. For site-built dwellings, has a minimum of 70 square
39 feet of conditioned space;

40 b. For manufactured homes, is constructed according to
41 standards of the United States Department of Housing and Urban
42 Development and has a minimum of 50 square feet of floor area;

43 c. Is located along an exterior wall;

44 d. Has a closet and a door or an entrance where a door
45 could be reasonably installed; and

46 e. Has an emergency means of escape and rescue opening to
47 the outside.

Amendment No. 1

48 2. A room may not be considered a bedroom if it is used to
49 access another room except a bathroom or closet.

50 3. "Bedroom" does not include a hallway, bathroom,
51 kitchen, living room, family room, dining room, den, breakfast
52 nook, pantry, laundry room, sunroom, recreation room,
53 media/video room, or exercise room.

54 (3) DUTIES AND POWERS OF THE DEPARTMENT OF HEALTH.—The
55 department shall:

56 (j) Supervise research on, demonstration of, and training
57 on the performance, environmental impact, and public health
58 impact of onsite sewage treatment and disposal systems within
59 this state. Research fees collected under s. 381.0066(2)(k)
60 ~~381.0066(2)(l)~~ must be used to develop and fund hands-on
61 training centers designed to provide practical information about
62 onsite sewage treatment and disposal systems to septic tank
63 contractors, master septic tank contractors, contractors,
64 inspectors, engineers, and the public and must also be used to
65 fund research projects which focus on improvements of onsite
66 sewage treatment and disposal systems, including use of
67 performance-based standards and reduction of environmental
68 impact. Research projects shall be initially approved by the
69 technical review and advisory panel and shall be applicable to
70 and reflect the soil conditions specific to Florida. Such
71 projects shall be awarded through competitive negotiation, using
72 the procedures provided in s. 287.055, to public or private
73 entities that have experience in onsite sewage treatment and
74 disposal systems in Florida and that are principally located in
75 Florida. Research projects shall not be awarded to firms or

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 999 (2012)

Amendment No. 1

76 entities that employ or are associated with persons who serve on
77 either the technical review and advisory panel or the research
78 review and advisory committee.

79 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may
80 not construct, repair, modify, abandon, or operate an onsite
81 sewage treatment and disposal system without first obtaining a
82 permit approved by the department. The department may issue
83 permits to carry out this section, but shall not make the
84 issuance of such permits contingent upon prior approval by the
85 Department of Environmental Protection, except that the issuance
86 of a permit for work seaward of the coastal construction control
87 line established under s. 161.053 shall be contingent upon
88 receipt of any required coastal construction control line permit
89 from the Department of Environmental Protection. A construction
90 permit is valid for 18 months from the issuance date and may be
91 extended by the department for one 90-day period under rules
92 adopted by the department. A repair permit is valid for 90 days
93 from the date of issuance. An operating permit must be obtained
94 prior to the use of any aerobic treatment unit or if the
95 establishment generates commercial waste. Buildings or
96 establishments that use an aerobic treatment unit or generate
97 commercial waste shall be inspected by the department at least
98 annually to assure compliance with the terms of the operating
99 permit. The operating permit for a commercial wastewater system
100 is valid for 1 year from the date of issuance and must be
101 renewed annually. The operating permit for an aerobic treatment
102 unit is valid for 2 years from the date of issuance and must be
103 renewed every 2 years. If all information pertaining to the

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 999 (2012)

Amendment No. 1

104 siting, location, and installation conditions or repair of an
105 onsite sewage treatment and disposal system remains the same, a
106 construction or repair permit for the onsite sewage treatment
107 and disposal system may be transferred to another person, if the
108 transferee files, within 60 days after the transfer of
109 ownership, an amended application providing all corrected
110 information and proof of ownership of the property. There is no
111 fee associated with the processing of this supplemental
112 information. A person may not contract to construct, modify,
113 alter, repair, service, abandon, or maintain any portion of an
114 onsite sewage treatment and disposal system without being
115 registered under part III of chapter 489. A property owner who
116 personally performs construction, maintenance, or repairs to a
117 system serving his or her own owner-occupied single-family
118 residence is exempt from registration requirements for
119 performing such construction, maintenance, or repairs on that
120 residence, but is subject to all permitting requirements. A
121 municipality or political subdivision of the state may not issue
122 a building or plumbing permit for any building that requires the
123 use of an onsite sewage treatment and disposal system unless the
124 owner or builder has received a construction permit for such
125 system from the department. A building or structure may not be
126 occupied and a municipality, political subdivision, or any state
127 or federal agency may not authorize occupancy until the
128 department approves the final installation of the onsite sewage
129 treatment and disposal system. A municipality or political
130 subdivision of the state may not approve any change in occupancy
131 or tenancy of a building that uses an onsite sewage treatment

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 999 (2012)

Amendment No. 1

132 and disposal system until the department has reviewed the use of
133 the system with the proposed change, approved the change, and
134 amended the operating permit.

135 (n) Evaluations for determining the seasonal high-water
136 table elevations or the suitability of soils for the use of a
137 new onsite sewage treatment and disposal system shall be
138 performed by department personnel, professional engineers
139 registered in the state, or such other persons with expertise,
140 as defined by rule, in making such evaluations. Evaluations for
141 determining mean annual flood lines shall be performed by those
142 persons identified in paragraph (2)(j) ~~(2)(i)~~. The department
143 shall accept evaluations submitted by professional engineers and
144 such other persons as meet the expertise established by this
145 section or by rule unless the department has a reasonable
146 scientific basis for questioning the accuracy or completeness of
147 the evaluation.

148 (w) Any permit issued and approved by the department for
149 the installation, modification, or repair of an onsite sewage
150 treatment and disposal system shall transfer with the title to
151 the property in a real estate transaction. A title may not be
152 encumbered at the time of transfer by new permit requirements by
153 a governmental entity for an onsite sewage treatment and
154 disposal system which differ from the permitting requirements in
155 effect at the time the system was permitted, modified, or
156 repaired. No inspection of a system shall be mandated by any
157 governmental entity at the point of sale in a real estate
158 transaction. A governmental entity may not require an engineer-
159 designed performance-based system after January 31, 2012.

Amendment No. 1

160 (x)1. An onsite sewage treatment and disposal system is
161 not considered abandoned if the system is disconnected from a
162 structure that was made unusable or destroyed following a
163 disaster and was properly functioning at the time of
164 disconnection and not adversely affected by the disaster. The
165 onsite sewage treatment and disposal system may be reconnected
166 to a rebuilt structure if:

167 a. The reconnection of the system is to the same type of
168 structure which contains the same number of bedrooms or less,
169 provided the square footage of the structure is less than or
170 equal to 110 percent of the original square footage of the
171 structure that existed prior to the disaster;

172 b. The system is not a sanitary nuisance; and

173 c. The system has not been altered without prior
174 authorization.

175 2. An onsite sewage treatment and disposal system that
176 serves a property that is foreclosed upon is not considered
177 abandoned.

178 (y) If an onsite sewage treatment and disposal system
179 permittee receives, relies upon, and undertakes construction of
180 a system based upon a validly issued construction permit under
181 rules applicable at the time of construction but a change to a
182 rule occurs within 5 years after the approval of the system for
183 construction but before the final approval of the system, the
184 rules applicable and in effect at the time of construction
185 approval apply at the time of final approval if fundamental site
186 conditions have not changed between the time of construction
187 approval and final approval.

Amendment No. 1

188 (z) A modification, replacement, or upgrade of an onsite
189 sewage treatment and disposal system is not required for a
190 remodeling addition to a single-family home if a bedroom is not
191 added.

192 ~~(5) EVALUATION AND ASSESSMENT.—~~

193 ~~(a) Beginning July 1, 2011, the department shall~~
194 ~~administer an onsite sewage treatment and disposal system~~
195 ~~evaluation program for the purpose of assessing the fundamental~~
196 ~~operational condition of systems and identifying any failures~~
197 ~~within the systems. The department shall adopt rules~~
198 ~~implementing the program standards, procedures, and~~
199 ~~requirements, including, but not limited to, a schedule for a 5-~~
200 ~~year evaluation cycle, requirements for the pump-out of a system~~
201 ~~or repair of a failing system, enforcement procedures for~~
202 ~~failure of a system owner to obtain an evaluation of the system,~~
203 ~~and failure of a contractor to timely submit evaluation results~~
204 ~~to the department and the system owner. The department shall~~
205 ~~ensure statewide implementation of the evaluation and assessment~~
206 ~~program by January 1, 2016.~~

207 ~~(b) Owners of an onsite sewage treatment and disposal~~
208 ~~system, excluding a system that is required to obtain an~~
209 ~~operating permit, shall have the system evaluated at least once~~
210 ~~every 5 years to assess the fundamental operational condition of~~
211 ~~the system, and identify any failure within the system.~~

212 ~~(c) All evaluation procedures must be documented and~~
213 ~~nothing in this subsection limits the amount of detail an~~
214 ~~evaluator may provide at his or her professional discretion. The~~
215 ~~evaluation must include a tank and drainfield evaluation, a~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 999 (2012)

Amendment No. 1

216 ~~written assessment of the condition of the system, and, if~~
217 ~~necessary, a disclosure statement pursuant to the department's~~
218 ~~procedure.~~

219 ~~(d)1. Systems being evaluated that were installed prior to~~
220 ~~January 1, 1983, shall meet a minimum 6-inch separation from the~~
221 ~~bottom of the drainfield to the wettest season water table~~
222 ~~elevation as defined by department rule. All drainfield repairs,~~
223 ~~replacements or modifications to systems installed prior to~~
224 ~~January 1, 1983, shall meet a minimum 12-inch separation from~~
225 ~~the bottom of the drainfield to the wettest season water table~~
226 ~~elevation as defined by department rule.~~

227 ~~2. Systems being evaluated that were installed on or after~~
228 ~~January 1, 1983, shall meet a minimum 12-inch separation from~~
229 ~~the bottom of the drainfield to the wettest season water table~~
230 ~~elevation as defined by department rule. All drainfield repairs,~~
231 ~~replacements or modification to systems developed on or after~~
232 ~~January 1, 1983, shall meet a minimum 24-inch separation from~~
233 ~~the bottom of the drainfield to the wettest season water table~~
234 ~~elevation.~~

235 ~~(e) If documentation of a tank pump-out or a permitted new~~
236 ~~installation, repair, or modification of the system within the~~
237 ~~previous 5 years is provided, and states the capacity of the~~
238 ~~tank and indicates that the condition of the tank is not a~~
239 ~~sanitary or public health nuisance pursuant to department rule,~~
240 ~~a pump-out of the system is not required.~~

241 ~~(f) Owners are responsible for paying the cost of any~~
242 ~~required pump-out, repair, or replacement pursuant to department~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 999 (2012)

Amendment No. 1

243 ~~rule, and may not request partial evaluation or the omission of~~
244 ~~portions of the evaluation.~~

245 ~~(g) Each evaluation or pump-out required under this~~
246 ~~subsection must be performed by a septic tank contractor or~~
247 ~~master septic tank contractor registered under part III of~~
248 ~~chapter 489, a professional engineer with wastewater treatment~~
249 ~~system experience licensed pursuant to chapter 471, or an~~
250 ~~environmental health professional certified under chapter 381 in~~
251 ~~the area of onsite sewage treatment and disposal system~~
252 ~~evaluation.~~

253 ~~(h) The evaluation report fee collected pursuant to s.~~
254 ~~381.0066(2)(b) shall be remitted to the department by the~~
255 ~~evaluator at the time the report is submitted.~~

256 ~~(i) Prior to any evaluation deadline, the department must~~
257 ~~provide a minimum of 60 days' notice to owners that their~~
258 ~~systems must be evaluated by that deadline. The department may~~
259 ~~include a copy of any homeowner educational materials developed~~
260 ~~pursuant to this section which provides information on the~~
261 ~~proper maintenance of onsite sewage treatment and disposal~~
262 ~~systems.~~

263 ~~(5)(6) ENFORCEMENT; RIGHT OF ENTRY; CITATIONS.-~~

264 (a) Department personnel who have reason to believe
265 noncompliance exists, may at any reasonable time, enter the
266 premises permitted under ss. 381.0065-381.0066, or the business
267 premises of any septic tank contractor or master septic tank
268 contractor registered under part III of chapter 489, or any
269 premises that the department has reason to believe is being
270 operated or maintained not in compliance, to determine

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 999 (2012)

Amendment No. 1

271 compliance with the provisions of this section, part I of
272 chapter 386, or part III of chapter 489 or rules or standards
273 adopted under ss. 381.0065-381.0067, part I of chapter 386, or
274 part III of chapter 489. As used in this paragraph, the term
275 "premises" does not include a residence or private building. To
276 gain entry to a residence or private building, the department
277 must obtain permission from the owner or occupant or secure an
278 inspection warrant from a court of competent jurisdiction.

279 (b)1. The department may issue citations that may contain
280 an order of correction or an order to pay a fine, or both, for
281 violations of ss. 381.0065-381.0067, part I of chapter 386, or
282 part III of chapter 489 or the rules adopted by the department,
283 when a violation of these sections or rules is enforceable by an
284 administrative or civil remedy, or when a violation of these
285 sections or rules is a misdemeanor of the second degree. A
286 citation issued under ss. 381.0065-381.0067, part I of chapter
287 386, or part III of chapter 489 constitutes a notice of proposed
288 agency action.

289 2. A citation must be in writing and must describe the
290 particular nature of the violation, including specific reference
291 to the provisions of law or rule allegedly violated.

292 3. The fines imposed by a citation issued by the
293 department may not exceed \$500 for each violation. Each day the
294 violation exists constitutes a separate violation for which a
295 citation may be issued.

296 4. The department shall inform the recipient, by written
297 notice pursuant to ss. 120.569 and 120.57, of the right to an
298 administrative hearing to contest the citation within 21 days

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 999 (2012)

Amendment No. 1

299 after the date the citation is received. The citation must
300 contain a conspicuous statement that if the recipient fails to
301 pay the fine within the time allowed, or fails to appear to
302 contest the citation after having requested a hearing, the
303 recipient has waived the recipient's right to contest the
304 citation and must pay an amount up to the maximum fine.

305 5. The department may reduce or waive the fine imposed by
306 the citation. In determining whether to reduce or waive the
307 fine, the department must consider the gravity of the violation,
308 the person's attempts at correcting the violation, and the
309 person's history of previous violations including violations for
310 which enforcement actions were taken under ss. 381.0065-
311 381.0067, part I of chapter 386, part III of chapter 489, or
312 other provisions of law or rule.

313 6. Any person who willfully refuses to sign and accept a
314 citation issued by the department commits a misdemeanor of the
315 second degree, punishable as provided in s. 775.082 or s.
316 775.083.

317 7. The department, pursuant to ss. 381.0065-381.0067, part
318 I of chapter 386, or part III of chapter 489, shall deposit any
319 fines it collects in the county health department trust fund for
320 use in providing services specified in those sections.

321 8. This section provides an alternative means of enforcing
322 ss. 381.0065-381.0067, part I of chapter 386, and part III of
323 chapter 489. This section does not prohibit the department from
324 enforcing ss. 381.0065-381.0067, part I of chapter 386, or part
325 III of chapter 489, or its rules, by any other means. However,

Amendment No. 1

326 the department must elect to use only a single method of
327 enforcement for each violation.

328 ~~(6)-(7) LAND APPLICATION OF SEPTAGE PROHIBITED.—Effective~~
329 ~~January 1, 2016, the land application of septage from onsite~~
330 ~~sewage treatment and disposal systems is prohibited. By February~~
331 ~~1, 2011, the department, in consultation with the Department of~~
332 ~~Environmental Protection, shall provide a report to the~~
333 ~~Governor, the President of the Senate, and the Speaker of the~~
334 ~~House of Representatives, recommending alternative methods to~~
335 ~~establish enhanced treatment levels for the land application of~~
336 ~~septage from onsite sewage and disposal systems. The report~~
337 ~~shall include, but is not limited to, a schedule for the~~
338 ~~reduction in land application, appropriate treatment levels,~~
339 ~~alternative methods for treatment and disposal, enhanced~~
340 ~~application site permitting requirements including any~~
341 ~~requirements for nutrient management plans, and the range of~~
342 ~~costs to local governments, affected businesses, and individuals~~
343 ~~for alternative treatment and disposal methods. The report shall~~
344 ~~also include any recommendations for legislation or rule~~
345 ~~authority needed to reduce land application of septage.~~

346 Section 2. Section 381.00651, Florida Statutes, is created
347 to read:

348 381.00651 Periodic evaluation and assessment of onsite
349 sewage treatment and disposal systems.—

350 (1) For the purposes of this section, the term "first
351 magnitude spring" means a spring that has a median water
352 discharge of greater than or equal to 100 cubic feet per second

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 999 (2012)

Amendment No. 1

353 for the period of record, as determined by the Department of
354 Environmental Protection.

355 (2) A county or municipality that contains a first
356 magnitude spring shall, by no later than January 1, 2013,
357 develop and adopt by local ordinance an onsite sewage treatment
358 and disposal system evaluation and assessment program that meets
359 the requirements of this section. The ordinance may apply within
360 all or part of its geographic area. Those counties or
361 municipalities containing a first magnitude spring which have
362 already adopted an onsite sewage treatment and disposal system
363 evaluation and assessment program and which meet the
364 grandfathering requirements contained in this section, or have
365 chosen to opt out of this section in the manner provided herein,
366 are exempt from the requirement to adopt an ordinance
367 implementing an evaluation and assessment program. The governing
368 body of a local government that chooses to opt out of this
369 section, by a majority plus one vote of the members of the
370 governing board, shall do so by adopting a resolution that
371 indicates an intent on the part of such local government not to
372 adopt an onsite sewage treatment and disposal system evaluation
373 and assessment program. Such resolution shall be addressed and
374 transmitted to the Secretary of State. Absent an interlocal
375 agreement or county charter provision to the contrary, a
376 municipality may elect to opt out of the requirements of this
377 section, by a majority plus one vote of the members of the
378 governing board, notwithstanding a contrary decision of the
379 governing body of a county. Any local government that has
380 properly opted out of this section but subsequently chooses to

642457 - h0999-StrikeAll Dorworth1.docx

Published On: 2/14/2012 9:10:32 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 999 (2012)

Amendment No. 1

381 adopt an evaluation and assessment program may do so only
382 pursuant to the requirements of this section and may not deviate
383 from such requirements.

384 (3) Any county or municipality that does not contain a
385 first magnitude spring may at any time develop and adopt by
386 local ordinance an onsite sewage treatment and disposal system
387 evaluation and assessment program, provided such program meets
388 and does not deviate from the requirements of this section.

389 (4) Notwithstanding any other provision in this section, a
390 county or municipality that has adopted a program before July 1,
391 2011, may continue to enforce its current program without having
392 to meet the requirements of this section, provided such program
393 does not require an evaluation at the point of sale in a real
394 estate transaction.

395 (5) Any county or municipality may repeal an ordinance
396 adopted pursuant to this section only if the county or
397 municipality notifies the Secretary of State by letter of the
398 repeal. No county or municipality may adopt an onsite sewage
399 treatment and disposal system evaluation and assessment program
400 except pursuant to this section.

401 (6) The requirements for an onsite sewage treatment and
402 disposal system evaluation and assessment program are as
403 follows:

404 (a) Evaluations.—An evaluation of each onsite sewage
405 treatment and disposal system within all or part of the county's
406 or municipality's jurisdiction must take place once every 5
407 years to assess the fundamental operational condition of the
408 system and to identify system failures. The ordinance may not

Amendment No. 1

409 mandate an evaluation at the point of sale in a real estate
410 transaction and may not require a soil examination. The location
411 of the system shall be identified. A tank and drainfield
412 evaluation and a written assessment of the overall condition of
413 the system pursuant to the assessment procedure prescribed in
414 subsection (7) are required.

415 (b) Qualified contractors.—Each evaluation required under
416 this subsection must be performed by a qualified contractor, who
417 may be a septic tank contractor or master septic tank contractor
418 registered under part III of chapter 489, a professional
419 engineer having wastewater treatment system experience and
420 licensed under chapter 471, or an environmental health
421 professional certified under this chapter in the area of onsite
422 sewage treatment and disposal system evaluation. Evaluations and
423 pump-outs may also be performed by an authorized employee
424 working under the supervision of an individual listed in this
425 paragraph; however, all evaluation forms must be signed by a
426 qualified contractor in writing or by electronic signature.

427 (c) Repair of systems.—The local ordinance may not require
428 a repair, modification, or replacement of a system as a result
429 of an evaluation unless the evaluation identifies a system
430 failure. For purposes of this subsection, the term "system
431 failure" means a condition existing within an onsite sewage
432 treatment and disposal system which results in the discharge of
433 untreated or partially treated wastewater onto the ground
434 surface or into surface water or that results in the failure of
435 building plumbing to discharge properly and presents a sanitary
436 nuisance. A system is not in failure if the system does not have

Amendment No. 1

437 a minimum separation distance between the drainfield and the
438 wettest season water table or if an obstruction in a sanitary
439 line or an effluent screen or filter prevents effluent from
440 flowing into a drainfield. If a system failure is identified and
441 several allowable remedial measures are available to resolve the
442 failure, the system owner may choose the least costly allowable
443 remedial measure to fix the system. There may be instances in
444 which a pump-out is sufficient to resolve a system failure.
445 Allowable remedial measures to resolve a system failure are
446 limited to what is necessary to resolve the failure and must
447 meet, to the maximum extent practicable, the requirements of the
448 repair code in effect when the repair is made, subject to the
449 exceptions specified in s. 381.0065(4)(g). An engineer-designed
450 performance-based treatment system to reduce nutrients may not
451 be required as an alternative remediation measure to resolve the
452 failure of a conventional system.

453 (d) Exemptions.-

454 1. The local ordinance shall exempt from the evaluation
455 requirements any system that is required to obtain an operating
456 permit pursuant to state law or that is inspected by the
457 department pursuant to the annual permit inspection requirements
458 of chapter 513.

459 2. The local ordinance may provide for an exemption or an
460 extension of time to obtain an evaluation and assessment if
461 connection to a sewer system is available, connection to the
462 sewer system is imminent, and written arrangements for payment
463 of any utility assessments or connection fees have been made by
464 the system owner.

Amendment No. 1

465 3. An onsite sewage treatment and disposal system serving
466 a residential dwelling unit on a lot with a ratio of one bedroom
467 per acre or greater is exempt from the requirements of this
468 section and may not be included in any onsite sewage treatment
469 and disposal system inspection program.

470 (7) The following procedures shall be used for conducting
471 evaluations:

472 (a) Tank evaluation.—The tank evaluation shall assess the
473 apparent structural condition and watertightness of the tank and
474 shall estimate the size of the tank. The evaluation must include
475 a pump-out. However, an ordinance may not require a pump-out if
476 there is documentation indicating that a tank pump-out or a
477 permitted new installation, repair, or modification of the
478 system has occurred within the previous 5 years, identifying the
479 capacity of the tank, and indicating that the condition of the
480 tank is structurally sound and watertight. Visual inspection of
481 the tank must be made when the tank is empty to detect cracks,
482 leaks, or other defects. Baffles or tees must be checked to
483 ensure that they are intact and secure. The evaluation shall
484 note the presence and condition of outlet devices, effluent
485 filters, and compartment walls; any structural defect in the
486 tank; the condition and fit of the tank lid, including manholes;
487 whether surface water can infiltrate the tank; and whether the
488 tank was pumped out. If the tank, in the opinion of the
489 qualified contractor, is in danger of being damaged by leaving
490 the tank empty after inspection, the tank shall be refilled
491 before concluding the inspection. Broken or damaged lids or
492 manholes shall be replaced without obtaining a repair permit.

Amendment No. 1

493 (b) Drainfield evaluation.—The drainfield evaluation must
494 include a determination of the approximate size and location of
495 the drainfield. The evaluation shall state whether there is any
496 sewage or effluent visible on the ground or discharging to a
497 ditch or other water body and the location of any downspout or
498 other source of water near or in the vicinity of the drainfield.

499 (c) Special circumstances.—If the system contains pumps,
500 siphons, or alarms, the following information may be provided at
501 the request of the homeowner:

502 1. An assessment of dosing tank integrity, including the
503 approximate volume and the type of material used in the tank's
504 construction;

505 2. Whether the pump is elevated off the bottom of the
506 chamber and its operational status;

507 3. Whether the system has a check valve and purge hole;
508 and

509 4. Whether the system has a high-water alarm, and if so
510 whether the alarm is audio or visual or both, the location and
511 operational condition of the alarm, and whether the electrical
512 connections to the alarm appear satisfactory.

513
514 If the homeowner does not request this information, the
515 qualified contractor and its employee are not liable for any
516 damages directly relating from a failure of the system's pumps,
517 siphons, or alarms. This exclusion of liability must be stated
518 on the front cover of the report required under paragraph (d).

519 (d) Assessment procedure.—All evaluation procedures used
520 by a qualified contractor shall be documented in the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 999 (2012)

Amendment No. 1

521 environmental health database of the Department of Health. The
522 qualified contractor shall provide a copy of a written, signed
523 evaluation report to the property owner upon completion of the
524 evaluation and to the county health department within 30 days
525 after the evaluation. The report shall contain the name and
526 license number of the company providing the report. A copy of
527 the evaluation report shall be retained by the local county
528 health department for a minimum of 5 years and until a
529 subsequent inspection report is filed. The front cover of the
530 report must identify any system failure and include a clear and
531 conspicuous notice to the owner that the owner has a right to
532 have any remediation of the failure performed by a qualified
533 contractor other than the contractor performing the evaluation.
534 The report must further identify any crack, leak, improper fit,
535 or other defect in the tank, manhole, or lid, and any other
536 damaged or missing component; any sewage or effluent visible on
537 the ground or discharging to a ditch or other surface water
538 body; any downspout, stormwater, or other source of water
539 directed onto or toward the system; and any other maintenance
540 need or condition of the system at the time of the evaluation
541 which, in the opinion of the qualified contractor, would
542 possibly interfere with or restrict any future repair or
543 modification to the existing system. The report shall conclude
544 with an overall assessment of the fundamental operational
545 condition of the system.

546 (8) The county health department shall administer any
547 evaluation program on behalf of a county, or a municipality
548 within the county, that has adopted an evaluation program

642457 - h0999-StrikeAll Dorworth1.docx

Published On: 2/14/2012 9:10:32 PM

Page 20 of 28

Amendment No. 1

549 pursuant to this section. In order to administer the evaluation
550 program, the county or municipality, in consultation with the
551 county health department, may develop a reasonable fee schedule
552 to be used solely to pay for the costs of administering the
553 evaluation program. Such a fee schedule shall be identified in
554 the ordinance that adopts the evaluation program. When arriving
555 at a reasonable fee schedule, the estimated annual revenues to
556 be derived from fees may not exceed reasonable estimated annual
557 costs of the program. Fees shall be assessed to the system owner
558 during an inspection and separately identified on the invoice of
559 the qualified contractor. Fees shall be remitted by the
560 qualified contractor to the county health department. The county
561 health department's administrative responsibilities include the
562 following:

563 (a) Providing a notice to the system owner at least 60
564 days before the system is due for an evaluation. The notice may
565 include information on the proper maintenance of onsite sewage
566 treatment and disposal systems.

567 (b) In consultation with the Department of Health,
568 providing uniform disciplinary procedures and penalties for
569 qualified contractors who do not comply with the requirements of
570 the adopted ordinance, including, but not limited to, failure to
571 provide the evaluation report as required in this subsection to
572 the system owner and the county health department. Only the
573 county health department may assess penalties against system
574 owners for failure to comply with the adopted ordinance,
575 consistent with existing requirements of law.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 999 (2012)

Amendment No. 1

576 (9) (a) A county or municipality that adopts an onsite
577 sewage treatment and disposal system evaluation and assessment
578 program pursuant to this section shall notify the Secretary of
579 Environmental Protection, the Department of Health, and the
580 applicable county health department upon the adoption of its
581 ordinance establishing the program.

582 (b) Upon receipt of the notice under paragraph (a), the
583 Department of Environmental Protection shall, within existing
584 resources, notify the county or municipality of the potential
585 use of, and access to, program funds under the Clean Water State
586 Revolving Fund or s. 319 of the Clean Water Act, provide
587 guidance in the application process to receive such moneys, and
588 provide advice and technical assistance to the county or
589 municipality on how to establish a low-interest revolving loan
590 program or how to model a revolving loan program after the low-
591 interest loan program of the Clean Water State Revolving Fund.
592 This paragraph does not obligate the Department of Environmental
593 Protection to provide any county or municipality with money to
594 fund such programs.

595 (c) The Department of Health may not adopt any rule that
596 alters the provisions of this section.

597 (d) The Department of Health must allow county health
598 departments and qualified contractors access to the
599 environmental health database to track relevant information and
600 assimilate data from assessment and evaluation reports of the
601 overall condition of onsite sewage treatment and disposal
602 systems. The environmental health database must be used by
603 contractors to report each service and evaluation event and by a

Amendment No. 1

604 county health department to notify owners of onsite sewage
605 treatment and disposal systems when evaluations are due. Data
606 and information must be recorded and updated as service and
607 evaluations are conducted and reported.

608 (10) This section does not:

609 (a) Limit county and municipal home rule authority to act
610 outside the scope of the evaluation and assessment program set
611 forth in this section;

612 (b) Repeal or affect any other law relating to the subject
613 matter of onsite sewage treatment and disposal systems; or

614 (c) Prohibit a county or municipality from:

615 1. Enforcing existing ordinances or adopting new
616 ordinances relating to onsite sewage treatment facilities to
617 address public health and safety if such ordinances do not
618 repeal, suspend, or alter the requirements or limitations of
619 this section.

620 2. Adopting local environmental and pollution abatement
621 ordinances for water quality improvement as provided for by law
622 if such ordinances do not repeal, suspend, or alter the
623 requirements or limitations of this section.

624 3. Exercising its independent and existing authority to
625 meet the requirements of s. 381.0065.

626 Section 3. Section 381.00656, Florida Statutes, is
627 repealed.

628 Section 4. Subsection (2) of section 381.0066, Florida
629 Statutes, is amended to read:

630 381.0066 Onsite sewage treatment and disposal systems;
631 fees.—

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 999 (2012)

Amendment No. 1

632 (2) The minimum fees in the following fee schedule apply
633 until changed by rule by the department within the following
634 limits:

635 (a) Application review, permit issuance, or system
636 inspection, including repair of a subsurface, mound, filled, or
637 other alternative system or permitting of an abandoned system: a
638 fee of not less than \$25, or more than \$125.

639 ~~(b) A 5-year evaluation report submitted pursuant to s.~~
640 ~~381.0065(5): a fee not less than \$15, or more than \$30. At least~~
641 ~~\$1 and no more than \$5 collected pursuant to this paragraph~~
642 ~~shall be used to fund a grant program established under s.~~
643 ~~381.00656.~~

644 (b)~~(e)~~ Site evaluation, site reevaluation, evaluation of a
645 system previously in use, or a per annum septage disposal site
646 evaluation: a fee of not less than \$40, or more than \$115.

647 (c)~~(d)~~ Biennial Operating permit for aerobic treatment
648 units or performance-based treatment systems: a fee of not more
649 than \$100.

650 (d)~~(e)~~ Annual operating permit for systems located in
651 areas zoned for industrial manufacturing or equivalent uses or
652 where the system is expected to receive wastewater which is not
653 domestic in nature: a fee of not less than \$150, or more than
654 \$300.

655 (e)~~(f)~~ Innovative technology: a fee not to exceed \$25,000.

656 (f)~~(g)~~ Septage disposal service, septage stabilization
657 facility, portable or temporary toilet service, tank
658 manufacturer inspection: a fee of not less than \$25, or more
659 than \$200, per year.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 999 (2012)

Amendment No. 1

660 ~~(g)-(h)~~ Application for variance: a fee of not less than
661 \$150, or more than \$300.

662 ~~(h)-(i)~~ Annual operating permit for waterless,
663 incinerating, or organic waste composting toilets: a fee of not
664 less than ~~\$15~~ \$50, or more than ~~\$30~~ \$150.

665 ~~(i)-(j)~~ Aerobic treatment unit or performance-based
666 treatment system maintenance entity permit: a fee of not less
667 than \$25, or more than \$150, per year.

668 ~~(j)-(k)~~ Reinspection fee per visit for site inspection
669 after system construction approval or for noncompliant system
670 installation per site visit: a fee of not less than \$25, or more
671 than \$100.

672 ~~(k)-(l)~~ Research: An additional \$5 fee shall be added to
673 each new system construction permit issued to be used to fund
674 onsite sewage treatment and disposal system research,
675 demonstration, and training projects. Five dollars from any
676 repair permit fee collected under this section shall be used for
677 funding the hands-on training centers described in s.
678 381.0065(3)(j).

679 ~~(l)-(m)~~ Annual operating permit, including annual
680 inspection and any required sampling and laboratory analysis of
681 effluent, for an engineer-designed performance-based system: a
682 fee of not less than \$150, or more than \$300.

683
684 ~~On or before January 1, 2011, the Surgeon General, after~~
685 ~~consultation with the Revenue Estimating Conference, shall~~
686 ~~determine a revenue neutral fee schedule for services provided~~
687 ~~pursuant to s. 381.0065(5) within the parameters set in~~

642457 - h0999-StrikeAll Dorworth1.docx

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Amendment No. 1

688 ~~paragraph (b). Such determination is not subject to the~~
689 ~~provisions of chapter 120.~~ The funds collected pursuant to this
690 subsection must be deposited in a trust fund administered by the
691 department, to be used for the purposes stated in this section
692 and ss. 381.0065 and 381.00655.

693 Section 5. This act shall take effect upon becoming a law.
694
695

696 -----
697 **T I T L E A M E N D M E N T**

698 Remove the entire title and insert:

699 A bill to be entitled

700 An act relating to onsite sewage treatment and
701 disposal systems; amending s. 381.0065, F.S.; deleting
702 legislative intent; defining the term "bedroom";
703 conforming cross-references; providing for any permit
704 issued and approved by the Department of Health for
705 the installation, modification, or repair of an onsite
706 sewage treatment and disposal system to transfer with
707 the title of the property; providing circumstances in
708 which an onsite sewage treatment and disposal system
709 is not considered abandoned; providing for the
710 validity of an onsite sewage treatment and disposal
711 system permit if rules change before final approval of
712 the constructed system, under certain conditions;
713 providing that a system modification, replacement, or
714 upgrade is not required unless a bedroom is added to a
715 single-family home; prohibiting governmental entities

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 999 (2012)

Amendment No. 1

716 from requiring certain systems after a specified date;
717 deleting provisions requiring the department to
718 administer an evaluation and assessment program of
719 onsite sewage treatment and disposal systems and
720 requiring property owners to have such systems
721 evaluated at least once every 5 years; deleting
722 obsolete provisions; creating s. 381.00651, F.S.;
723 requiring a county or municipality containing a first
724 magnitude spring to adopt by ordinance, under certain
725 circumstances, the program for the periodic evaluation
726 and assessment of onsite sewage treatment and disposal
727 systems; requiring the county or municipality to
728 notify the Secretary of State of the ordinance;
729 authorizing a county or municipality, in specified
730 circumstances, to opt out by a majority plus one vote
731 of certain requirements by a specified date;
732 authorizing a county or municipality to adopt or
733 repeal, after a specified date, an ordinance creating
734 an evaluation and assessment program, subject to
735 notification of the Secretary of State; providing
736 criteria for evaluations, qualified contractors, and
737 repair of systems; providing for certain procedures
738 and exemptions in special circumstances; defining the
739 term "system failure"; requiring that certain
740 procedures be used for conducting tank and drainfield
741 evaluations; providing for certain procedures in
742 special circumstances; providing for contractor
743 immunity from liability under certain conditions;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 999 (2012)

Amendment No. 1

744 providing for assessment procedures; providing
745 requirements for county health departments; requiring
746 the Department of Health to allow county health
747 departments and qualified contractors to access the
748 state database to track data and evaluation reports;
749 requiring counties and municipalities to notify the
750 Secretary of Environmental Protection and the
751 Department of Health when an evaluation program
752 ordinance is adopted; requiring the Department of
753 Environmental Protection to notify those counties or
754 municipalities of the use of, and access to, certain
755 state and federal program funds and to provide certain
756 guidance and technical assistance upon request;
757 prohibiting the adoption of certain rules by the
758 Department of Health; providing for applicability;
759 repealing s. 381.00656, F.S., relating to a grant
760 program for the repair of onsite sewage treatment and
761 disposal systems; amending s. 381.0066, F.S.; lowering
762 the fees imposed by the department for certain
763 permits; conforming cross-references; providing an
764 effective date.

COMMITTEE MEETING REPORT

Appropriations Committee

2/15/2012 8:00:00AM

Location: Webster Hall (212 Knott)

AMENDED

CS/HB 1097 : Sexually Violent Predators

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon	X				
Leonard Bemby	X				
Charles Chestnut IV	X				
Marti Coley	X				
Chris Dorworth	X				
Richard Glorioso	X				
Ed Hooper	X				
Mike Horner	X				
Matt Hudson	X				
Dorothy Hukill	X				
Mia Jones	X				
Martin Kiar	X				
Paige Kreegel	X				
Seth McKeel	X				
H. Marlene O'Toole	X				
Ari Porth	X				
William Proctor	X				
Darryl Rouson			X		
Franklin Sands	X				
Ron Saunders	X				
Robert Schenck			X		
William Snyder	X				
Trudi Williams			X		
Denise Grimsley (Chair)	X				
Total Yeas: 21		Total Nays: 0			

CS/HB 1097 Amendments

Amendment 196047

Adopted Without Objection

Appearances:

Pitts, Brian - Waive In Support
 Trustee-Justice-2-Jesus
 1119 Newton Avenue South
 S. Petersburg Florida 33705
 Phone: 727-897-9291

Poore, Terri (Lobbyist) - Waive In Support
 Director of Public Affairs, Florida Council Against Sexual Violence
 1820 East Park Avenue Suite 100
 Tallahassee FL 32301
 Phone: 850-297-2000

Committee meeting was reported out: Wednesday, February 15, 2012 7:09:30PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1097 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE 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 Committee/Subcommittee hearing bill: Appropriations Committee
2 Representative Kreegel offered the following:

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

5 Remove lines 34-41

6
7 -----
8 **T I T L E A M E N D M E N T**

9 Remove lines 3-6 and insert:

10 amending s. 394.913, F.S.; providing for

COMMITTEE MEETING REPORT

Appropriations Committee

2/15/2012 8:00:00AM

Location: Webster Hall (212 Knott)

AMENDED

CS/HB 1163 : Adoption

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon	X				
Leonard Bemby	X				
Charles Chestnut IV	X				
Marti Coley	X				
Chris Dorworth	X				
Richard Glorioso	X				
Ed Hooper				X	
Mike Horner	X				
Matt Hudson	X				
Dorothy Hukill	X				
Mia Jones	X				
Martin Kiar	X				
Paige Kreegel	X				
Seth McKeel	X				
H. Marlene O'Toole	X				
Ari Porth	X				
William Proctor	X				
Darryl Rouson	X				
Franklin Sands	X				
Ron Saunders	X				
Robert Schenck			X		
William Snyder	X				
Trudi Williams			X		
Denise Grimsley (Chair)	X				
Total Yeas: 21		Total Nays: 0			

CS/HB 1163 Amendments

Amendment 229807

Adopted Without Objection

Amendment 393255

Adopted Without Objection

Amendment 843513

Adopted Without Objection

Committee meeting was reported out: Wednesday, February 15, 2012 7:09:30PM

COMMITTEE MEETING REPORT

Appropriations Committee

2/15/2012 8:00:00AM

AMENDED

Location: Webster Hall (212 Knott)

CS/HB 1163 : Adoption (continued)

Appearances:

Pitts, Brian - Opponent
Trustee-Justice-2-Jesus
1119 Newton Avenue South
S. Petersburg Florida 33705
Phone: 727-897-9291

Committee meeting was reported out: Wednesday, February 15, 2012 7:09:30PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1163 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE 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 Committee/Subcommittee hearing bill: Appropriations Committee
2 Representative Adkins offered the following:

3
4 **Amendment**

5 Remove line 213 and insert:

6 (3) "Adoption entity" means the department, ~~an agency,~~ a
7

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1163 (2012)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE 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 Committee/Subcommittee hearing bill: Appropriations Committee
2 Representative Adkins offered the following:

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

5 Remove lines 266-278
6
7
8

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

11 Remove lines 13-14 and insert:
12 providing an exception;
13

Amendment No. 3

COMMITTEE/SUBCOMMITTEE 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 Committee/Subcommittee hearing bill: Appropriations Committee
 2 Representative Adkins offered the following:

Amendment (with title amendment)

Remove line 325 and insert:

6 in the custody of an adoption entity. This subsection does not
 7 eliminate the reporting requirement under s. 383.50(7). When the
 8 department is

12 -----
 13 **T I T L E A M E N D M E N T**

Remove line 21 and insert:

15 providing that a specified reporting requirement is
 16 not superseded; providing that when the Department of
 17 Children and

COMMITTEE MEETING REPORT

Appropriations Committee

2/15/2012 8:00:00AM

Location: Webster Hall (212 Knott)

AMENDED

CS/HB 1205 : Drug-Free Workplace Act

Temporarily Deferred - Bill failed 10 yeas 11 nays. Motion to reconsider passed 14 yeas 7 nays.

Appearances:

Gail Marie Perry - Opponent

Communication Workers of America

PO Box 1766

Pompano Beach Florida 33061

Phone: 954-850-4055

Fort, Pamela Burch (Lobbyist) - Opponent

American Civil Liberties Union of Florida

104 S. Monroe St.

Tallahassee FL 32301

Phone: (850) 425-1344

Pitts, Brian - Opponent

Trustee-Justice-2-Jesus

1119 Newton Avenue South

S. Petersburg Florida 33705

Phone: 727-897-9291

Jennifer Kenny - Waive In Opposition

2700 N. Highway A1A, #10-204

Indiatlantic Florida 32903

Phone: 321-277-9385

Shawn Patrick Beal - Waive In Opposition

1740 Newfound Harbor Drive

Merritt Island Florida 32952

Phone: 321-453-7250

Amendment/Bill

Ferraro Jacobs - Waive In Opposition

4409 W. Humphrey Street

Tampa Florida

Phone: 813-240-9450

Amendment/Bill

Henry Hollis (State Employee) - Waive In Opposition

12415 Dawn Vista Drive

Riverview Florida

Phone: 813-215-5945

Committee meeting was reported out: Wednesday, February 15, 2012 7:09:30PM

House of Representatives
COMMITTEE/SUBCOMMITTEE BILL ACTION WORKSHEET

Committee/Subcommittee: Appropriations
Meeting Date: February 15, 2012
Place: 212 KB
Time: 8:00 am

Bill Number: CS/HB 1205
Date Received: _____
Date Reported: _____
Subject: Drug-Free Workplace Act

Council/Committee Action:

- Favorable
 Favorable w/ _____ amendments
 Favorable w/Committee/Subcommittee Substitute
 Other Action: _____

- Retained for Reconsideration
 Reconsidered
 Temporarily Postponed
 Unfavorable

Final Vote On Bill		MEMBERS	Motion to Reconsider							
Yea	Nay		Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
X		Grimsley, Chair	X							
X		Dorworth, Vice-Chair	X							
	X	Chestnut, Dem Ranking		X						
		Aubuchon	X							
	X	Bembry		X						
	X	Coley	X							
X		Glorioso	X							
	X	Hooper	X							
X		Horner	X							
X		Hudson	X							
	X	Hukill	X							
	X	Jones		X						
	X	Kiar		X						
X		Kreegel	X							
X		McKeel	X							
X		O'Toole	X							
	X	Porth		X						
X		Proctor	X							
	X	Rouson								
	X	Sands		X						
	X	Saunders		X						
		Schenck								
X		Snyder	X							
		Williams, T.								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
10	11		14	7						

COMMITTEE MEETING REPORT

Appropriations Committee

2/15/2012 8:00:00AM

Location: Webster Hall (212 Knott)

AMENDED

CS/CS/HB 1261 : State Employment

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon	X				
Leonard Bemby	X				
Charles Chestnut IV	X				
Marti Coley	X				
Chris Dorworth	X				
Richard Glorioso	X				
Ed Hooper	X				
Mike Horner			X		
Matt Hudson	X				
Dorothy Hukill	X				
Mia Jones	X				
Martin Kiar	X				
Paige Kreegel			X		
Seth McKeel	X				
H. Marlene O'Toole	X				
Ari Porth	X				
William Proctor	X				
Darryl Rouson					X
Franklin Sands	X				
Ron Saunders	X				
Robert Schenck			X		
William Snyder	X				
Trudi Williams			X		
Denise Grimsley (Chair)				X	
Total Yeas: 18		Total Nays: 0			

CS/CS/HB 1261 Amendments

Amendment 428721

Adopted Without Objection

Appearances:

Suarez, Robert (Lobbyist) - Information Only

Florida Firefighters
345 W Madison Street
Tallahassee Florida

Pitts, Brian - Waive In Support

Trustee-Justice-2-Jesus
1119 Newton Avenue South
S. Petersburg Florida 33705
Phone: 727-897-9291

Committee meeting was reported out: Wednesday, February 15, 2012 7:09:30PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1261 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Appropriations Committee
2 Representative Mayfield offered the following:

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

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 110.105, Florida Statutes, is amended
7 to read:

8 110.105 Employment policy of the state.—

9 (1) It is the purpose of this chapter to establish a
10 system of personnel management. This system shall provide means
11 to recruit, select, train, develop, and maintain an effective
12 and responsible workforce and shall include policies and
13 procedures for employee hiring and advancement, training and
14 career development, position classification, salary
15 administration, benefits, discipline, discharge, employee
16 performance evaluations, affirmative action, and other related
17 activities.

18 (2) It is the policy of the state:

Amendment No. 1

19 (a) That all appointments, terminations, assignments and
20 maintenance of status, compensation, privileges, and other terms
21 and conditions of employment in state government ~~shall~~ be made
22 without regard to age, sex, race, color, religion, national
23 origin, political affiliation, marital status, disability,
24 unless a specific handicap, except when a specific sex, age, or
25 ~~physical~~ requirement constitutes a bona fide occupational
26 qualification ~~necessary to proper and efficient administration.~~

27 (b) To support employees in balancing their personal needs
28 and work responsibilities. This policy is designed to enhance
29 the employee's ability to blend the competing demands of work
30 and personal life and produce a more skilled, accountable, and
31 committed workforce for the system. Provisions may include, but
32 need not be limited to, flexible work schedules, telework, part-
33 time employment, and leaves of absence with or without pay.

34 (3) Except as expressly provided by law, Florida residency
35 may not there shall be required no Florida residence requirement
36 for any person as a condition precedent to employment ~~by the~~
37 ~~state~~; however, preference in hiring may be given to state
38 ~~Florida residents in hiring.~~

39 (4) This chapter contains the requirements and guides for
40 establishing and maintaining a system of personnel management
41 ~~administration~~ on a merit basis. The system of personnel
42 management administration shall be implemented so as to ensure
43 that the permit state agencies participating in the system are
44 ~~to be eligible for to receive~~ federal funds.

Amendment No. 1

45 (5) Nothing in this chapter shall be construed either to
46 infringe upon or to supersede the rights guaranteed public
47 employees under chapter 447.

48 Section 2. Section 110.1127, Florida Statutes, is amended
49 to read:

50 110.1127 Employee background screening and investigations
51 ~~security checks.~~

52 (1) Except as provided in subsection (2), each agency
53 shall designate those positions that, based on the position
54 duties, require security background screening. All persons and
55 employees in such positions must undergo employment screening in
56 accordance with chapter 435, using level 1 screening standards,
57 as a condition of employment and continued employment.

58 (2) (a) ~~(1)~~ Each employing agency shall designate those
59 employee positions that, because of the special trust or
60 responsibility or sensitive location, require security
61 background investigations. All persons and employees in such
62 positions must undergo employment screening in accordance with
63 chapter 435, using level 2 screening standards ~~of those~~
64 positions, ~~require that persons occupying those positions be~~
65 subject to a security background check, including
66 fingerprinting, as a condition of employment and continued
67 employment.

68 (b) ~~(2) (a)~~ All positions within the Division of Treasury of
69 the Department of Financial Services are deemed to be positions
70 of special trust or responsibility. Individuals seeking or
71 holding such positions, ~~and a person~~ may be disqualified for
72 employment ~~in any such position~~ by reason of:

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1261 (2012)

Amendment No. 1

73 1. The conviction or prior conviction of a crime that
74 ~~which~~ is reasonably related to the nature of the position sought
75 or held by the individual; or

76 2. The entering of a plea of nolo contendere, or when a
77 jury verdict of guilty is rendered but adjudication of guilt is
78 withheld, with respect to a crime that ~~which~~ is reasonably
79 related to the nature of the position sought or held by the
80 individual.

81 ~~(b) All employees of the division shall be required to~~
82 ~~undergo security background investigations, including~~
83 ~~fingerprinting, as a condition of employment and continued~~
84 ~~employment.~~

85 (c)1.(3)(a) All positions in programs providing care to
86 children, the developmentally disabled, or vulnerable adults for
87 15 hours or more per week; all permanent and temporary employee
88 positions of the central abuse hotline; and all persons working
89 under contract who have access to abuse records are deemed to be
90 persons and positions of special trust or responsibility, ~~and~~
91 ~~require employment screening pursuant to chapter 435, using the~~
92 ~~level 2 standards set forth in that chapter.~~

93 2.(b) The ~~employing~~ agency may grant exemptions from
94 disqualification from working with children, the developmentally
95 disabled, or vulnerable adults as provided in s. 435.07.

96 ~~(c) All persons and employees in such positions of trust~~
97 ~~or responsibility shall be required to undergo security~~
98 ~~background investigations as a condition of employment and~~
99 ~~continued employment. For the purposes of this subsection,~~
100 ~~security background investigations shall be conducted as~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1261 (2012)

Amendment No. 1

101 ~~provided in chapter 435, using the level 2 standards for~~
102 ~~screening set forth in that chapter.~~

103 3.(d) It is a misdemeanor of the first degree, punishable
104 as provided in s. 775.082 or s. 775.083, for any person
105 willfully, knowingly, or intentionally to:

106 a.1. Fail, by false statement, misrepresentation,
107 impersonation, or other fraudulent means, to disclose in any
108 application for voluntary or paid employment a material fact
109 used in making a determination as to such person's
110 qualifications for a position of special trust;

111 b.2. Use ~~records~~ information contained in records for
112 purposes other than background screening or investigation for
113 employment, or release such records information to other persons
114 for purposes other than preemployment screening or investigation
115 ~~for employment.~~

116 4.(e) It is a felony of the third degree, punishable as
117 provided in s. 775.082, s. 775.083, or s. 775.084, for any
118 person willfully, knowingly, or intentionally to use juvenile
119 records information for any purposes other than those specified
120 in this section or to release such information to other persons
121 for purposes other than those specified in this section.

122 (3)(4) Any person who is required to undergo such a
123 security background screening or investigation and who refuses
124 to cooperate in such screening or investigation or refuses to
125 submit fingerprints shall be disqualified for employment in such
126 position or, if employed, shall be dismissed.

127 (4)(5) ~~Such~~ Background screening and investigations shall
128 be conducted at the expense of the employing agency. If ~~When~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1261 (2012)

Amendment No. 1

129 fingerprinting is required, the fingerprints ~~of the employee or~~
130 ~~applicant for employment~~ shall be taken by the ~~employing~~ agency
131 or by an authorized law enforcement officer, ~~and~~ submitted to
132 the Department of Law Enforcement for processing, and, if
133 ~~forwarding, when~~ requested by the employing agency, forwarded to
134 the United States Department of Justice for processing. The
135 ~~employing~~ agency shall reimburse the Department of Law
136 Enforcement for any costs incurred for ~~by it in the~~ processing
137 ~~of~~ the fingerprints.

138 Section 3. Subsection (1) of section 110.119, Florida
139 Statutes, is amended to read:

140 110.119 Administrative leave for military-service-
141 connected ~~reexamination or treatment with respect to service-~~
142 ~~connected~~ disability.-

143 (1) An ~~Any~~ employee ~~of the state~~ who has been rated by the
144 United States Department of Veterans Affairs or its predecessor
145 to have incurred a service-connected disability and has been
146 scheduled by the United States Department of Veterans Affairs to
147 be reexamined or treated for the disability shall be granted
148 administrative leave for such reexamination or treatment without
149 loss of pay or benefits. However, such ~~In no event shall the~~
150 paid leave may not ~~under this section~~ exceed 48 hours per ~~6~~
151 calendar ~~days~~ a year.

152 Section 4. Section 110.1225, Florida Statutes, is amended
153 to read:

154 110.1225 Furloughs.-When a deficit is projected by the
155 Revenue Estimating Conference pursuant to s. 216.136(3), in any
156 fund that supports salary and benefit appropriations, the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1261 (2012)

Amendment No. 1

157 Governor or the Chief Justice of the Supreme Court, as
158 appropriate, Administration Commission may propose a furlough
159 plan for consideration by the Legislative Budget Commission to
160 the Legislature, which must approve or disapprove such plan. The
161 plan must identify all affected positions and ensure that all
162 affected employees are subject to the same reduction of hours
163 for the same number of pay periods with a commensurate reduction
164 in pay.

165 Section 5. Section 110.126, Florida Statutes, is amended
166 to read:

167 110.126 Oaths, testimony, records; penalties.—The
168 department may ~~shall have power to~~ administer oaths, subpoena
169 witnesses, and compel the production of books, and papers, or
170 other records, in written or electronic form, relevant pertinent
171 to any investigation of personnel practices or hearing
172 authorized by this chapter. Any person who fails ~~shall fail~~ to
173 appear in response to a subpoena or to answer any question or
174 produce any books, ~~or~~ papers, or other records relevant
175 pertinent to any such investigation or hearing or who ~~shall~~
176 knowingly gives ~~give~~ false testimony commits ~~therein shall be~~
177 ~~guilty of~~ a misdemeanor of the first degree, punishable as
178 provided in s. 775.082 or s. 775.083.

179 Section 6. Section 110.131, Florida Statutes, is amended
180 to read:

181 110.131 Other-personal-services ~~temporary~~ employment.—

182 (1) As used in this section, the term "agency" means any
183 official, officer, commission, board, authority, council,
184 committee, or department of the executive branch of state

Amendment No. 1

185 government and means any officer, court, commission, or other
186 unit of the judicial branch of state government supported in
187 whole or in part by appropriations made by the Legislature.

188 (2) An agency may employ any qualified individual in
189 other-personal-services ~~temporary employment for 1,040 hours~~
190 ~~within any 12-month period.~~ For each other-personal-services
191 employee, the agency shall:

192 (a) Maintain employee records identifying, at a minimum,
193 the person employed, the hire date, the type of other-personal-
194 services employment, and the number of hours worked.

195 (b) Determine the appropriate rate of pay and ensure that
196 all payments are in compliance with the federal Fair Labor
197 Standards Act and state law.

198 (c) Review, determine, and document by June 30 of each
199 year whether the continuation of each other-personal-services
200 employment position is necessary to the mission of the agency.
201 This review process ~~An extension beyond a total of 1,040 hours~~
202 ~~within an agency for any individual requires a recommendation by~~
203 ~~the agency head and approval by the Executive Office of the~~
204 ~~Governor. Approval of extensions shall be made in accordance~~
205 ~~with criteria established by the department. Each agency shall~~
206 ~~maintain employee information as specified by the department~~
207 ~~regarding each extension of other-personal-services temporary~~
208 ~~employment. The time limitation established by this subsection~~
209 does not apply to board members; consultants; seasonal
210 employees; institutional clients employed as part of their
211 rehabilitation; bona fide, degree-seeking students in accredited
212 secondary or postsecondary educational programs; employees hired

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1261 (2012)

Amendment No. 1

213 to deal with an emergency situation that affects the public
214 health, safety, or welfare; or employees hired for a project
215 that is identified by a specific appropriation or time-limited
216 grant.

217 (3) Unless specifically provided by law, other-personal-
218 services employees are not eligible for any form of paid leave,
219 paid holidays, a paid personal day, participation in state group
220 insurance or retirement benefits, or any other state employee
221 benefit. Other-personal-services employees may be included in
222 that part of an agency's recognition and reward program that
223 recognizes and rewards employees who submit innovative ideas
224 that increase productivity, eliminate or reduce state
225 expenditures, improve operations, or generate additional revenue
226 or who meet or exceed the agency's established criteria for a
227 project or goal.

228 (4) Beginning August 15, 2012, and each August 15
229 thereafter, each agency employing an individual in other-
230 personal-services employment shall submit a report to the
231 Executive Office of the Governor and to the chairs of the
232 legislative appropriations committees with the following
233 information for the previous fiscal year ending June 30, 2012,
234 and each June 30 thereafter:

235 (a) The total number of individuals serving in other-
236 personal services employment.

237 (b) The type of employment, average pay, and total number
238 of hours worked for each individual serving in other-personal-
239 services employment.

Amendment No. 1

240 ~~(3) The department shall adopt rules providing that other~~
241 ~~personal services temporary employment in an employer-employee~~
242 ~~relationship shall be used for short-term tasks. Such rules~~
243 ~~shall specify the employment categories, terms, conditions, rate~~
244 ~~of pay, and frequency of other personal services temporary~~
245 ~~employment and the duration for which such employment may last;~~
246 ~~specify criteria for approving extensions beyond the time~~
247 ~~limitation provided in subsection (2); and prescribe~~
248 ~~recordkeeping and reporting requirements for other personal-~~
249 ~~services employment.~~

250 ~~(4) The department shall prepare written material~~
251 ~~explaining the terms and conditions of other personal services~~
252 ~~employment and shall provide master copies to each agency. Each~~
253 ~~agency shall provide each of its applicants for such employment~~
254 ~~with a copy thereof at the time of application and shall discuss~~
255 ~~the information contained thereon with each applicant at the~~
256 ~~time of interview or employment commencement, whichever occurs~~
257 ~~sooner.~~

258 ~~(5) The department shall maintain information relating to~~
259 ~~other personal services employment for each agency. Such~~
260 ~~information shall include:~~

261 ~~(a) The total amount of compensation for other personal-~~
262 ~~services personnel, by employment category, for the preceding~~
263 ~~fiscal year.~~

264 ~~(b) The name, social security number, employment category,~~
265 ~~employment commencement date, and number of hours worked for~~
266 ~~each individual whose initial other personal services temporary~~
267 ~~employment began before the start of the preceding fiscal year~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1261 (2012)

Amendment No. 1

268 ~~and who was still employed as an other personal services~~
269 ~~temporary employee at the end of the preceding fiscal year.~~

270 ~~(6)(a) The provisions of subsections (2), (3), and (4) do~~
271 ~~not apply to any employee for whom the Board of Governors of the~~
272 ~~State University System, or the board's designee, or the Board~~
273 ~~of Trustees of the Florida School for the Deaf and the Blind is~~
274 ~~the employer as defined in s. 447.203(2); except that, for~~
275 ~~purposes of subsection (5), the Board of Trustees of the Florida~~
276 ~~School for the Deaf and the Blind shall comply with the~~
277 ~~recordkeeping and reporting requirements adopted by the~~
278 ~~department pursuant to subsection (3) with respect to those~~
279 ~~other personal services employees exempted by this subsection.~~

280 ~~(b) The provisions of subsections (2), (3), and (4) do not~~
281 ~~apply to any employee of the Division of Blind Services Library~~
282 ~~for the Blind and Physically Handicapped for whom the Division~~
283 ~~of Blind Services is the employer as defined in s. 447.203(2);~~
284 ~~except that, for purposes of subsection (5), the Division of~~
285 ~~Blind Services shall comply with the recordkeeping and reporting~~
286 ~~requirements adopted by the department pursuant to subsection~~
287 ~~(3) with respect to those other personal services employees~~
288 ~~exempted by this subsection.~~

289 ~~(c) Notwithstanding the provisions of this section, the~~
290 ~~agency head or his or her designee may extend the other~~
291 ~~personal services employment of a health care practitioner~~
292 ~~licensed pursuant to chapter 458, chapter 459, chapter 460,~~
293 ~~chapter 461, chapter 463, part I of chapter 464, chapter 466,~~
294 ~~chapter 468, chapter 483, chapter 486, or chapter 490 beyond~~

Amendment No. 1

295 ~~2,080 hours and may employ such practitioner on an hourly or~~
296 ~~other basis.~~

297 ~~(7) The Department of Management Services shall annually~~
298 ~~assess agencies for the regulation of other personal services on~~
299 ~~a pro rata share basis not to exceed an amount as provided in~~
300 ~~the General Appropriations Act.~~

301 Section 7. Section 110.171, Florida Statutes, is amended
302 to read:

303 110.171 State employee telework ~~telecommuting~~ program.—

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

305 (a) "Agency" means any official, officer, commission,
306 board, authority, council, committee, or department of state
307 government.

308 (b) "Department" means the Department of Management
309 Services.

310 (c) "Telework" ~~"Telecommuting"~~ means a work arrangement
311 that allows a whereby selected state employee employees are
312 allowed to conduct all or some of his or her work away from the
313 official worksite during all or a portion of the state
314 employee's established work hours on a regular basis. The term
315 does not include, and a telework agreement is not required for:

316 1. Performance of required work duties away from the
317 official worksite and outside of established work hours on an
318 occasional basis and sporadically working away from the official
319 worksite during all or some portion of the established work
320 hours. These arrangements may be used by an agency to
321 accommodate extenuating circumstances by allowing an employee to
322 maintain productivity away from the official worksite.

Amendment No. 1

323 2. Duties and responsibilities that, by their nature, are
324 performed routinely in the field away from the official worksite
325 ~~perform the normal duties and responsibilities of their~~
326 ~~positions, through the use of computers or telecommunications,~~
327 ~~at home or another place apart from the employees' usual place~~
328 ~~of work.~~

329 (2) An agency may establish telework as an integral part
330 of the normal business operations of the agency and require that
331 specific work be performed through telework arrangements.
332 Telework may also be used as part of an agency's continuity of
333 operations plan where appropriate. An agency shall provide
334 telework as an optional alternative work arrangement to support
335 employee needs and implement telework arrangements where deemed
336 appropriate.

337 (3) Each agency shall review all established positions and
338 designate those positions that the agency deems appropriate for
339 telework. The agency shall ensure this information is current
340 and available to its employees and managers. In addition, each
341 agency shall identify all currently participating employees and
342 their respective positions in the human resource information
343 system used by that agency.

344 (4) Agencies that have a telework program shall develop an
345 agency plan that addresses the agency's telework policies and
346 procedures. At a minimum, an agency telework plan must:

347 (a) Establish criteria for evaluating the ability of
348 employees to satisfactorily perform in a telework arrangement.

Amendment No. 1

349 (b) Establish performance standards that ensure that
350 employees participating in the program maintain satisfactory
351 performance levels.

352 (c) Ensure teleworkers are subject to the same rules and
353 disciplinary actions as other employees.

354 (d) Establish the reasonable conditions that the agency
355 plans to impose in order to ensure appropriate use and
356 maintenance of any equipment issued by the agency.

357 (e) Establish a system for monitoring the productivity of
358 teleworking employees which ensures that the work output remains
359 at a satisfactory level and that the duties and responsibilities
360 of the position remain suitable for a telework arrangement.

361 (f) Establish the appropriate physical and electronic
362 information security controls to be maintained by a teleworker
363 at the telework site.

364 (g) Prohibit employees engaged in telework from conducting
365 face-to-face state business at their residence.

366 (5) At the discretion of the agency, if an employee is
367 approved by the agency to use telework as an optional
368 alternative work arrangement then the agency shall require a
369 written agreement between the teleworker and the agency which
370 specifies the terms and conditions of the telework arrangement
371 and provides for the termination of an employee's participation
372 in the program if the employee's continued participation is not
373 in the best interest of the agency.

374 (6) Agencies that require certain employees to telework as
375 a part of normal business operations shall:

Amendment No. 1

376 (a) Include the requirement to telework and the associated
377 terms and conditions as part of the position description,
378 specifying the minimum amount of telework time required.

379 (b) Provide at least 30 calendar days' written notice to
380 affected employees of intent to impose or remove a requirement
381 to telework.

382 (c) Provide at least 15 calendar days' written notice to
383 affected employees of intent to revise the terms and conditions
384 of their current telework arrangement.

385 (d) Provide equipment and supplies to an employee
386 necessary to carry out job functions from the telework site.

387 (e) Specify the telework requirement in any recruitment
388 activities.

389 (7) Agencies that have a telework program shall establish
390 and track performance measures that support telework program
391 analysis and report data annually to the department's Facilities
392 Program in accordance with s. 255.249(3)(d). Such measures must
393 include, but need not be limited to, those that quantify
394 financial impacts associated with changes in office space
395 requirements resulting from the telework program. Agencies
396 operating in office space owned or managed by the department
397 shall consult the Facilities Program to ensure consistency with
398 the strategic leasing plan required under s. 255.249(3)(b).

399 ~~The department shall:~~

400 ~~(a) Establish and coordinate the state employee~~
401 ~~telecommuting program and administer this section.~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1261 (2012)

Amendment No. 1

402 ~~(b) Appoint a statewide telecommuting coordinator to~~
403 ~~provide technical assistance to state agencies and to promote~~
404 ~~telecommuting in state government.~~

405 ~~(c) Identify state employees who are participating in a~~
406 ~~telecommuting program and their job classifications through the~~
407 ~~state personnel payroll information subsystem created under s.~~
408 ~~110.116.~~

409 ~~(3) By September 30, 2009, each state agency shall~~
410 ~~identify and maintain a current listing of the job~~
411 ~~classifications and positions that the agency considers~~
412 ~~appropriate for telecommuting. Agencies that adopt a state~~
413 ~~employee telecommuting program must:~~

414 ~~(a) Give equal consideration to career service and exempt~~
415 ~~positions in their selection of employees to participate in the~~
416 ~~telecommuting program.~~

417 ~~(b) Provide that an employee's participation in a~~
418 ~~telecommuting program will not adversely affect eligibility for~~
419 ~~advancement or any other employment rights or benefits.~~

420 ~~(c) Provide that participation by an employee in a~~
421 ~~telecommuting program is voluntary, and that the employee may~~
422 ~~elect to cease to participate in a telecommuting program at any~~
423 ~~time.~~

424 ~~(d) Adopt provisions to allow for the termination of an~~
425 ~~employee's participation in the program if the employee's~~
426 ~~continued participation would not be in the best interests of~~
427 ~~the agency.~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1261 (2012)

Amendment No. 1

428 ~~(e) Provide that an employee is not currently under a~~
429 ~~performance improvement plan in order to participate in the~~
430 ~~program.~~

431 ~~(f) Ensure that employees participating in the program are~~
432 ~~subject to the same rules regarding attendance, leave,~~
433 ~~performance reviews, and separation action as are other~~
434 ~~employees.~~

435 ~~(g) Establish the reasonable conditions that the agency~~
436 ~~plans to impose in order to ensure the appropriate use and~~
437 ~~maintenance of any equipment or items provided for use at a~~
438 ~~participating employee's home or other place apart from the~~
439 ~~employee's usual place of work, including the installation and~~
440 ~~maintenance of any telephone equipment and ongoing~~
441 ~~communications costs at the telecommuting site which is to be~~
442 ~~used for official use only.~~

443 ~~(h) Prohibit state maintenance of an employee's personal~~
444 ~~equipment used in telecommuting, including any liability for~~
445 ~~personal equipment and costs for personal utility expenses~~
446 ~~associated with telecommuting.~~

447 ~~(i) Describe the security controls that the agency~~
448 ~~considers appropriate.~~

449 ~~(j) Provide that employees are covered by workers'~~
450 ~~compensation under chapter 440, when performing official duties~~
451 ~~at an alternate worksite, such as the home.~~

452 ~~(k) Prohibit employees engaged in a telecommuting program~~
453 ~~from conducting face-to-face state business at the homesite.~~

454 ~~(l) Require a written agreement that specifies the terms~~
455 ~~and conditions of telecommuting, which includes verification by~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1261 (2012)

Amendment No. 1

456 ~~the employee that the home office provides work space that is~~
457 ~~free of safety and fire hazards, together with an agreement~~
458 ~~which holds the state harmless against any and all claims,~~
459 ~~excluding workers' compensation claims, resulting from an~~
460 ~~employee working in the home office, and which must be signed~~
461 ~~and agreed to by the telecommuter and the supervisor.~~

462 ~~(m) Provide measurable financial benefits associated with~~
463 ~~reduced office space requirements, reductions in energy~~
464 ~~consumption, and reductions in associated emissions of~~
465 ~~greenhouse gases resulting from telecommuting. State agencies~~
466 ~~operating in office space owned or managed by the department~~
467 ~~shall consult the facilities program to ensure its consistency~~
468 ~~with the strategic leasing plan required under s. 255.249(3)(b).~~

469 ~~(8)(4) Agencies that have a telework~~ The telecommuting
470 ~~program for each state agency and pertinent supporting documents~~
471 ~~shall post the agency telework plan and any pertinent supporting~~
472 ~~documents be posted~~ on the agency's Internet website to allow
473 access by employees and the public.

474 (9) Agencies may approve other-personal-services employees
475 to participate in telework programs.

476 Section 8. Paragraph (b) of subsection (1) and paragraphs
477 (d) and (e) of subsection (2) of section 110.181, Florida
478 Statutes, are amended to read:

479 110.181 Florida State Employees' Charitable Campaign.—

480 (1) CREATION AND ORGANIZATION OF CAMPAIGN.—

481 (b) State officers' and employees' contributions toward
482 the Florida State Employees' Charitable Campaign must be

Amendment No. 1

483 entirely voluntary. State officers and employees must designate
484 a charitable organization to receive such contributions.

485 (2) SELECTION OF FISCAL AGENTS; COST.-

486 ~~(d) A local steering committee shall be established in~~
487 ~~each fiscal agent area to assist in conducting the campaign and~~
488 ~~to direct the distribution of undesignated funds remaining after~~
489 ~~partial distribution pursuant to paragraph (c). The committee~~
490 ~~shall be composed of state employees selected by the fiscal~~
491 ~~agent from among recommendations provided by interested~~
492 ~~participating organizations, if any, and approved by the~~
493 ~~Statewide Steering Committee.~~

494 ~~(e) Participating charitable organizations that provide~~
495 ~~direct services in a local fiscal agent's area shall receive the~~
496 ~~same percentage of undesignated funds as the percentage of~~
497 ~~designated funds they receive. The undesignated funds remaining~~
498 ~~following allocation to these charitable organizations shall be~~
499 ~~distributed by the local steering committee.~~

500 Section 9. Section 110.217, Florida Statutes, is amended
501 to read:

502 110.217 Appointment actions and status ~~Appointments and~~
503 ~~promotion.-~~

504 (1)(a) ~~The department, in consultation with agencies that~~
505 ~~must comply with these rules,~~ shall develop uniform rules
506 regarding original appointment, promotion, demotion,
507 reassignment, lateral action, separation, and status which must
508 be used by state ~~employing~~ agencies. ~~Such rules must be approved~~
509 ~~by the Administration Commission before their adoption by the~~
510 ~~department.~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1261 (2012)

Amendment No. 1

511 ~~(b) Employing agencies may seek exceptions to these~~
512 ~~uniform rules by filing a petition with the Administration~~
513 ~~Commission. The Administration Commission shall approve an~~
514 ~~exception when the exception is necessary to conform to any~~
515 ~~requirement imposed as a condition precedent to receipt of~~
516 ~~federal funds or to permit persons in this state to receive tax~~
517 ~~benefits under federal law, or as required for the most~~
518 ~~efficient operation of the agency as determined by the~~
519 ~~Administration Commission. The reasons for the exception must be~~
520 ~~published in the Florida Administrative Weekly.~~

521 ~~(c) Agency rules that provide exceptions to the uniform~~
522 ~~rules may not be filed with the Department of State unless the~~
523 ~~Administration Commission has approved the exceptions. Each~~
524 ~~agency that adopts rules that provide exceptions to the uniform~~
525 ~~rules or that must comply with statutory requirements that~~
526 ~~conflict with the uniform rules must have a separate chapter~~
527 ~~published in the Florida Administrative Code that delineates~~
528 ~~clearly the provisions of the agency's rules which provide~~
529 ~~exceptions or are based upon a conflicting statutory~~
530 ~~requirement. Each alternative chosen from those authorized by~~
531 ~~the uniform rules must be specified. Each chapter must be~~
532 ~~organized in the same manner as the uniform rules.~~

533 (2) An employee appointed on probationary status shall
534 attain permanent status in his or her current position upon
535 successful completion of at least a 1-year probationary period.
536 The length of the probationary period may not exceed 18 months.
537 An employee who has not attained permanent status in his or her

Amendment No. 1

538 current position serves at the pleasure of the agency head and
539 may be dismissed at the discretion of the agency head.

540 (3) If an employee who has received an internal agency
541 promotion from a position in which the employee held permanent
542 status is to be dismissed from the promotional position for
543 failure to meet the established performance standards of the
544 promotional position while in probationary status, the agency,
545 before dismissal, shall return the employee to his or her former
546 position, or to a position with substantially similar duties and
547 responsibilities as the former position, if such a position is
548 vacant. Such determinations by an agency are not appealable and
549 this subsection does not apply to dismissals for any other
550 reason.

551 ~~(2) Each employing agency shall have the responsibility~~
552 ~~for the establishment and maintenance of rules and guidelines~~
553 ~~for determining eligibility of applicants for appointment to~~
554 ~~positions in the career service.~~

555 ~~(3) Eligibility shall be based on possession of required~~
556 ~~minimum qualifications for the job class and any required entry-~~
557 ~~level knowledge, skills, and abilities, and any certification~~
558 ~~and licensure required for a particular position.~~

559 ~~(4) The employing agency shall be responsible for~~
560 ~~developing an employee career advancement program which shall~~
561 ~~assure consideration of qualified permanent employees in the~~
562 ~~agency or career service who apply. However, such program shall~~
563 ~~also include provisions to bring persons into the career service~~
564 ~~through open competition. Promotion appointments shall be~~
565 ~~subject to postaudit by the department.~~

Amendment No. 1

566 ~~(5) The department shall adopt any rules necessary to~~
567 ~~implement the provisions of this section. The rules must be~~
568 ~~approved by a majority vote of the Administration Commission~~
569 ~~prior to their adoption by the department.~~

570 Section 10. Subsection (8) of section 110.227, Florida
571 Statutes, is repealed.

572 Section 11. This act shall take effect July 1, 2012.

573

574 -----

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

576 Remove the entire title and insert:

577 A bill to be entitled

578 An act relating to state employment; amending s. 110.105, F.S.;

579 revising the employment policy of the state system of personnel

580 management; amending s. 110.1127, F.S.; revising provisions

581 relating to background screening; amending s. 110.119, F.S.;

582 revising provisions relating to administrative leave for a

583 service-connected disability; amending s. 110.1225, F.S.;

584 revising provisions relating to agency furloughs; amending s.

585 110.126, F.S.; revising provisions relating to the department's

586 authority to administer oaths; amending s. 110.131, F.S.;

587 revising the duties of state agencies with respect to the

588 employment of other-personal-services employees; creating

589 reporting requirements; amending s. 110.171, F.S.; revising

590 provisions relating to state employee telecommuting; providing a

591 telework program; amending s. 110.181, F.S.; revising provisions

592 relating to the Florida State Employees' Charitable Campaign;

593 requiring state officers and employees to designate a charitable

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1261 (2012)

Amendment No. 1

594 organization to receive certain charitable contributions;
595 deleting provisions relating to the establishment of local
596 steering committees and the distribution of funds; amending s.
597 110.217, F.S.; revising provisions relating to a change in an
598 employee's position status; repealing s. 110.227(8), F.S., which
599 directs an agency that removes from a promotional position a
600 career service employee who is serving a probationary period in
601 such position to return such employee to the employee's former
602 position or a comparable position, if such a position is vacant;
603 providing an effective date.

COMMITTEE MEETING REPORT

Appropriations Committee

2/15/2012 8:00:00AM

Location: Webster Hall (212 Knott)

AMENDED

CS/HB 1383 : Fish and Wildlife Conservation Commission

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon			X		
Leonard Bemby	X				
Charles Chestnut IV	X				
Marti Coley	X				
Chris Dorworth	X				
Richard Glorioso	X				
Ed Hooper	X				
Mike Horner	X				
Matt Hudson	X				
Dorothy Hukill	X				
Mia Jones	X				
Martin Kiar	X				
Paige Kreegel			X		
Seth McKeel	X				
H. Marlene O'Toole	X				
Ari Porth	X				
William Proctor	X				
Darryl Rouson			X		
Franklin Sands	X				
Ron Saunders	X				
Robert Schenck			X		
William Snyder	X				
Trudi Williams			X		
Denise Grimsley (Chair)	X				
Total Yeas: 19		Total Nays: 0			

CS/HB 1383 Amendments

Amendment 444331

Adopted Without Objection

Appearances:

Puckett, Matthew (Lobbyist) - Proponent
Florida Police Benevolent Association, Inc
300 E Brevard St
Tallahassee FL 32301
Phone: (850)222-3329

Amendment

Jon Steverson (Lobbyist) (State Employee) - Proponent
Department of Environmental Protection
3900 Commonwealth Blvd
Tallahassee Florida 32399
Phone: 850-245-2140

Committee meeting was reported out: Wednesday, February 15, 2012 7:09:30PM

COMMITTEE MEETING REPORT

Appropriations Committee

2/15/2012 8:00:00AM

AMENDED

Location: Webster Hall (212 Knott)

CS/HB 1383 : Fish and Wildlife Conservation Commission (continued)

Appearances: (continued)

Col Jim Brown (Lobbyist) (State Employee) - Proponent
Florida Fish and Wildlife Conservation Commission
620 S Meridian St
Tallahassee FL 32399
Phone: (850)488-6251

Committee meeting was reported out: Wednesday, February 15, 2012 7:09:30PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1383 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Appropriations Committee
2 Representative Glorioso offered the following:

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

5 Remove lines 187-198
6
7
8

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

11 Remove lines 43-44 and insert:
12 providing for
13

COMMITTEE MEETING REPORT

Appropriations Committee

2/15/2012 8:00:00AM

Location: Webster Hall (212 Knott)

AMENDED

HB 7049 : Human Trafficking

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon	X				
Leonard Bembry	X				
Charles Chestnut IV	X				
Marti Coley	X				
Chris Dorworth	X				
Richard Glorioso	X				
Ed Hooper	X				
Mike Horner			X		
Matt Hudson	X				
Dorothy Hukill	X				
Mia Jones	X				
Martin Kiar	X				
Paige Kreegel			X		
Seth McKeel	X				
H. Marlene O'Toole	X				
Ari Porth	X				
William Proctor	X				
Darryl Rouson				X	
Franklin Sands	X				
Ron Saunders	X				
Robert Schenck			X		
William Snyder	X				
Trudi Williams			X		
Denise Grimsley (Chair)	X				
Total Yeas: 19		Total Nays: 0			

Appearances:

Cox, Nick (Lobbyist) (State Employee) - Proponent
Office of Statewide Prosecution
Tampa FL

Betz, Louis (Lobbyist) - Proponent
Crisis Center of Tampa Bay
PO Box 274108
Tampa FL 33688
Phone: (813)833-1573

Pitts, Brian - Information Only
Trustee-Justice-2-Jesus
1119 Newton Avenue South
S. Petersburg Florida 33705
Phone: 727-897-9291

Committee meeting was reported out: Wednesday, February 15, 2012 7:09:30PM

COMMITTEE MEETING REPORT

Appropriations Committee

2/15/2012 8:00:00AM

AMENDED

Location: Webster Hall (212 Knott)

HB 7049 : Human Trafficking (continued)

Appearances: (continued)

Westfall, Eric - Waive In Support
Florida Sheriff's Association
123 W. Indiana Ave
Deland FL 32720

Gabbard, Jim (Lobbyist) - Waive In Support
The Florida Police Chiefs Association
924 Gadsden Street
Tallahassee FL 32303

Poore, Terri (Lobbyist) - Waive In Support
Director of Public Affairs, Florida Council Against Sexual Violence
1820 East Park Avenue Suite 100
Tallahassee FL 32301
Phone: 850-297-2000

Case, Kimberly (Lobbyist) (State Employee) - Waive In Support
Office of the Attorney General
PL-01 The Capitol
Tallahassee FL 32399-1050
Phone: (850)245-0155

Committee meeting was reported out: Wednesday, February 15, 2012 7:09:30PM

COMMITTEE MEETING REPORT

Appropriations Committee

2/15/2012 8:00:00AM

Location: Webster Hall (212 Knott)

AMENDED

HB 7069 : Economic Development Tax Refund Programs

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon	X				
Leonard Bemby			X		
Charles Chestnut IV	X				
Marti Coley	X				
Chris Dorworth	X				
Richard Glorioso	X				
Ed Hooper	X				
Mike Horner	X				
Matt Hudson	X				
Dorothy Hukill	X				
Mia Jones	X				
Martin Kiar	X				
Paige Kreegel	X				
Seth McKeel	X				
H. Marlene O'Toole	X				
Ari Porth	X				
William Proctor	X				
Darryl Rouson			X		
Franklin Sands	X				
Ron Saunders	X				
Robert Schenck			X		
William Snyder	X				
Trudi Williams			X		
Denise Grimsley (Chair)	X				
Total Yeas: 20					
		Total Nays: 0			

HB 7069 Amendments

Amendment 592017

Adopted Without Objection

Appearances:

Pitts, Brian - Waive In Opposition
 Trustee-Justice-2-Jesus
 1119 Newton Avenue South
 S. Petersburg Florida 33705
 Phone: 727-897-9291

West, Ryan (Lobbyist) - Waive In Support
 Florida Chamber of Commerce
 136 S. Bronough
 Tallahassee Florida 32301
 Phone: 850-521-1200

Committee meeting was reported out: Wednesday, February 15, 2012 7:09:30PM

COMMITTEE MEETING REPORT

Appropriations Committee

2/15/2012 8:00:00AM

AMENDED

Location: Webster Hall (212 Knott)

HB 7069 : Economic Development Tax Refund Programs (continued)

Appearances: (continued)

Amendment/Bill

Sharkey, Jeffrey (Lobbyist) - Waive In Support

Leon County EDC

106 E. College Avenue

Tallahassee FL

Phone: (850)224-1660

Committee meeting was reported out: Wednesday, February 15, 2012 7:09:30PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7069 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE 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 Committee/Subcommittee hearing bill: Appropriations Committee
2 Representative Coley offered the following:

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

5 Between lines 38 and 39, insert:

6 (4) APPLICATION AND APPROVAL PROCESS.—

7 (f) ~~Effective July 1, 2011,~~ Notwithstanding paragraph

8 (2)(j) ~~(2)(k)~~, the department office may reduce the local
9 financial support requirements of this section by one-half for a
10 qualified target industry business located in Bay County,
11 Escambia County, Franklin County, Gadsden County, Gulf County,
12 Jackson County, Jefferson County, Leon County, Okaloosa County,
13 Santa Rosa County, Wakulla County, or Walton County, if the
14 department office determines that such reduction of the local
15 financial support requirements is in the best interest of the
16 state and facilitates economic development, growth, or new
17 employment opportunities in such county. The amount of any
18 reduction of the local financial support requirements shall be
19 provided by the department using funds from the account;

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Amendment No. 1

20 however, funds provided from the account may not exceed 90
21 percent of the annual tax refund for a qualified target industry
22 business. This paragraph expires June 30, 2014.

24 -----
25 **D I R E C T O R Y A M E N D M E N T**

26 Remove lines 23-24 and insert:

27 Section 2. Paragraph (c) of subsection (3) and paragraph
28 (f) of subsection (4) of section 288.106, Florida Statutes, are
29 amended to read:

31 -----
32 **T I T L E A M E N D M E N T**

33 Remove line 9 and insert:

34 businesses; authorizing the reduction of local
35 financial support requirements for qualified target
36 industry businesses in a specified county; requiring
37 that any reduction of local financial support
38 requirements be provided from funds in the Economic
39 Development Incentives Account within the Economic
40 Development Trust Fund; limiting the amount of funds
41 provided from the account for any annual tax refund
42 for a qualified target industry business; deleting an
43 obsolete provision; conforming a cross-reference;
44 providing an effective date.

COMMITTEE MEETING REPORT

Appropriations Committee

2/15/2012 8:00:00AM

Location: Webster Hall (212 Knott)

AMENDED

HB 7095 : Clerks of Court

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon			X		
Leonard Bemby	X				
Charles Chestnut IV	X				
Marti Coley	X				
Chris Dorworth	X				
Richard Glorioso	X				
Ed Hooper	X				
Mike Horner	X				
Matt Hudson	X				
Dorothy Hukill	X				
Mia Jones	X				
Martin Kiar	X				
Paige Kreegel			X		
Seth McKeel	X				
H. Marlene O'Toole	X				
Ari Porth	X				
William Proctor	X				
Darryl Rouson			X		
Franklin Sands	X				
Ron Saunders	X				
Robert Schenck			X		
William Snyder	X				
Trudi Williams			X		
Denise Grimsley (Chair)	X				
Total Yeas: 19		Total Nays: 0			

HB 7095 Amendments

Amendment 322919

Adopted Without Objection

Appearances:

Amendment

Cook, Casey (Lobbyist) - Waive In Support

Florida League of Cities

Po Box 1757

Tallahassee FL 32302

Phone: (850)701-3701

Russell, Kathleen (Lobbyist) - Waive In Support

City of Orlando

400 S Orange Ave

Orlando FL 32801

Phone: (407)246-3094

Committee meeting was reported out: Wednesday, February 15, 2012 7:09:30PM

COMMITTEE MEETING REPORT

Appropriations Committee

2/15/2012 8:00:00AM

AMENDED

Location: Webster Hall (212 Knott)

HB 7095 : Clerks of Court (continued)

Appearances: (continued)

Baggett, Fred (Lobbyist) - Waive In Support
Florida Association of Court Clerks
101 East College Avenue
Tallahassee FL
Phone: 850-425-8512

Committee meeting was reported out: Wednesday, February 15, 2012 7:09:30PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7095 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE 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 Committee/Subcommittee hearing bill: Appropriations Committee
2 Representative Snyder offered the following:

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

5 Remove everything after the enacting clause and insert:

6 Section 1. Paragraph (a) of subsection (2) of section
7 27.52, Florida Statutes, is amended to read:

8 27.52 Determination of indigent status.—

9 (2) DETERMINATION BY THE CLERK.—The clerk of the court
10 shall determine whether an applicant seeking appointment of a
11 public defender is indigent based upon the information provided
12 in the application and the criteria prescribed in this
13 subsection.

14 (a)1. An applicant, including an applicant who is a minor
15 or an adult tax-dependent person, is indigent if the applicant's
16 income is equal to or below 200 percent of the then-current
17 federal poverty guidelines prescribed for the size of the
18 household of the applicant by the United States Department of
19 Health and Human Services or if the person is receiving

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Published On: 2/14/2012 9:34:41 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7095 (2012)

Amendment No. 1

20 Temporary Assistance for Needy Families-Cash Assistance,
21 poverty-related veterans' benefits, or Supplemental Security
22 Income (SSI).

23 2.a. There is a presumption that the applicant is not
24 indigent if the applicant owns, or has equity in, any intangible
25 or tangible personal property or real property or the expectancy
26 of an interest in any such property having a net equity value of
27 \$2,500 or more, excluding the value of the person's homestead
28 and one vehicle having a net value not exceeding \$5,000.

29 b. Notwithstanding the information that the applicant
30 provides, the clerk may ~~shall~~ conduct a review of the property
31 records for the county in which the applicant resides and the
32 motor vehicle title records of the state to identify any
33 property interests of the applicant under this subparagraph. The
34 clerk may ~~shall~~ evaluate and consider the results of the review
35 in making a determination under this subsection. If the review
36 is completed by the clerk, the clerk shall maintain the results
37 of the review in a file with the application and provide the
38 file to the court if the applicant seeks review under subsection
39 (4) of the clerk's determination of indigent status.

40 Section 2. Paragraph (e) of subsection (12) of section
41 28.24, Florida Statutes, is amended to read:

42 28.24 Service charges by clerk of the circuit court.—The
43 clerk of the circuit court shall charge for services rendered by
44 the clerk's office in recording documents and instruments and in
45 performing the duties enumerated in amounts not to exceed those
46 specified in this section. Notwithstanding any other provision
47 of this section, the clerk of the circuit court shall provide

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Published On: 2/14/2012 9:34:41 PM

Amendment No. 1

48 without charge to the state attorney, public defender, guardian
49 ad litem, public guardian, attorney ad litem, criminal conflict
50 and civil regional counsel, and private court-appointed counsel
51 paid by the state, and to the authorized staff acting on behalf
52 of each, access to and a copy of any public record, if the
53 requesting party is entitled by law to view the exempt or
54 confidential record, as maintained by and in the custody of the
55 clerk of the circuit court as provided in general law and the
56 Florida Rules of Judicial Administration. The clerk of the
57 circuit court may provide the requested public record in an
58 electronic format in lieu of a paper format when capable of
59 being accessed by the requesting entity.

60
61 Charges

62
63 (12) For recording, indexing, and filing any instrument
64 not more than 14 inches by 8 1/2 inches, including required
65 notice to property appraiser where applicable:

66 (e) An additional service charge of \$4 per page shall be
67 paid to the clerk of the circuit court for each instrument
68 listed in s. 28.222, except judgments received from the courts
69 and notices of lis pendens, recorded in the official records.
70 From the additional \$4 service charge collected:

71 1. If the counties maintain legal responsibility for the
72 costs of the court-related technology needs as defined in s.
73 29.008(1)(f)2. and (h), 10 cents shall be distributed to the
74 Florida Association of Court Clerks and Comptroller, Inc., for
75 the cost of development, implementation, operation, and

322919 - h7095-StrikeAll Snyder1.docx

Published On: 2/14/2012 9:34:41 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7095 (2012)

Amendment No. 1

76 maintenance of the clerks' Comprehensive Case Information
77 System, ~~in which system all clerks shall participate on or~~
78 ~~before January 1, 2006~~; \$1.90 shall be retained by the clerk to
79 be deposited in the Public Records Modernization Trust Fund and
80 used exclusively for funding court-related technology needs of
81 the clerk as defined in s. 29.008(1)(f)2. and (h); and \$2 shall
82 be distributed to the board of county commissioners to be used
83 exclusively to fund court-related technology, and court
84 technology needs as defined in s. 29.008(1)(f)2. and (h) for the
85 state trial courts, state attorney, public defender, and
86 criminal conflict and civil regional counsel in that county. If
87 the counties maintain legal responsibility for the costs of the
88 court-related technology needs as defined in s. 29.008(1)(f)2.
89 and (h), notwithstanding any other provision of law, the county
90 is not required to provide additional funding beyond that
91 provided herein for the court-related technology needs of the
92 clerk as defined in s. 29.008(1)(f)2. and (h). All court records
93 and official records are the property of the State of Florida,
94 including any records generated as part of the Comprehensive
95 Case Information System funded pursuant to this paragraph and
96 the clerk of court is designated as the custodian of such
97 records, except in a county where the duty of maintaining
98 official records exists in a county office other than the clerk
99 of court or comptroller, such county office is designated the
100 custodian of all official records, and the clerk of court is
101 designated the custodian of all court records. The clerk of
102 court or any entity acting on behalf of the clerk of court,
103 including an association, shall not charge a fee to any agency

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7095 (2012)

Amendment No. 1

104 as defined in s. 119.011, the Legislature, or the State Court
105 System for copies of records generated by the Comprehensive Case
106 Information System or held by the clerk of court or any entity
107 acting on behalf of the clerk of court, including an
108 association.

109 2. If the state becomes legally responsible for the costs
110 of court-related technology needs as defined in s.
111 29.008(1)(f)2. and (h), whether by operation of general law or
112 by court order, \$4 shall be remitted to the Department of
113 Revenue for deposit into the General Revenue Fund.

114 Section 3. Section 28.2405, Florida Statutes, is created
115 to read:

116 28.2405 Comprehensive Case Information System.—All clerks
117 of the circuit court shall participate in the Comprehensive Case
118 Information System of the Florida Association of Clerks and
119 Comptroller, Inc., and shall submit electronic case data to the
120 system based on the case types designated by the Supreme Court.

121 Section 4. Subsection (1) of section 28.241, Florida
122 Statutes, is amended to read:

123 28.241 Filing fees for trial and appellate proceedings.—

124 (1) Filing fees are due at the time a party files a
125 pleading to initiate a proceeding or files a pleading for
126 relief. Reopen fees are due at the time a party files a pleading
127 to reopen a proceeding if at least 90 days have elapsed since
128 the filing of a final order or final judgment with the clerk. If
129 a fee is not paid upon the filing of the pleading as required
130 under this section, the clerk shall pursue collection of the fee
131 pursuant to s. 28.246.

322919 - h7095-StrikeAll Snyder1.docx

Published On: 2/14/2012 9:34:41 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7095 (2012)

Amendment No. 1

132 (a)1.a. Except as provided in sub-subparagraph b. and
133 subparagraph 2., the party instituting any civil action, suit,
134 or proceeding in the circuit court shall pay to the clerk of
135 that court a filing fee of up to \$395 in all cases in which
136 there are not more than five defendants and an additional filing
137 fee of up to \$2.50 for each defendant in excess of five. Of the
138 first \$280 in filing fees, \$80 must be remitted by the clerk to
139 the Department of Revenue for deposit into the General Revenue
140 Fund, \$195 must be remitted to the Department of Revenue for
141 deposit into the State Courts Revenue Trust Fund, \$3.50 must be
142 remitted to the Department of Revenue for deposit into the
143 Clerks of the Court Trust Fund within the Justice Administrative
144 Commission and used to fund the Florida Clerks of Court
145 Operations Corporation created in s. 28.35, and \$1.50 shall be
146 remitted to the Department of Revenue for deposit into the
147 Administrative Trust Fund within the Department of Financial
148 Services to fund clerk budget reviews conducted by the
149 Department of Financial Services. One third of any filing fees
150 collected by the clerk of the circuit court in excess of \$100
151 shall be remitted to the Department of Revenue for deposit into
152 the Clerks of the Court Trust Fund within the Justice
153 Administrative Commission.

154 b. The party instituting any civil action, suit, or
155 proceeding in the circuit court under chapter 39, chapter 61,
156 chapter 741, chapter 742, chapter 747, chapter 752, or chapter
157 753 shall pay to the clerk of that court a filing fee of up to
158 \$295 in all cases in which there are not more than five
159 defendants and an additional filing fee of up to \$2.50 for each

322919 - h7095-StrikeAll Snyder1.docx

Published On: 2/14/2012 9:34:41 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7095 (2012)

Amendment No. 1

160 defendant in excess of five. Of the first \$180 in filing fees,
161 \$80 must be remitted by the clerk to the Department of Revenue
162 for deposit into the General Revenue Fund, \$95 must be remitted
163 to the Department of Revenue for deposit into the State Courts
164 Revenue Trust Fund, \$3.50 must be remitted to the Department of
165 Revenue for deposit into the Clerks of the Court Trust Fund
166 within the Justice Administrative Commission and used to fund
167 the Florida Clerks of Court Operations Corporation created in s.
168 28.35, and \$1.50 shall be remitted to the Department of Revenue
169 for deposit into the Administrative Trust Fund within the
170 Department of Financial Services to fund clerk budget reviews
171 conducted by the Department of Financial Services.

172 c. An additional filing fee of \$4 shall be paid to the
173 clerk. The clerk shall remit \$3.50 to the Department of Revenue
174 for deposit into the Court Education Trust Fund and shall remit
175 50 cents to the Department of Revenue for deposit into the
176 Clerks of the Court Trust Fund within the Justice Administrative
177 Commission to fund clerk education. An additional filing fee of
178 up to \$18 shall be paid by the party seeking each severance that
179 is granted. The clerk may impose an additional filing fee of up
180 to \$85 for all proceedings of garnishment, attachment, replevin,
181 and distress. Postal charges incurred by the clerk of the
182 circuit court in making service by certified or registered mail
183 on defendants or other parties shall be paid by the party at
184 whose instance service is made. ~~No~~ Additional fees, charges, or
185 costs may not ~~shall~~ be added to the filing fees imposed under
186 this section, except as authorized in this section or by general
187 law.

322919 - h7095-StrikeAll Snyder1.docx

Published On: 2/14/2012 9:34:41 PM

Amendment No. 1

188 2.a. Notwithstanding the fees prescribed in subparagraph
189 1., a party instituting a civil action in circuit court relating
190 to real property or mortgage foreclosure shall pay a graduated
191 filing fee based on the value of the claim.

192 b. A party shall estimate in writing the amount in
193 controversy of the claim upon filing the action. For purposes of
194 this subparagraph, the value of a mortgage foreclosure action is
195 based upon the principal due on the note secured by the
196 mortgage, plus interest owed on the note and any moneys advanced
197 by the lender for property taxes, insurance, and other advances
198 secured by the mortgage, at the time of filing the foreclosure.
199 The value shall also include the value of any tax certificates
200 related to the property. In stating the value of a mortgage
201 foreclosure claim, a party shall declare in writing the total
202 value of the claim, as well as the individual elements of the
203 value as prescribed in this sub-subparagraph.

204 c. In its order providing for the final disposition of the
205 matter, the court shall identify the actual value of the claim.
206 The clerk shall adjust the filing fee if there is a difference
207 between the estimated amount in controversy and the actual value
208 of the claim and collect any additional filing fee owed or
209 provide a refund of excess filing fee paid.

210 d. The party shall pay a filing fee of:

211 (I) Three hundred and ninety-five dollars in all cases in
212 which the value of the claim is \$50,000 or less and in which
213 there are not more than five defendants. The party shall pay an
214 additional filing fee of up to \$2.50 for each defendant in
215 excess of five. Of the first \$280 in filing fees, \$80 must be

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7095 (2012)

Amendment No. 1

216 remitted by the clerk to the Department of Revenue for deposit
217 into the General Revenue Fund, \$195 must be remitted to the
218 Department of Revenue for deposit into the State Courts Revenue
219 Trust Fund, \$3.50 must be remitted to the Department of Revenue
220 for deposit into the Clerks of the Court Trust Fund within the
221 Justice Administrative Commission and used to fund the Florida
222 Clerks of Court Operations Corporation created in s. 28.35, and
223 \$1.50 shall be remitted to the Department of Revenue for deposit
224 into the Administrative Trust Fund within the Department of
225 Financial Services to fund clerk budget reviews conducted by the
226 Department of Financial Services;

227 (II) Nine hundred dollars in all cases in which the value
228 of the claim is more than \$50,000 but less than \$250,000 and in
229 which there are not more than five defendants. The party shall
230 pay an additional filing fee of up to \$2.50 for each defendant
231 in excess of five. Of the first \$785 in filing fees, \$80 must be
232 remitted by the clerk to the Department of Revenue for deposit
233 into the General Revenue Fund, \$700 must be remitted to the
234 Department of Revenue for deposit into the State Courts Revenue
235 Trust Fund, \$3.50 must be remitted to the Department of Revenue
236 for deposit into the Clerks of the Court Trust Fund within the
237 Justice Administrative Commission and used to fund the Florida
238 Clerks of Court Operations Corporation described in s. 28.35,
239 and \$1.50 shall be remitted to the Department of Revenue for
240 deposit into the Administrative Trust Fund within the Department
241 of Financial Services to fund clerk budget reviews conducted by
242 the Department of Financial Services; or

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7095 (2012)

Amendment No. 1

243 (III) One thousand nine hundred dollars in all cases in
244 which the value of the claim is \$250,000 or more and in which
245 there are not more than five defendants. The party shall pay an
246 additional filing fee of up to \$2.50 for each defendant in
247 excess of five. Of the first \$1,785 in filing fees, \$80 must be
248 remitted by the clerk to the Department of Revenue for deposit
249 into the General Revenue Fund, \$1,700 must be remitted to the
250 Department of Revenue for deposit into the State Courts Revenue
251 Trust Fund, \$3.50 must be remitted to the Department of Revenue
252 for deposit into the Clerks of the Court Trust Fund within the
253 Justice Administrative Commission to fund the Florida Clerks of
254 Court Operations Corporation created in s. 28.35, and \$1.50
255 shall be remitted to the Department of Revenue for deposit into
256 the Administrative Trust Fund within the Department of Financial
257 Services to fund clerk budget reviews conducted by the
258 Department of Financial Services.

259 e. An additional filing fee of \$4 shall be paid to the
260 clerk. The clerk shall remit \$3.50 to the Department of Revenue
261 for deposit into the Court Education Trust Fund and shall remit
262 50 cents to the Department of Revenue for deposit into the
263 Clerks of the Court Trust Fund within the Justice Administrative
264 Commission to fund clerk education. An additional filing fee of
265 up to \$18 shall be paid by the party seeking each severance that
266 is granted. The clerk may impose an additional filing fee of up
267 to \$85 for all proceedings of garnishment, attachment, replevin,
268 and distress. Postal charges incurred by the clerk of the
269 circuit court in making service by certified or registered mail
270 on defendants or other parties shall be paid by the party at

322919 - h7095-StrikeAll Snyder1.docx

Published On: 2/14/2012 9:34:41 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7095 (2012)

Amendment No. 1

271 whose instance service is made. ~~No~~ Additional fees, charges, or
272 costs may not shall be added to the filing fees imposed under
273 this section, except as authorized in this section or by general
274 law.

275 (b) A party reopening any civil action, suit, or
276 proceeding in the circuit court shall pay to the clerk of court
277 a filing fee set by the clerk in an amount not to exceed \$50.
278 For purposes of this section, a case is reopened after all
279 appeals have been exhausted or time to file an appeal from a
280 final order or final judgment has expired. A reopen fee may be
281 assessed by the clerk for any motion filed by any party at least
282 90 days after a final order or final judgment has been filed
283 with the clerk in the initial case. A reservation of
284 jurisdiction by a court does not cause a case to remain open for
285 purposes of this section or exempt a party from paying a reopen
286 fee when a case previously reported as disposed of is
287 resubmitted to a court and includes petitions for modification
288 of a final judgment of dissolution. A party is exempt from
289 paying the fee for any of the following:

- 290 1. A writ of garnishment;
- 291 2. A writ of replevin;
- 292 3. A distress writ;
- 293 4. A writ of attachment;
- 294 5. A motion for rehearing filed within 10 days;
- 295 6. A motion for attorney's fees filed within 30 days after
- 296 entry of a judgment or final order;
- 297 7. A motion for dismissal filed after a mediation
- 298 agreement has been filed;

322919 - h7095-StrikeAll Snyder1.docx

Published On: 2/14/2012 9:34:41 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7095 (2012)

Amendment No. 1

- 299 8. A disposition of personal property without
300 administration;
- 301 9. Any probate case prior to the discharge of a personal
302 representative;
- 303 10. Any guardianship pleading prior to discharge;
- 304 11. Any mental health pleading;
- 305 12. Motions to withdraw by attorneys;
- 306 13. Motions exclusively for the enforcement of child
307 support orders;
- 308 14. A petition for credit of child support;
- 309 15. A Notice of Intent to Relocate and any order issuing
310 as a result of an uncontested relocation;
- 311 16. Stipulations and motions to enforce stipulations;
- 312 17. Responsive pleadings; ~~or~~
- 313 18. Cases in which there is no initial filing fee; or
- 314 19. Motions for contempt.

315 (c)1. A party in addition to a party described in sub-
316 subparagraph (a)1.a. who files a pleading in an original civil
317 action in circuit court for affirmative relief by cross-claim,
318 counterclaim, counterpetition, or third-party complaint shall
319 pay the clerk of court a fee of \$395. A party in addition to a
320 party described in sub-subparagraph (a)1.b. who files a pleading
321 in an original civil action in circuit court for affirmative
322 relief by cross-claim, counterclaim, counterpetition, or third-
323 party complaint shall pay the clerk of court a fee of \$295. The
324 clerk shall remit the fee to the Department of Revenue for
325 deposit into the General Revenue Fund.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7095 (2012)

Amendment No. 1

326 2. A party in addition to a party described in
327 subparagraph (a)2. who files a pleading in an original civil
328 action in circuit court for affirmative relief by cross-claim,
329 counterclaim, counterpetition, or third-party complaint shall
330 pay the clerk of court a graduated fee of:

331 a. Three hundred and ninety-five dollars in all cases in
332 which the value of the pleading is \$50,000 or less;

333 b. Nine hundred dollars in all cases in which the value of
334 the pleading is more than \$50,000 but less than \$250,000; or

335 c. One thousand nine hundred dollars in all cases in which
336 the value of the pleading is \$250,000 or more.

337

338 The clerk shall remit the fees collected under this subparagraph
339 to the Department of Revenue for deposit into the General
340 Revenue Fund, except that the clerk shall remit \$100 of the fee
341 collected under sub-subparagraph a., \$605 of the fee collected
342 under sub-subparagraph b., and \$1,605 of the fee collected under
343 sub-subparagraph c. to the Department of Revenue for deposit
344 into the State Courts Revenue Trust Fund.

345 (d) The clerk of court shall collect a service charge of
346 \$10 for issuing an original, a certified copy, or an electronic
347 certified copy of a summons. The clerk shall assess the fee
348 against the party seeking to have the summons issued.

349 Section 5. Subsection (2) of section 28.37, Florida
350 Statutes, is amended to read:

351 28.37 Fines, fees, service charges, and costs remitted to
352 the state.—

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7095 (2012)

Amendment No. 1

353 (2) Except as otherwise provided in ss. 28.241 and 34.041,
354 all court-related fines, fees, service charges, and costs are
355 considered state funds and shall be remitted by the clerk to the
356 Department of Revenue for deposit into the Clerks of the Court
357 Trust Fund within the Justice Administrative Commission.
358 However, 10 percent of all court-related fines collected by the
359 clerk, except for penalties or fines distributed to counties or
360 municipalities under s. 316.0083(1)(b)3. or s. 318.18(15)(a),
361 shall be deposited into the clerk's Public Records Modernization
362 Trust Fund to be used exclusively for additional clerk court-
363 related operational needs and program enhancements.

364 Section 6. Paragraphs (a) and (d) of subsection (1) and
365 subsection (2) of section 34.041, Florida Statutes, are amended
366 to read:

367 34.041 Filing fees.—

368 (1)(a) Filing fees are due at the time a party files a
369 pleading to initiate a proceeding or files a pleading for
370 relief. Reopen fees are due at the time a party files a pleading
371 to reopen a proceeding if at least 90 days have elapsed since
372 the filing of a final order or final judgment with the clerk. If
373 a fee is not paid upon the filing of the pleading as required
374 under this section, the clerk shall pursue collection of the fee
375 pursuant to s. 28.246. Upon the institution of any civil action,
376 suit, or proceeding in county court, the party shall pay the
377 following filing fee, not to exceed:

- 378 1. For all claims less than \$100 \$50.
379 2. For all claims of \$100 or more but not more than \$500
380 \$75.

322919 - h7095-StrikeAll Snyder1.docx

Published On: 2/14/2012 9:34:41 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7095 (2012)

Amendment No. 1

381 3. For all claims of more than \$500 but not more than
382 \$2,500 \$170.

383 4. For all claims of more than \$2,500 \$295.

384 5. In addition, for all proceedings of garnishment,
385 attachment, replevin, and distress \$85.

386 6. Notwithstanding subparagraphs 3. and 5., for all claims
387 of not more than \$1,000 filed simultaneously with an action for
388 replevin of property that is the subject of the claim \$125.

389 7. For removal of tenant action \$180.

390

391 The filing fee in subparagraph 6. is the total fee due under
392 this paragraph for that type of filing, and no other filing fee
393 under this paragraph may be assessed against such a filing.

394 (d) The clerk of court shall collect a service charge of
395 \$10 for issuing a summons or an electronic certified copy of a
396 summons. The clerk shall assess the fee against the party
397 seeking to have the summons issued.

398 (2) A party reopening any civil action, suit, or
399 proceeding in the county court shall pay to the clerk of court a
400 filing fee set by the clerk in an amount not to exceed \$25 for
401 all claims of not more than \$500 and an amount not to exceed \$50
402 for all claims of more than \$500. For purposes of this section,
403 a case is reopened after all appeals have been exhausted, or
404 time to file an appeal from a final order or final judgment has
405 expired. A reopen fee may be assessed by the clerk for any
406 motion filed by any party at least 90 days after a final order
407 or final judgment has been filed with the clerk in the initial
408 case. A reservation of jurisdiction by a court does not cause a

322919 - h7095-StrikeAll Snyder1.docx

Published On: 2/14/2012 9:34:41 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7095 (2012)

Amendment No. 1

409 case to remain open for purposes of this section or exempt a
410 party from paying a reopen fee when a case previously reported
411 as disposed of is resubmitted to a court. A party is exempt from
412 paying the fee for any of the following:

- 413 (a) A writ of garnishment;
- 414 (b) A writ of replevin;
- 415 (c) A distress writ;
- 416 (d) A writ of attachment;
- 417 (e) A motion for rehearing filed within 10 days;
- 418 (f) A motion for attorney's fees filed within 30 days of
419 the entry of the judgment or final order;
- 420 (g) A motion for dismissal filed after a mediation
421 agreement has been filed;
- 422 (h) A motion to withdraw by attorneys;
- 423 (i) Stipulations and motions to enforce stipulations; or
- 424 (j) Responsive pleadings; or
- 425 (k) Motions for contempt.

426 Section 7. Section 40.011, Florida Statutes, is amended to
427 read:

428 40.011 Jury lists.—

429 (1) A clerk of the court shall generate a set of juror
430 candidate lists derived from the source lists described in s.
431 40.01. The source name lists and the juror candidate lists shall
432 be maintained as specified in this chapter and in accordance
433 with the juror selection plan approved in s. 40.225.

434 (2) ~~(1)~~ Pursuant to s. 40.01, the Department of Highway
435 Safety and Motor Vehicles shall deliver quarterly to the clerk
436 of the circuit court in each county a list of names of persons

322919 - h7095-StrikeAll Snyder1.docx

Published On: 2/14/2012 9:34:41 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7095 (2012)

Amendment No. 1

437 who reside in that county, who are citizens of the United
438 States, who are legal residents of Florida, who are 18 years of
439 age or older, and for whom the department has a driver's license
440 or identification card record.

441 (3) The clerk of the circuit court shall add to the list
442 of licensed drivers and identification cardholders the name of
443 any person who is 18 years of age or older and who is a citizen
444 of the United States and a legal resident of this state ~~Florida~~
445 and who indicates a desire to serve as a juror, but whose name
446 does not appear on the department list, by requiring such person
447 to execute an affidavit at the office of the clerk.

448 (4) ~~(2)~~ The affidavit executed pursuant to subsection (3)
449 ~~(1)~~ must be in substantially the following form:

450
451 State of Florida

452
453 I,, do solemnly swear (or affirm) that I am
454 years of age; that I am a citizen of the United States and a
455 legal resident of Florida and County; that I personally
456 make application for jury duty; that I am eligible to serve as a
457 juror under the Constitution and laws of Florida; and that I
458 reside at ... (Address)...

459
460 (Signature)...

461
462 Sworn to and subscribed before me this day of,
463 ... (year) ..., at County, Florida.

Amendment No. 1

465
466 (Signature and title of officer
467 administering oath)

468 (5) Using the source name lists described subsections
469 (2) and (3), a clerk of court may generate juror candidate lists
470 as necessary to ensure a valid and consistent juror selection
471 process.

472 (a) The initial juror candidate list is derived from the
473 name sources and shall be the master list from which prospective
474 jurors are drawn for summons.

475 (b) The final juror candidate list shall contain a list of
476 those persons, drawn from the initial candidate list as
477 prescribed in this chapter, who are to be summoned as a pool for
478 possible juror service.

479 Section 8. Section 40.02, Florida Statutes, is amended to
480 read:

481 40.02 Selection of jury lists.-

482 ~~(1) The chief judge of each circuit, or a circuit judge in~~
483 ~~each county within the circuit who is designated by the chief~~
484 ~~judge, shall request the selection of a jury list in each county~~
485 ~~within the circuit during the first week of January of each~~
486 ~~year, or as soon thereafter as practicable. The chief judge or~~
487 ~~the chief judge's designee shall direct the clerk of the court~~
488 ~~to select, by lot and at random, a sufficient number of names,~~
489 ~~with their addresses, from the initial juror candidate list of~~
490 ~~persons who are qualified to serve as jurors under the~~
491 ~~provisions of s. 40.01 and to generate a final juror candidate~~
492 ~~list of not fewer than 250 persons to serve as jurors as~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7095 (2012)

Amendment No. 1

493 provided for in s. 40.221. The final juror candidate, which list
494 must shall be signed and verified by the clerk of the court as
495 having been selected as aforesaid. The final juror candidate
496 list may be created, updated, or supplemented as often as
497 necessary to prevent the selection list from becoming exhausted,
498 but in no case less than annually during the first week of
499 January of each year, or as soon thereafter as practicable. A
500 circuit judge in a county to which he or she has been assigned
501 may also request that the final juror candidate list be updated
502 or supplemented, or that a new list be created additional jury
503 lists as necessary to prevent the jury list from becoming
504 exhausted.

505 (2) When the final juror candidate annual jury list is
506 prepared pursuant to the request of a chief judge or the chief
507 judge's designee, the previously prepared final juror candidate
508 lists prepared the previous year shall be withdrawn from further
509 use. If, notwithstanding this provision, some names are not
510 withdrawn, such error or irregularity shall not invalidate any
511 subsequent proceeding or jury. The fact that any person so
512 selected had been on a former jury list or had served as a juror
513 in any court at any time shall not be grounds for challenge of
514 such person as a juror. If any person so selected shall be
515 ascertained to be disqualified or incompetent to serve as a
516 juror, such disqualification shall not affect the legality of
517 such list or be cause of challenge to the array of any jury
518 chosen from such list, but any person ascertained to be
519 disqualified to serve as a juror shall be subject to challenge
520 for cause, as defined by law. The set of juror candidate lists,

322919 - h7095-StrikeAll Snyder1.docx

Published On: 2/14/2012 9:34:41 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7095 (2012)

Amendment No. 1

521 although they may be defective or irregular in form or other
522 formal requirement, or in the number or qualification of the
523 persons so named, shall be the lists from which the names of
524 persons for jury service are to be drawn as prescribed by law.

525 ~~(3)-(2)~~ The clerk of the court shall be responsible for
526 preserving the security of the source and juror candidate jury
527 lists.

528 ~~(4)-(3)~~ The clerk of the court shall perform the duties set
529 forth in this section and in ss. 40.221, 40.23, and 40.231 in
530 counties having an approved, computerized jury selection system,
531 the provisions of any special law or general law of local
532 application to the contrary notwithstanding. However, the chief
533 judge may designate the court administrator to perform these
534 duties if the county provides funding to the court administrator
535 to provide the personnel and other costs associated with jury
536 services.

537 Section 9. Subsection (1) of section 40.022, Florida
538 Statutes, is amended to read:

539 40.022 Clerk to purge jury selection lists; restoration.—

540 (1) To ensure that the juror candidates summoned satisfy
541 the requirements of ss. 40.01 and 40.013, each clerk of the
542 circuit court shall, upon receipt of the list of persons in the
543 department database from the Department of Highway Safety and
544 Motor Vehicles and at least once each month thereafter, purge
545 the final juror candidate jury selection lists of, at a minimum,
546 the names of those persons:

547 (a) Adjudicated mentally incompetent;

548 (b) Convicted of a felony; or

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7095 (2012)

Amendment No. 1

549 (c) Deceased.

550 Section 10. Section 40.221, Florida Statutes, is amended
551 to read:

552 40.221 Drawing jury venire.—A clerk of the court, under
553 supervision of a judge of any court of record, shall, in a
554 manner deemed to produce a result by lot and at random, ~~randomly~~
555 select from the final juror candidate jury list such number of
556 persons as he or she deems necessary or expedient for a jury
557 venire, to be returnable at such time as the judge shall
558 specify, from which such venire or venires any jury may be
559 organized, including a grand jury when drawn by or upon order of
560 a judge of the circuit court. The clerk of the court shall keep
561 the list in a secure place.

562 Section 11. Section 40.225, Florida Statutes, is amended
563 to read:

564 40.225 Jury selection plan ~~Drawing jury venire,~~
565 ~~alternative method.—~~

566 (1) Pursuant to s. 40.001, the chief judge of each circuit
567 shall review and consent to the process for selecting juror
568 candidates within his or her circuit. The clerk of court shall
569 implement an automated electronic system in which ~~Whenever a~~
570 ~~majority of the judges authorized to conduct jury trials in a~~
571 ~~county consents,~~ the names of prospective jurors and other data
572 pertinent thereto shall be maintained for the purpose of the
573 drawing of juror candidates. This system shall be used as the
574 exclusive method ~~may be fed into a mechanical, electronic, or~~
575 ~~electrical device and drawn therefrom as an alternative to other~~
576 ~~methods~~ authorized by law for obtaining jury venires, if such

322919 - h7095-StrikeAll Snyder1.docx

Published On: 2/14/2012 9:34:41 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7095 (2012)

Amendment No. 1

577 drawing is by lot and at random and is approved by the Supreme
578 Court as hereinafter provided. Subject to the provisions of ss.
579 40.001 and 40.02, the clerk of the circuit court in each county
580 shall have the administrative responsibility for developing the
581 automated system of jury venire selection, obtaining approval
582 for the juror candidate selection process, and operating and
583 updating the system in accordance with this chapter and
584 technical standards and procedures adopted by the Chief Justice.

585 (2) The clerk of the court, or the chief judge of the
586 circuit if performing the duties of juror candidate selection as
587 provided in s. 40.02, shall submit for approval a plan for the
588 selection of juror candidates as required in this section to the
589 Chief Justice. The plan must be reapproved whenever required by
590 a change in the law, a change in the technical standards and
591 procedures, or a change in the approved clerk-maintained
592 hardware or software used in the automated system of jury venire
593 selection. The proposed plan, if submitted by the clerk, must be
594 approved by the chief judge of the judicial circuit in which the
595 county is located, and must include a description of the
596 equipment, methods, and mode of operation to be used, in a
597 manner consistent with the technical standards and procedures
598 established by the Chief Justice. ~~When a majority of the trial~~
599 ~~judges authorizes the alternative method of drawing a jury~~
600 ~~venire as provided in subsection (1), the chief judge of the~~
601 ~~judicial circuit in which the county is located shall make a~~
602 ~~certificate to that effect and transmit the same to the Chief~~
603 ~~Justice of the Supreme Court, together with a description of the~~
604 ~~equipment, methods, and mode of operation to be used.~~

322919 - h7095-StrikeAll Snyder1.docx

Published On: 2/14/2012 9:34:41 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7095 (2012)

Amendment No. 1

605 (3) The Chief Justice shall examine the proposed plan for
606 compliance with applicable statutory requirements and with
607 established technical standards and procedures ~~cause the~~
608 ~~certificate and data accompanying it to be presented to the~~
609 ~~justices of the Supreme Court.~~ If the Chief Justice ~~court~~ finds
610 that the proposed plan method will produce venires selected by
611 ~~lot and at random,~~ is in compliance with applicable statutory
612 requirements and established technical standards and procedures,
613 will produce venires selected by lot and at random ~~all~~
614 ~~constitutional requirements of jury selection,~~ and is otherwise
615 feasible and practicable, an administrative order of approval of
616 same shall be made and filed. Thereafter, the ~~alternative method~~
617 ~~so approved~~ system for automated selection of jury venires shall
618 ~~may~~ be used in the county so authorized.

619 ~~(4) The chief judge of the judicial circuit in which the~~
620 ~~county is located shall supervise the use of such alternative~~
621 ~~method whenever approval of same has been made by order of the~~
622 ~~Supreme Court.~~

623 ~~(4)(5) This section does not require~~ Nothing herein shall
624 ~~be construed as requiring~~ uniform equipment or methods
625 throughout the state.

626 Section 12. Subsection (1) of section 57.081, Florida
627 Statutes, is amended to read:

628 57.081 Costs; right to proceed where prepayment of costs
629 and payment of filing fees waived.-

630 (1) Any indigent person, except a prisoner as defined in
631 s. 57.085, who is a party or intervenor in any judicial or
632 administrative agency proceeding or who initiates such

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Published On: 2/14/2012 9:34:41 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7095 (2012)

Amendment No. 1

633 proceeding shall receive the services of the courts, sheriffs,
634 and clerks, with respect to such proceedings, despite his or her
635 present inability to pay for these services. Such services are
636 limited to filing fees; service of process; certified copies of
637 orders or final judgments; a single photocopy of any court
638 pleading, record, or instrument filed with the clerk; examining
639 fees; mediation services and fees; private court-appointed
640 counsel fees; subpoena fees and services; service charges for
641 collecting and disbursing funds; and any other cost or service
642 arising out of pending litigation. In any appeal from an
643 administrative agency decision, for which the clerk is
644 responsible for preparing the transcript, the clerk shall record
645 the cost of preparing the transcripts and the cost for copies of
646 any exhibits in the record. A party who has obtained a
647 certification of indigence pursuant to s. 27.52 or s. 57.082
648 with respect to a proceeding is not required to prepay costs to
649 a court, clerk, or sheriff and is not required to pay filing
650 fees or charges for issuance of a summons ~~Prepayment of costs to~~
651 ~~any court, clerk, or sheriff is not required and payment of~~
652 ~~filing fees is not required in any action if the party has~~
653 ~~obtained in each proceeding a certification of indigence in~~
654 ~~accordance with s. 27.52 or s. 57.082.~~

655 Section 13. Subsection (11) is added to section 95.11,
656 Florida Statutes, to read:

657 95.11 Limitations other than for the recovery of real
658 property.—Actions other than for recovery of real property shall
659 be commenced as follows:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7095 (2012)

Amendment No. 1

660 (11) COURT COSTS AND FINES.—Notwithstanding subsection
661 (1), an action to collect court costs, fees, or fines owed to
662 the state may be commenced at any time.

663 Section 14. Paragraph (a) of subsection (4) of section
664 112.3173, Florida Statutes, is amended to read:

665 112.3173 Felonies involving breach of public trust and
666 other specified offenses by public officers and employees;
667 forfeiture of retirement benefits.—

668 (4) NOTICE.—

669 (a) The clerk of a court in which a proceeding involving a
670 specified offense is being conducted against a public officer or
671 employee shall furnish notice of the proceeding to the
672 Commission on Ethics after the state attorney advises the clerk
673 that the defendant is a public officer or employee and that the
674 defendant is alleged to have committed a specified offense. Such
675 notice is sufficient if it is in the form of a copy of the
676 indictment, information, or other document containing the
677 charges. In addition, if a verdict of guilty is returned by a
678 jury or by the court trying the case without a jury, or a plea
679 of guilty or of nolo contendere is entered in the court by the
680 public officer or employee, the clerk shall furnish a copy
681 thereof to the Commission on Ethics.

682 Section 15. Paragraph (b) of subsection (8) of section
683 318.18, Florida Statutes, is amended to read:

684 318.18 Amount of penalties.—The penalties required for a
685 noncriminal disposition pursuant to s. 318.14 or a criminal
686 offense listed in s. 318.17 are as follows:

687 (8)

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Published On: 2/14/2012 9:34:41 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7095 (2012)

Amendment No. 1

688 (b)1.a. If a person has been ordered to pay a civil
689 penalty for a noncriminal traffic infraction and the person is
690 unable to comply with the court's order due to demonstrable
691 financial hardship, the court shall allow the person to satisfy
692 the civil penalty by participating in community service until
693 the civil penalty is paid.

694 b. If a court orders a person to perform community
695 service, the person shall receive credit for the civil penalty
696 at the specified hourly credit rate per hour of community
697 service performed, and each hour of community service performed
698 shall reduce the civil penalty by that amount.

699 2.a. As used in this paragraph, the term "specified hourly
700 credit rate" means the wage rate that is specified in 29 U.S.C.
701 s. 206(a)(1) under the federal Fair Labor Standards Act of 1938,
702 that is then in effect, and that an employer subject to such
703 provision must pay per hour to each employee subject to such
704 provision.

705 b. However, if a person ordered to perform community
706 service has a trade or profession for which there is a community
707 service need, the specified hourly credit rate for each hour of
708 community service performed by that person shall be the average
709 prevailing wage rate for the trade or profession that the
710 community service agency needs.

711 3.a. The community service agency supervising the person
712 shall record the number of hours of community service completed
713 and the date the community service hours were completed. The
714 community service agency shall submit the data to the clerk of
715 court on the letterhead of the community service agency, which

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Published On: 2/14/2012 9:34:41 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7095 (2012)

Amendment No. 1

716 must also bear the notarized signature of the person designated
717 to represent the community service agency.

718 b. When the number of community service hours completed by
719 the person equals the amount of the civil penalty, the clerk of
720 court shall certify this fact to the court. Thereafter, the
721 clerk of court shall record in the case file that the civil
722 penalty has been paid in full.

723 4. As used in this paragraph, the term:

724 a. "Community service" means uncompensated labor for a
725 community service agency.

726 b. "Community service agency" means a not-for-profit
727 corporation, community organization, charitable organization,
728 public officer, the state or any political subdivision of the
729 state, or any other body the purpose of which is to improve the
730 quality of life or social welfare of the community and which
731 agrees to accept community service from persons unable to pay
732 civil penalties for noncriminal traffic infractions.

733 Section 16. Subsection (3) of section 668.50, Florida
734 Statutes, is amended to read:

735 668.50 Uniform Electronic Transaction Act.—

736 (3) SCOPE.—

737 (a) Except as otherwise provided in paragraph (b), this
738 section applies to electronic records and electronic signatures
739 relating to a transaction.

740 (b) This section does not apply to a transaction to the
741 extent the transaction is governed by:

742 1. A provision of law governing the creation and execution
743 of wills, codicils, or testamentary trusts;

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Published On: 2/14/2012 9:34:41 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7095 (2012)

Amendment No. 1

744 2. The Uniform Commercial Code other than s. 671.107 and
745 chapters 672 and 680; or

746 3. The Uniform Computer Information Transactions Act. ~~or~~

747 ~~4. Rules relating to judicial procedure.~~

748 (c) Except with respect to subsections (2), (9), and (11),
749 this section does not apply to a transaction to the extent the
750 transaction is governed by rules relating to judicial procedure.

751 (d)-(e) This section applies to an electronic record or
752 electronic signature otherwise excluded under paragraph (b) to
753 the extent such record or signature is governed by a provision
754 of law other than those specified in paragraph (b).

755 (e)-(d) A transaction subject to this section is also
756 subject to other applicable provisions of substantive law.

757 Section 17. Paragraph (c) of subsection (1) of section
758 733.707, Florida Statutes, is amended to read:

759 733.707 Order of payment of expenses and obligations.—

760 (1) The personal representative shall pay the expenses of
761 the administration and obligations of the decedent's estate in
762 the following order:

763 (c) Class 3.—Debts and taxes with preference under federal
764 law, and claims pursuant to ss. 409.9101 and 414.28, and claims
765 in favor of the state for unpaid court costs, fees, or fines.

766 Section 18. Section 893.11, Florida Statutes, is amended
767 to read:

768 893.11 Suspension, revocation, and reinstatement of
769 business and professional licenses.—For the purposes of s.
770 120.60(6), any conviction in any court reported to the

771 Comprehensive Case Information System of the Florida Association

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Published On: 2/14/2012 9:34:41 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7095 (2012)

Amendment No. 1

772 of Clerks and Comptroller, Inc., for the sale of, or trafficking
773 in, a controlled substance or for conspiracy to sell, or traffic
774 in, a controlled substance constitutes an immediate serious
775 danger to the public health, safety, or welfare, and is grounds
776 for disciplinary action by the licensing state agency. A state
777 agency shall initiate an immediate emergency suspension of an
778 individual professional license issued by the agency, in
779 compliance with the procedures for summary suspensions in s.
780 120.60(6), upon the agency's findings of the licensee's
781 conviction in any court reported to the Comprehensive Case
782 Information System of the Florida Association of Court Clerks
783 and Comptroller, Inc., ~~Upon the conviction in any court of~~
784 ~~competent jurisdiction of any person holding a license, permit,~~
785 ~~or certificate issued by a state agency,~~ for the sale of, or
786 trafficking in, a controlled substance, or for conspiracy to
787 sell, or traffic in, a controlled substance. Before renewing any
788 professional license, a state agency that issues a professional
789 license must use the Comprehensive Case Information System of
790 the Florida Association of Court Clerks and Comptroller, Inc.,
791 to obtain information relating to any conviction for the sale
792 of, or trafficking in, a controlled substance or for conspiracy
793 to sell, or traffic in, a controlled substance. The clerk of
794 court shall provide electronic access to each state agency at no
795 cost and also provide certified copies of the judgment upon
796 request to the agency. ~~, if such offense is a felony, the clerk~~
797 ~~of said court shall send a certified copy of the judgment of~~
798 ~~conviction with the person's license number, permit number, or~~
799 ~~certificate number on the face of such certified copy to the~~

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Published On: 2/14/2012 9:34:41 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7095 (2012)

Amendment No. 1

800 ~~agency head by whom the convicted defendant has received a~~
801 ~~license, permit, or certificate to practice his or her~~
802 ~~profession or to carry on his or her business. Such agency head~~
803 ~~shall suspend or revoke the license, permit, or certificate of~~
804 ~~the convicted defendant to practice his or her profession or to~~
805 ~~carry on his or her business. Upon a showing by any such~~
806 ~~convicted defendant whose professional license, permit, or~~
807 ~~ertificate has been suspended or revoked pursuant to this~~
808 ~~section that his or her civil rights have been restored or upon~~
809 ~~a showing that the convicted defendant meets the following~~
810 ~~criteria, the agency head may reinstate or reactivate such~~
811 ~~license, permit, or certificate when:~~

812 (1) The person has complied with the conditions of
813 paragraphs (a) and (b) which shall be monitored by the
814 Department of Corrections while the person is under any
815 supervisory sanction. If the person fails to comply with
816 provisions of these paragraphs by either failing to maintain
817 treatment or by testing positive for drug use, the department
818 shall notify the licensing, ~~permitting, or certifying~~ agency,
819 which shall revoke the license, ~~permit, or certification~~. The
820 person under supervision may:

821 (a) Seek evaluation and enrollment in, and once enrolled
822 maintain enrollment in until completion, a drug treatment and
823 rehabilitation program which is approved or regulated by the
824 Department of Children and Family Services. The treatment and
825 rehabilitation program shall be specified by:

826 1. The court, in the case of court-ordered supervisory
827 sanctions;

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Published On: 2/14/2012 9:34:41 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7095 (2012)

Amendment No. 1

828 2. The Parole Commission, in the case of parole, control
829 release, or conditional release; or

830 3. The Department of Corrections, in the case of
831 imprisonment or any other supervision required by law.

832 (b) Submit to periodic urine drug testing pursuant to
833 procedures prescribed by the Department of Corrections. If the
834 person is indigent, the costs shall be paid by the Department of
835 Corrections; or

836 (2) The person has successfully completed an appropriate
837 program under the Correctional Education Program.

838 (3) As used in this section, the term "professional
839 license" includes any license, permit, or certificate that
840 authorizes a person to practice his or her profession. However,
841 the term ~~This section~~ does not include ~~apply to~~ any of the
842 taxes, fees, or permits regulated, controlled, or administered
843 by the Department of Revenue in accordance with s. 213.05.

844 Section 19. Paragraphs (a) and (b) of subsection (2) of
845 section 938.27, Florida Statutes, are amended to read:

846 938.27 Judgment for costs on conviction.-

847 (2)(a) The court shall impose the costs of prosecution and
848 investigation notwithstanding the defendant's present ability to
849 pay. The court shall require the defendant to pay the costs
850 within a specified period or pursuant to a payment plan under s.
851 28.246(4) ~~in specified installments.~~

852 (b) The end of such period or the last such installment
853 must ~~shall~~ not be later than:

854 1. The end of the period of probation or community
855 control, if probation or community control is ordered;

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Published On: 2/14/2012 9:34:41 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7095 (2012)

Amendment No. 1

856 2. Five years after the end of the term of imprisonment
857 imposed, if the court does not order probation or community
858 control; or

859 3. Five years after the date of sentencing in any other
860 case.

861

862 However, ~~in no event shall~~ the obligation to pay any unpaid
863 amounts does not expire if not paid in full within the period
864 specified in this paragraph.

865 Section 20. Present subsections (8) through (12) of
866 section 938.30, Florida Statutes, are renumbered as subsections
867 (10) through (14), respectively, and new subsections (8) and (9)
868 are added to that section to read:

869 938.30 Financial obligations in criminal cases;
870 supplementary proceedings.—

871 (8) If a criminal or civil judgment has previously been
872 entered on a court-imposed financial obligation, the judgment
873 constitutes a civil lien against the judgment debtor's presently
874 owned or after-acquired real or personal property when recorded
875 pursuant to s. 55.10, except that a judgment on a court-imposed
876 financial obligation is not subject to the 10-year rerecording
877 requirement of s. 55.10. The judgment must secure all unpaid
878 court-imposed financial obligations that are due and may accrue
879 subsequent to the recording of the judgment, as well as interest
880 and reasonable costs for issuing a satisfaction and recording
881 the satisfaction in the official records.

882 (9) The clerk of the court shall enforce, satisfy,
883 compromise, settle, subordinate, release, or otherwise dispose

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Published On: 2/14/2012 9:34:41 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7095 (2012)

Amendment No. 1

884 of any debts or liens imposed and collected under this section
885 in the same manner as prescribed in s. 938.29(3).

886 Section 21. Section 947.181, Florida Statutes, is amended
887 to read:

888 947.181 Fines, fees, restitution, or other costs ordered
889 to be paid ~~Victim restitution as conditions~~ condition of
890 parole.-

891 (1)~~(a)~~ The Parole commission shall require the payment of
892 finest, fees, restitution, or other court-ordered costs as a
893 condition of parole ~~reparation or restitution to the aggrieved~~
894 ~~party for the damage or loss caused by the offense for which the~~
895 ~~parolee was imprisoned~~ unless the commission finds reasons to
896 the contrary. Restitution to the aggrieved party for injury,
897 damage, or loss caused by the offense for which the parolee was
898 imprisoned shall have first priority in the payment of amounts
899 owed under this section. If the commission does not require the
900 payment of fines, fees, restitution, or other court-ordered
901 costs ~~order restitution or requires orders~~ only partial payment
902 of the fines, fees, restitution, or other court-ordered costs
903 ~~restitution~~, the commission shall state on the record the
904 reasons for its decision therefor. ~~The amount of such reparation~~
905 ~~or restitution shall be determined by the Parole Commission.~~

906 (2)~~(b)~~ If the parolee fails to make the payments
907 ~~reparation or restitution to the aggrieved party as required~~
908 authorized in subsection (1) paragraph (a), it shall be
909 considered by the commission as a violation of parole as
910 specified in s. 947.21 and may be cause for revocation of ~~her or~~
911 ~~his~~ parole.

322919 - h7095-StrikeAll Snyder1.docx

Published On: 2/14/2012 9:34:41 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7095 (2012)

Amendment No. 1

912 (3)~~(2)~~ If a defendant is paroled, any restitution ordered
913 under s. 775.089 shall be a condition of such parole. The Parole
914 Commission may revoke parole if the defendant fails to comply
915 with such order.

916 (4) In determining whether to revoke parole, the Parole
917 commission shall consider the defendant's employment status,
918 earning ability, and financial resources; the willfulness of the
919 defendant's failure to pay; and any other special circumstances
920 that may have a bearing on the defendant's ability to pay.

921 Section 22. This act shall take effect July 1, 2012.

922

923

924

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

925

Remove the entire title and insert:

926

927

An act relating to clerks of court; amending s. 27.52,

928

F.S.; authorizing the clerk of court to review the

929

property records and motor vehicle records to

930

determine whether an applicant for the appointment of

931

a public defender is indigent; deleting a requirement

932

that the clerk conduct the review; amending s. 28.24,

933

F.S.; deleting a requirement for the clerks of the

934

circuit courts to participate in the Comprehensive

935

Case Information System; creating s. 28.2405, F.S.;

936

requiring clerks of the circuit courts to use the

937

Comprehensive Case Information System and to submit

938

data to the system based on case types designated by

939

the Supreme Court of Florida; amending s. 28.241,

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7095 (2012)

Amendment No. 1

940 F.S.; providing that filing fees and fees to reopen a
941 proceeding are due at the time a party files a
942 pleading to initiate or reopen a proceeding; requiring
943 the clerk of court to pursue the collection of fees
944 that are not timely paid; revising the circumstances
945 under which a fee to reopen a case applies; exempting
946 a person from paying a reopen fee for filing a motion
947 to enforce a stipulation or a motion for contempt;
948 authorizing the clerk of court to charge a fee to
949 issue an electronic certified copy of a summons;
950 amending s. 28.37, F.S.; providing that certain
951 penalties and fines are not deposited into the clerk's
952 Public Records Modernization Trust Fund; amending s.
953 34.041, F.S.; requiring the party filing a case in
954 county court to pay all filing and reopen fees at the
955 time of filing; requiring the clerk to pursue
956 collection of the fees if the fees are not paid at the
957 time of filing; authorizing the clerk of court to
958 charge a fee for issuing an electronic certified copy
959 of a summons; revising the circumstances under which a
960 fee to reopen a case applies; exempting a party from
961 paying a reopen fee for filing motions to enforce
962 stipulations and motions for contempt; amending s.
963 40.011, F.S.; requiring that a clerk of court generate
964 a set of juror candidate lists; requiring that the
965 clerk of court add names of certain persons to the
966 juror candidate lists; authorizing the clerk of court
967 to generate juror candidate lists to ensure a valid

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Published On: 2/14/2012 9:34:41 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7095 (2012)

Amendment No. 1

968 and consistent juror selection process; amending s.
969 40.02, F.S.; revising the process of selecting jury
970 lists; amending s. 40.022, F.S.; revising the process
971 of purging jury selection lists; amending s. 40.221,
972 F.S.; conforming provisions to changes made by the
973 act; amending s. 40.225, F.S.; requiring that the
974 clerk of court implement an automated electronic
975 system for drawing jury venire; providing
976 administrative responsibilities of the clerks of court
977 with regard to the jury venire; requiring that the
978 clerk of court or the chief judge submit for approval
979 a plan for the selection of juror candidates;
980 requiring that the Chief Justice of the Supreme Court
981 examine the proposed plan for compliance with
982 applicable statutory requirements and technical
983 standards and procedures; requiring that an
984 administrative order be filed if the proposed plan is
985 approved; amending s. 57.081, F.S.; providing that a
986 person who receives a certification of indigence with
987 respect to a proceeding is not required to pay charges
988 to issue a summons; amending s. 95.11, F.S.; providing
989 that an action to collect any court costs, fees, or
990 fines owed to the state may be commenced at any time;
991 amending s. 112.3173, F.S.; providing for the duty of
992 a clerk of court to notify the Commission on Ethics of
993 certain proceedings involving public officers or
994 employees to arise after the clerk is advised by the
995 state attorney that the defendant is a public officer

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7095 (2012)

Amendment No. 1

996 or employee who is alleged to have committed a
997 specified offense; amending s. 318.18, F.S.; requiring
998 that the signature of the person designated to
999 represent a community service agency be notarized on
1000 letterhead that indicates the number of hours of
1001 community service completed and the date the community
1002 service hours were completed by a person who is
1003 ordered to perform community service as a penalty for
1004 specified offenses; amending s. 668.50, F.S.; limiting
1005 the exemption from the Uniform Electronic Transaction
1006 Act for transactions governed by rules relating to
1007 judicial procedure; amending s. 733.707, F.S.;
1008 specifying the priority of payment of unpaid court
1009 costs, fees, or fines by a decedent's estate; amending
1010 s. 893.11, F.S.; providing that convictions of certain
1011 types of criminal offenses which are reported to the
1012 Comprehensive Case Information System of the Florida
1013 Association of Clerks and Comptroller, Inc., are an
1014 immediate, serious danger to the public health,
1015 safety, or welfare; providing that such convictions
1016 are grounds for disciplinary action by a licensing
1017 state agency; requiring that a state agency initiate
1018 an emergency suspension of an individual professional
1019 license upon the agency's finding of the licensee's
1020 conviction of a certain type of criminal offense which
1021 is reported to the Comprehensive Case Information
1022 System; requiring that certain state agencies use the
1023 Comprehensive Case Information System to obtain

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Published On: 2/14/2012 9:34:41 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7095 (2012)

Amendment No. 1

1024 information relating to a conviction involving certain
1025 types of criminal offenses; requiring that the clerk
1026 of court provide to each state agency electronic
1027 access and provide certified copies of judgments to
1028 licensing agencies upon request; defining the term
1029 "business or professional license"; amending s.
1030 938.27, F.S.; authorizing a court to require a
1031 defendant to pay the costs of prosecution and
1032 investigation pursuant to a payment plan under a
1033 specified provision; amending s. 938.30, F.S.;
1034 providing that criminal or civil judgment and related
1035 costs are a civil lien against the judgment debtor's
1036 presently owned or after-acquired real or personal
1037 property if the judgment is recorded; providing an
1038 exception to rerecording requirements; requiring that
1039 the clerk of court enforce, satisfy, compromise,
1040 settle, subordinate, release, or otherwise dispose of
1041 any debts or lien imposed and collected in the same
1042 manner as for an indigent defendant-recipient;
1043 amending s. 947.181, F.S.; providing that the Parole
1044 Commission require as a condition of parole the
1045 payment of fines, fees, or other court-ordered costs
1046 under certain circumstances; providing that
1047 restitution ordered as a condition of parole has first
1048 priority over the payment of other costs ordered as a
1049 condition of parole; requiring that the commission
1050 state on record the reasons for not requiring the full

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7095 (2012)

Amendment No. 1

1051 payment of the fines, fees, or other court-ordered
1052 costs; providing an effective date.

1053

COMMITTEE MEETING REPORT

Appropriations Committee

2/15/2012 8:00:00AM

Location: Webster Hall (212 Knott)

AMENDED

HB 7099 : Tax Administration

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon	X				
Leonard Bembry	X				
Charles Chestnut IV	X				
Marti Coley	X				
Chris Dorworth	X				
Richard Glorioso	X				
Ed Hooper			X		
Mike Horner	X				
Matt Hudson	X				
Dorothy Hukill	X				
Mia Jones	X				
Martin Kiar	X				
Paige Kreegel	X				
Seth McKeel	X				
H. Marlene O'Toole	X				
Ari Porth	X				
William Proctor	X				
Darryl Rouson		X			
Franklin Sands	X				
Ron Saunders	X				
Robert Schenck			X		
William Snyder	X				
Trudi Williams			X		
Denise Grimsley (Chair)	X				
Total Yeas: 20		Total Nays: 1			

HB 7099 Amendments

Amendment 171541

Adopted Without Objection

Appearances:

Pitts, Brian - Information Only
Trustee-Justice-2-Jesus
1119 Newton Avenue South
S. Petersburg Florida 33705
Phone: 727-897-9291

Committee meeting was reported out: Wednesday, February 15, 2012 7:09:30PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7099 (2012)

Amendment No. 1

21 ~~(b) The remaining revenues collected from the tax during~~
22 ~~that fiscal year, after the required payment under paragraph~~
23 ~~(a), shall be paid into the State Treasury as follows:~~

24 1. ~~To the credit of the General Revenue Fund of the state,~~
25 ~~40.1 percent.~~

26 2. ~~For payment to counties in proportion to the number of~~
27 ~~tons of phosphate rock produced from a phosphate rock matrix~~
28 ~~located within such political boundary, 16.5 percent. The~~
29 ~~department shall distribute this portion of the proceeds~~
30 ~~annually based on production information reported by the~~
31 ~~producers on the annual returns for the taxable year. Any such~~
32 ~~proceeds received by a county shall be used only for phosphate-~~
33 ~~related expenses.~~

34 3. ~~For payment to counties that have been designated a~~
35 ~~rural area of critical economic concern pursuant to s. 288.0656~~
36 ~~in proportion to the number of tons of phosphate rock produced~~
37 ~~from a phosphate rock matrix located within such political~~
38 ~~boundary, 13 percent. The department shall distribute this~~
39 ~~portion of the proceeds annually based on production information~~
40 ~~reported by the producers on the annual returns for the taxable~~
41 ~~year. Payments under this subparagraph shall be made to the~~
42 ~~counties unless the Legislature by special act creates a local~~
43 ~~authority to promote and direct the economic development of the~~
44 ~~county. If such authority exists, payments shall be made to that~~
45 ~~authority.~~

46 4. ~~To the credit of the Phosphate Research Trust Fund in~~
47 ~~the Division of Universities of the Department of Education, 9.3~~
48 ~~percent.~~

49 5. ~~To the credit of the Minerals Trust Fund, 10.7 percent.~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7099 (2012)

Amendment No. 1

50 ~~6. To the credit of the Nonmandatory Land Reclamation Trust~~
51 ~~Fund, 10.4 percent.~~

52 ~~(3) Beginning July 1, 2003, and annually thereafter, the~~
53 ~~Department of Environmental Protection may use up to \$2 million~~
54 ~~of the funds in the Nonmandatory Land Reclamation Trust Fund to~~
55 ~~purchase a surety bond or a policy of insurance, the proceeds of~~
56 ~~which would pay the cost of restoration, reclamation, and~~
57 ~~cleanup of any phosphogypsum stack system and phosphate mining~~
58 ~~activities in the event that an operator or permittee thereof~~
59 ~~has been subject to a final order of bankruptcy and all funds~~
60 ~~available therefrom are determined to be inadequate to~~
61 ~~accomplish such restoration, reclamation, and cleanup. This~~
62 ~~section does not imply that such operator or permittee is~~
63 ~~thereby relieved of its obligations or relieved of any~~
64 ~~liabilities pursuant to any other remedies at law,~~
65 ~~administrative remedies, statutory remedies, or remedies~~
66 ~~pursuant to bankruptcy law. The department shall adopt rules to~~
67 ~~implement this subsection, including the purchase and oversight~~
68 ~~of the bond or policy.~~

69 ~~(4) Funds distributed pursuant to subparagraphs (2)(b)3.~~
70 ~~and (11)(c)4. shall be used for:~~

71 ~~(a) Planning, preparing, and financing of infrastructure~~
72 ~~projects for job creation and capital investment, especially~~
73 ~~those related to industrial and commercial sites. Infrastructure~~
74 ~~investments may include the following public or public private~~
75 ~~partnership facilities: stormwater systems, telecommunications~~
76 ~~facilities, roads or other remedies to transportation~~
77 ~~impediments, nature based tourism facilities, or other physical~~
78 ~~requirements necessary to facilitate trade and economic~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7099 (2012)

Amendment No. 1

79 ~~development activities.~~

80 ~~(b) Maximizing the use of federal, local, and private~~
81 ~~resources, including, but not limited to, those available under~~
82 ~~the Small Cities Community Development Block Grant Program.~~

83 ~~(c) Projects that improve inadequate infrastructure that~~
84 ~~has resulted in regulatory action that prohibits economic or~~
85 ~~community growth, if such projects are related to specific job~~
86 ~~creation or job retention opportunities.~~

87 ~~(5) Beginning January 1, 2004, the tax rate shall be the~~
88 ~~base rate of \$1.62 per ton severed.~~

89 ~~(6) Beginning January 1, 2005, and annually thereafter, the~~
90 ~~tax rate shall be the base rate times the base rate adjustment~~
91 ~~for the tax year as calculated by the department in accordance~~
92 ~~with subsection (8).~~

93 ~~(3)(7)~~ The excise tax levied by this section shall apply to
94 the total production of the producer during the taxable year,
95 measured on the basis of bone-dry tons produced at the point of
96 severance.

97 ~~(8)(a) On or before March 30, 2004, and annually~~
98 ~~thereafter, the department shall calculate the base rate~~
99 ~~adjustment, if any, for phosphate rock based on the change in~~
100 ~~the unadjusted annual producer price index for the prior~~
101 ~~calendar year in relation to the unadjusted annual producer~~
102 ~~price index for calendar year 1999.~~

103 ~~(b) For the purposes of determining the base rate~~
104 ~~adjustment for any year, the base rate adjustment shall be a~~
105 ~~fraction, the numerator of which is the unadjusted annual~~
106 ~~producer price index for the prior calendar year and the~~
107 ~~denominator of which is the unadjusted annual producer price~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7099 (2012)

Amendment No. 1

108 ~~index for calendar year 1999.~~

109 ~~(c) The department shall provide the base rate, the base~~
110 ~~rate adjustment, and the resulting tax rate to affected~~
111 ~~producers by written notice on or before April 15 of the current~~
112 ~~year.~~

113 ~~(d) If the producer price index for phosphate rock is~~
114 ~~substantially revised, the department shall make appropriate~~
115 ~~adjustment in the method used to compute the base rate~~
116 ~~adjustment under this subsection which will produce results~~
117 ~~reasonably consistent with the result that would have been~~
118 ~~obtained if the producer price index for phosphate rock had not~~
119 ~~been revised. However, the tax rate shall not be less than \$1.51~~
120 ~~per ton severed.~~

121 ~~(e) If the producer price index for phosphate rock is~~
122 ~~discontinued, a comparable index shall be selected by the~~
123 ~~department and adopted by rule.~~

124 ~~(4)(9)~~ The excise tax levied on the severance of phosphate
125 rock shall be in addition to any ad valorem taxes levied upon
126 the separately assessed mineral interest in the real property
127 upon which the site of severance is located, or any other tax,
128 permit, or license fee imposed by the state or its political
129 subdivisions.

130 ~~(5)(10)~~ The tax levied by this section shall be collected
131 in the manner prescribed in s. 211.33.

132 ~~(11)(a) Beginning July 1, 2008, there is hereby levied a~~
133 ~~surcharge of \$1.38 per ton severed in addition to the excise tax~~
134 ~~levied by this section. The surcharge shall be levied until the~~
135 ~~last day of the calendar quarter in which the total revenue~~
136 ~~generated by the surcharge equals \$60 million. Revenues derived~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7099 (2012)

Amendment No. 1

137 ~~from the surcharge shall be deposited into the Nonmandatory Land~~
138 ~~Reclamation Trust Fund and shall be exempt from the general~~
139 ~~revenue service charge provided in s. 215.20. Revenues derived~~
140 ~~from the surcharge shall be used to augment funds appropriated~~
141 ~~for the rehabilitation, management, and closure of the Piney~~
142 ~~Point and Mulberry sites and for approved reclamation of~~
143 ~~nonmandatory lands in accordance with chapter 378. A minimum of~~
144 ~~75 percent of the revenues from the surcharge shall be dedicated~~
145 ~~to the Piney Point and Mulberry sites.~~

146 ~~(b) Beginning July 1, 2008, the excise tax rate shall be~~
147 ~~\$1.945 per ton severed and the base rate adjustment provided in~~
148 ~~subsection (6) shall not apply.~~

149 ~~(c)1. Beginning July 1 of the 2010-2011 fiscal year, the~~
150 ~~tax rate shall be the base rate of \$1.71 per ton severed.~~

151 ~~2. Beginning July 1 of the 2011-2012 fiscal year, the tax~~
152 ~~rate shall be the base rate of \$1.61 per ton severed.~~

153 ~~3. The base rate adjustment provided in subsection (6)~~
154 ~~shall not apply until the conditions of paragraph (d) are met.~~

155 ~~(d) Beginning July 1 of the fiscal year following the date~~
156 ~~on which a taxpayer's surcharge offset equals or exceeds the~~
157 ~~total amount of surcharge remitted by such taxpayer under~~
158 ~~paragraph (a), and each year thereafter, the excise tax rate~~
159 ~~levied on such taxpayer shall be adjusted as provided in~~
160 ~~subsection (6). The surcharge offset for each taxpayer is an~~
161 ~~amount calculated by the department equal to the cumulative~~
162 ~~difference between the amount of excise tax that would have been~~
163 ~~collected under subsections (5) and (6) and the excise tax~~
164 ~~collected under subparagraphs (c)1. and 2. from such taxpayer.~~

165 ~~(e) Beginning July 1 of the 2010-2011 fiscal year, the~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7099 (2012)

Amendment No. 1

166 ~~proceeds of all taxes, interest, and penalties imposed under~~
167 ~~this section shall be exempt from the general revenue service~~
168 ~~charge provided in s. 215.20, and shall be paid into the State~~
169 ~~Treasury as follows:~~

170 ~~1. To the credit of the Conservation and Recreation Lands~~
171 ~~Trust Fund, 21.9 percent.~~

172 ~~2. To the credit of the General Revenue Fund of the state,~~
173 ~~37.1 percent.~~

174 ~~3. For payment to counties in proportion to the number of~~
175 ~~tons of phosphate rock produced from a phosphate rock matrix~~
176 ~~located within such political boundary, 12 percent. The~~
177 ~~department shall distribute this portion of the proceeds~~
178 ~~annually based on production information reported by the~~
179 ~~producers on the annual returns for the taxable year. Any such~~
180 ~~proceeds received by a county shall be used only for phosphate-~~
181 ~~related expenses.~~

182 ~~4. For payment to counties that have been designated a~~
183 ~~rural area of critical economic concern pursuant to s. 288.0656~~
184 ~~in proportion to the number of tons of phosphate rock produced~~
185 ~~from a phosphate rock matrix located within such political~~
186 ~~boundary, 9.4 percent. The department shall distribute this~~
187 ~~portion of the proceeds annually based on production information~~
188 ~~reported by the producers on the annual returns for the taxable~~
189 ~~year. Payments under this subparagraph shall be made to the~~
190 ~~counties unless the Legislature by special act creates a local~~
191 ~~authority to promote and direct the economic development of the~~
192 ~~county. If such authority exists, payments shall be made to that~~
193 ~~authority.~~

194 ~~5. To the credit of the Nonmandatory Land Reclamation Trust~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7099 (2012)

Amendment No. 1

195 ~~Fund, 5.8 percent.~~

196 ~~6. To the credit of the Phosphate Research Trust Fund in~~
197 ~~the Division of Universities of the Department of Education, 5.8~~
198 ~~percent.~~

199 ~~7. To the credit of the Minerals Trust Fund, 8.0 percent.~~

200 (6) (a) (f) Beginning July 1 of the 2011-2012 fiscal year,
201 the proceeds of all taxes, interest, and penalties imposed under
202 this section are exempt from the general revenue service charge
203 provided in s. 215.20, and such proceeds shall be paid into the
204 State Treasury as follows:

205 1. To the credit of the Conservation and Recreation Lands
206 Trust Fund, 25.5 percent.

207 2. To the credit of the General Revenue Fund of the state,
208 35.7 percent.

209 3. For payment to counties in proportion to the number of
210 tons of phosphate rock produced from a phosphate rock matrix
211 located within such political boundary, 12.8 percent. The
212 department shall distribute this portion of the proceeds
213 annually based on production information reported by the
214 producers on the annual returns for the taxable year. Any such
215 proceeds received by a county shall be used only for phosphate-
216 related expenses.

217 4. For payment to counties that have been designated as a
218 rural area of critical economic concern pursuant to s. 288.0656
219 in proportion to the number of tons of phosphate rock produced
220 from a phosphate rock matrix located within such political
221 boundary, 10.0 percent. The department shall distribute this
222 portion of the proceeds annually based on production information
223 reported by the producers on the annual returns for the taxable

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7099 (2012)

Amendment No. 1

224 year. Payments under this subparagraph shall be made to the
225 counties unless the Legislature by special act creates a local
226 authority to promote and direct the economic development of the
227 county. If such authority exists, payments shall be made to that
228 authority.

229 5. To the credit of the Nonmandatory Land Reclamation Trust
230 Fund, 6.2 percent.

231 6. To the credit of the Phosphate Research Trust Fund in
232 the Division of Universities of the Department of Education, 6.2
233 percent.

234 7. To the credit of the Minerals Trust Fund, 3.6 percent.

235 (b) ~~(g)~~ For purposes of this section, "phosphate-related
236 expenses" means those expenses that provide for infrastructure
237 or services in support of the phosphate industry, reclamation or
238 restoration of phosphate lands, community infrastructure on such
239 reclaimed lands, and similar expenses directly related to
240 support of the industry.

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

Remove line 3 and insert:

211.3103, F.S.; revising the rate for the tax on severance of
phosphate rock; amending s. 212.07, F.S.; conforming a cross-
reference to changes