



# Journal of the Senate

Number 10

Tuesday, April 9, 1991

## CALL TO ORDER

The Senate was called to order by the President at 9:00 a.m. A quorum present—39:

Madam President	Davis	Jennings	Scott
Bankhead	Diaz-Balart	Johnson	Souto
Beard	Dudley	Kiser	Thomas
Brown	Forman	Kurth	Thurman
Bruner	Gardner	Langley	Walker
Casas	Girardeau	Malchon	Weinstein
Childers	Gordon	McKay	Weinstock
Crenshaw	Grant	Meek	Wexler
Crotty	Grizzle	Myers	Yancey
Dantzler	Jenne	Plummer	

Excused: Senator Kirkpatrick

## PRAYER

The following prayer was offered by Dr. N. B. Langford, Pastor, First Baptist Church, Panama City:

Our Heavenly Father, I have come before you to pray for the Senate of the State of Florida. Give them *guidance* in their every decision. They are mere men and women and yet the decisions they make affect the lives of millions of people. What an awesome responsibility each of them must feel.

Give them *patience*, Lord, as they meet with one another in working out the details of pending legislation. Give the *light* of your wisdom to show the clear way.

I pray for their families, Heavenly Father. Give the members of the Florida Senate your *wisdom* and your *love* in leading them how best to love their families and meet their every need. For what good does it do to save the families of others and lose their own in the process.

I make this prayer for the Florida Senate, Father, in your most Holy Name. Amen.

## PLEDGE

Senator McKay led the Senate in the pledge of allegiance to the flag of the United States of America.

## CONSIDERATION OF RESOLUTIONS

On motion by Senator Gordon, by two-thirds vote **SR 2378** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Gordon—

**SR 2378**—A resolution recognizing April 7 through April 13, 1991, as National County Government Week.

WHEREAS, county government is the oldest form of local government in the United States, and

WHEREAS, 98 percent of the nation's population reside in counties, and

WHEREAS, county governments employed over 1.9 million people and spent almost \$103 billion last year to provide a wide range of services for the benefit of the people of the United States, and

WHEREAS, county governments are often the last available resource for providing emergency and long-term services for the poor, the homeless, and the disadvantaged and for immigrants, refugees, and other segments of society, and

WHEREAS, almost 1,200 counties are now managed by appointed administrators or elected executives, and

WHEREAS, over the last 30 years county governments have assumed increasing responsibility for administering and financing programs to promote health, welfare, justice, transportation, housing, and community development, and

WHEREAS, county governments have also been assigned a greater role in solving area-wide problems involving air pollution, water pollution, solid waste disposal, airports, transit systems, regional parks, and other issues, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That the Florida Senate recognizes April 7 through April 13, 1991, as National County Government Week.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to the Florida Association of Counties as a tangible token of the respect of the members of the Florida Senate and in recognition of the many achievements of counties and county governments.

—was taken up out of order by unanimous consent, read the second time in full and adopted.

On motion by Senator Crotty, the rules were waived by unanimous consent and the following resolution was introduced out of order:

By Senators Crotty, Kirkpatrick, Thurman, Gardner and Jennings—

**SR 2432**—A resolution recognizing the contributions of the "high-tech" defense industry in this state to the success of the United States in the Persian Gulf War.

WHEREAS, Florida-based companies played an important role in the United States' success in the Persian Gulf War, and

WHEREAS, a number of these companies develop, produce, and manufacture high-tech equipment and weapons' systems that ensure the safety, freedom, and protection of our nation and its allies, and

WHEREAS, the public in this state and nation have marveled at the technological capability of America's advanced weapons' systems, particularly the Patriot tactical air defense system and the Lantirn navigation and targeting system developed, produced, and manufactured by the Martin Marietta Corporation, and

WHEREAS, Martin Marietta Corporation has enjoyed a distinguished presence in this state since August 1956, when the Glenn L. Martin Company purchased 6,700 acres in southwest Orange County, and

WHEREAS, the headquarters of the Electronics, Information and Missiles Group of the Martin Marietta Corporation in Orange County employs approximately 11,000 persons, and

WHEREAS, Martin Marietta Corporation employs approximately 1,000 additional persons at its Marion County Lantirn program facility, and

WHEREAS, the residents of this state and the Florida Senate take great pride in the fact that this Florida-based corporation has emerged as the "SCUD-busting" hero of the war in the Gulf, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That the Florida Senate commends the employees of the Electronics, Information, and Missiles Group of the Martin Marietta Corporation for their part in securing a successful outcome to the Persian Gulf War, protecting lives, and keeping America strong.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Martin Marietta Corporation as a tangible token of the sentiments of the Florida Senate.

On motion by Senator Crotty, **SR 2432** was read by title and was read the second time in full and adopted.

On motion by Senator Grizzle, the rules were waived by unanimous consent and the following resolution was introduced out of order:

By Senator Grizzle—

**SR 2430**—A resolution recognizing April 9, 1991, as Florida Federation of Business and Professional Women's Clubs Day.

WHEREAS, the Florida Federation of Business and Professional Women's Clubs was organized on June 6, 1919, and has become one of the strongest sources of united womanpower in the history of the United States, and

WHEREAS, the federation is dedicated to improving the status of business and professional women, promoting the interests of all women, and providing educational opportunities for women, and

WHEREAS, the federation actively supports issues relating to child care, pay equity, reproductive freedom, and health care and has fought tirelessly for all issues affecting women and their rights and freedoms, and

WHEREAS, the federation is a strong advocate for the enactment of the Equal Rights Amendment, and

WHEREAS, the federation has an education foundation that provides funding for scholarship houses on the campuses of three state universities and has the goal of providing funding for a house at every state university, and

WHEREAS, the federation has worked diligently during the 1991 legislative session for a bill to ensure safe mammograms for all women in Florida, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That this body takes this opportunity to recognize April 9, 1991, as Florida Federation of Business and Professional Women's Clubs Day and recognizes its president, Suzanne Dalton, for her outstanding leadership of this organization that has been a trailblazer in support of women's issues.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the federation and its president, Suzanne Dalton, as a tangible token of the sentiments of the Florida Senate.

On motion by Senator Grizzle, **SR 2430** was read by title and was read the second time in full and adopted.

#### SPECIAL ORDER

**CS for SB 1336**—A bill to be entitled An act relating to the local option tourist development tax; amending s. 125.0104, F.S.; revising provisions which authorize the levy of an additional tax to pay debt service on bonds for the construction or renovation of a professional sports franchise facility, to provide for use of the tax for such debt service for a motorsport racing or testing facility; amending s. 288.1162, F.S., to conform; amending s. 212.0305, F.S.; allowing an authority to invest and reinvest tax proceeds in the same manner that the municipality in which the authority is located may invest surplus funds; providing an effective date.

—was read the second time by title.

Senator Jenne moved **Amendments 1 and 2** which were adopted.

Senator Bruner moved **Amendment 3** which failed.

On motion by Senator Jenne, by two-thirds vote **CS for SB 1336** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30 Nays—7

**SB 1634**—A bill to be entitled An act relating to parking ticket violations; amending s. 316.1967, F.S.; authorizing cities to provide by ordinance that a tape reel or cartridge be sent to the Department of Highway Safety and Motor Vehicles listing persons who have 3 or more outstanding parking violations; requiring the department to mark the vehicle registration of such persons; reenacting s. 320.03(8), F.S., relating to the issuance of license plates or revalidation stickers to such persons, to incorporate the amendment to s. 316.1967, F.S., in a reference thereto; providing an effective date.

—was read the second time by title.

Senator Jenne moved **Amendments 1 and 2** which were adopted.

On motion by Senator Jenne, by two-thirds vote **SB 1634** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35 Nays—None

**SB 1568**—A bill to be entitled An act relating to the Department of Commerce; amending s. 4, ch. 90-289, Laws of Florida; providing for appropriation of moneys in the Quincentennial Trust Fund to the Department of Commerce; providing an effective date.

—was read the second time by title. On motion by Senator Kiser, by two-thirds vote **SB 1568** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

**CS for SB 1704**—A bill to be entitled An act relating to substance abuse education courses; amending ss. 316.192, 316.193, F.S.; providing for cancellation of the driving privilege of a person referred to substance abuse treatment for driving under the influence who fails to report for or complete such treatment; amending s. 322.291, F.S.; correcting a cross-reference; providing an effective date.

—was read the second time by title. On motion by Senator Crenshaw, by two-thirds vote **CS for SB 1704** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

**SB 1802**—A bill to be entitled An act relating to milk and milk products; amending s. 502.012, F.S.; redefining the term "raw milk" and defining the terms "milkfat" and "butterfat"; authorizing the Department of Agriculture and Consumer Services to issue temporary marketing permits for certain milk products; providing for a fee; amending s. 502.191, F.S.; updating certain resource materials used by the department for the adoption of rules; providing an effective date.

—was read the second time by title. On motion by Senator Souto, by two-thirds vote **SB 1802** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—None

**SB 1180**—A bill to be entitled An act relating to environmental permits; amending s. 403.0877, F.S.; authorizing the Department of Environmental Regulation or the governing board of a water management district to require certification of certain professionals performing services as part of corrective action of activity regulated under ch. 373, F.S., ch. 376, F.S., or ch. 403, F.S.; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation recommended **Amendment 1** which was moved by Senator Thurman and adopted.

On motion by Senator Thurman, by two-thirds vote **SB 1180** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36 Nays—None

**CS for SB 976**—A bill to be entitled An act relating to food safety protection standards; amending s. 381.061, F.S.; exempting hospitals, nursing homes, and certain facilities sharing central kitchens with nursing homes or hospitals from certain food safety protection standards; providing an effective date.

—was read the second time by title. On motion by Senator McKay, by two-thirds vote **CS for SB 976** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

On motions by Senator McKay, by two-thirds vote—

**HB 1341**—A bill to be entitled An act relating to honeybees; amending s. 586.11, F.S.; deleting an inspection requirement for bees moved into the state; providing an effective date.

—a companion measure, was substituted for **SB 1398** and by two-thirds vote read the second time by title. On motion by Senator McKay, by two-thirds vote **HB 1341** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

**CS for SB 602**—A bill to be entitled An act relating to health insurance; creating s. 250.341, F.S.; prohibiting changes in coverage or premium increases for members of the Florida National Guard or United States military reserves while on active military duty unless coverage changes are requested; providing for such persons to reinstate such coverage without a waiting period or disqualification upon their return from active duty; requiring coverage available to insured employee's dependent under the CHAMPUS program to be considered in the payment of benefit; requiring notification of intent to invoke certain provisions of this act; providing that an employee group health insurance policy is not required to provide coverage to a person serving on active military duty; providing an effective date.

—was read the second time by title. On motion by Senator Weinstein, by two-thirds vote **CS for SB 602** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—None

**CS for SB 586**—A bill to be entitled An act relating to real estate; amending s. 475.045, F.S.; revising language with respect to the duties of the Foundation Advisory Committee to the Florida Real Estate Commission Education and Research Foundation; amending s. 475.22, F.S.; providing requirements with respect to brokers whose registered office is located outside the State of Florida; amending s. 475.25, F.S.; revising language with respect to discipline; amending s. 475.5015, F.S.; revising language with respect to brokerage business records; providing an effective date.

—was read the second time by title. On motion by Senator Kurth, by two-thirds vote **CS for SB 586** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—1

**SB 594**—A bill to be entitled An act relating to the offense of witness tampering; amending s. 914.22, F.S.; revising the elements of the offense to prohibit influencing a person to testify untruthfully; deleting the affirmative defense of lawful conduct; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote **SB 594** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

**CS for SB 598**—A bill to be entitled An act relating to amateur radio communication; creating ss. 125.0185, 166.0435, F.S.; prohibiting counties and municipalities from enacting or enforcing restrictive ordinances governing amateur radio antennas; providing for construction of such antennas in conformance with federal requirements; providing for the application of the act; providing an effective date.

—was read the second time by title.

Senator Crotty moved **Amendments 1 and 2** which were adopted.

On motion by Senator Crotty, by two-thirds vote **CS for SB 598** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36 Nays—1

**SB 710**—A bill to be entitled An act relating to the service districts of the Department of Health and Rehabilitative Services; amending s. 20.19, F.S.; transferring St. Johns County from one subdistrict of a service district to another subdistrict; providing an effective date.

—was read the second time by title. On motion by Senator Bankhead, by two-thirds vote **SB 710** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

Consideration of **SB 646** was deferred.

**SB 2026**—A bill to be entitled An act relating to periodic legislative review of regulatory functions and advisory bodies, commissions, and boards of trustees adjunct to executive agencies; repealing the following regulatory laws and providing for review of such laws pursuant to s. 11.61, F.S., the Regulatory Sunset Act, in advance of their respective repeal dates: ss. 112.0455(12), (17), 440.102(9), F.S., relating to regulation of drug testing laboratories under the Drug-Free Workplace Act and drug-free workplace program requirements; s. 320.6975, F.S., relating to procedures and remedies applicable to distributor agreements; ss. 325.221, 325.222, 325.223, F.S., relating to regulation of businesses that may release motor vehicle refrigerants; s. 334.075, F.S., relating to minimum standards for drawbridge operators; s. 367.0815, F.S., relating to fees and costs to be paid by public utilities in certain instances; ss. 395.0172, 395.104, F.S., relating to private utilization review and rural hospital programs; ss. 400.045, 413.614, F.S., relating to transitional living facilities for spinal-cord-injured persons and head-injured persons; s. 465.035, F.S., relating to dispensing of medical drugs pursuant to facsimile of prescription; ss. 475.5015, 475.5017, F.S., relating to brokerage business records and injunctive relief; ss. 483.601, 483.610, 483.611, 483.612, 483.613, 483.614, 483.615, 483.616, 483.617, 483.618, 483.619, 483.620, 483.621, 483.622, 483.623, 483.624, F.S., relating to cholesterol screening centers; ss. 489.128, 489.134, F.S., relating to contracts performed by unlicensed construction contractors and authority of licensed job scope; ss. 489.532, 489.538, F.S., relating to unlicensed electrical and alarm system contractors and authority of licensed job scope; s. 491.0112, F.S., relating to sexual misconduct by a psychotherapist and penalties therefor; ss. 501.012, 501.0125, 501.013, 501.014, 501.015, 501.016, 501.017, 501.018, 501.019, F.S., relating to the regulation of health studios; s. 527.021, F.S., relating to registration of transport vehicles for liquefied petroleum gas; ss. 509.036, 509.2112, F.S., relating to public food inspector standardization and inspection rules for hotels and motels three stories or more in height; ss. 627.0915, 627.1615, 627.162, F.S., relating to rate filings, applicant discrimination, and premium installments with respect to workers' compensation insurance coverage; ss. 627.6737, 627.6741, 627.6742, 627.6743, 627.6744, F.S., relating to medicare supplement policies; s. 634.045, F.S., relating to guarantee agreements with respect to motor vehicle service agreement companies; s. 634.4065, F.S., relating to guarantee agreements with respect to service warranty associations; repealing the following laws relative to bodies adjunct to executive agencies and providing for review of such laws pursuant to s. 11.611, F.S., the Sundown Act, in advance of their dates of repeal: s. 39.024(2), F.S., relating to the Juvenile Justice Standards and Training Council; s. 228.502(1)(a), (12), F.S., relating to the Education Success Incentive Council; s. 229.603(2)(e), F.S., relating to a grant review panel to the Instructional Technology Grant Program; s. 240.5291(1), F.S., relating to the advisory committee for teaching profession enhancement grant awards; s. 265.609(2)(d), F.S., relating to grant review panels of the Florida Arts Council; ss. 288.801, 288.802, 288.803, 288.8032, 288.804, 288.8041, 288.805, 288.806, 288.807, 288.808, 288.809, 288.810, 288.811, 288.812, 288.813, 288.814, 288.815, 288.816, 288.817, 288.818, 288.819, 288.820, 288.821, 288.822, 288.823, 288.824, 288.825, 288.826, 229.6051, 229.6056, 240.137(6), (7), (8), F.S., relating to the Florida International Affairs Commission, its duties, and its affiliated entities; s. 409.1755, F.S., relating to the One Church, One Child of Florida Corporation; ss. 446.22(1), 446.25(3), F.S., relating to the State Job Training Coordinating Council; s. 597.0021(5), F.S., relating to the Aquaculture Review Council and the Aquaculture Interagency Coordinating Council; s. 624.91, F.S., relating to the Florida Healthy Kids Corporation; s. 943.1755(5), (6), (7), F.S., relating to the policy board of the Florida Criminal Justice Executive Institute; ss. 945.6031, 945.6032, F.S., relating to the Correctional Medical Authority; ss. 953.003(11), 953.004(2)(b), (c), (e), (6), (7), 953.007(4), (5), (7), 953.008(1)(a), (3)(b), (4)(a), (d), (f), (5)(d), 953.25(2)(a), (5), 953.35, F.S., relating to the Drug Offender Advisory Board; amending s. 39.023, F.S., relating to the review of the Commission on Juvenile Justice under s. 11.611, F.S., the Sundown Act, to eliminate review under that act and to provide for repeal and review of such provisions outside the provisions of that act; amending s. 240.4068, F.S., relating to recipients of scholarship loans for nonpublic secondary schools under the "Chappie" James Most Promising Teacher Scholarship Loan Program; reorganizing the section; repealing provisions relating to a committee to select recipients of such scholarship loans and providing for review of such provisions pursuant to s. 11.611, F.S., the Sundown Act; providing for review of s. 331.3101, F.S., relating to the Spaceport Florida Authority, by the Legislature; amending s. 409.2675, F.S., relating to the shared county and state health care program for low-income persons; reorganizing the section;

repealing provisions relating to duties of a work group to develop rules under such section and providing for review of such provision pursuant to s. 11.611, F.S., the Sundown Act; amending s. 52, ch. 90-119, Laws of Florida, relating to the repeal of certain provisions concerning insurance rates and contracts; deleting erroneous reference to s. 627.0654, F.S.; providing for future repeal of s. 627.745, F.S., relating to mediation of claims and providing for review of such section pursuant to s. 11.611, F.S., the Sundown Act; repealing s. 3, ch. 90-130, Laws of Florida, relating to the repeal of s. 240.552, F.S., the Florida Prepaid Tuition Scholarship Program, under s. 11.611, F.S., the Sundown Act; providing for repeal and review of s. 240.552, F.S., outside of that act; repealing s. 34, ch. 90-134, Laws of Florida, relating to the repeal of certain provisions of s. 458.347, F.S., regarding physician assistant certification; postponing the repeal date of such provisions; removing from review and repeal s. 320.08065, F.S., relating to the Florida panther license plate, notwithstanding the repeal scheduled under s. 2, ch. 90-192, Laws of Florida; amending s. 5, ch. 90-277, Laws of Florida, relating to the expiration of Tropical Fruit Policy Act; providing for review and repeal of provisions relating to that act under s. 11.611, F.S., the Sundown Act; repealing ss. 98, 99, and 100, ch. 90-201, Laws of Florida, as amended by s. 41, ch. 91-5, Laws of Florida, abrogating the repeal of certain sections relating to the Florida International Affairs Commission and its related entities, to conform to repeal provided in this act; providing an effective date.

—was read the second time by title. On motion by Senator Malchon, by two-thirds vote **SB 2026** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35      Nays—None

**CS for SB 356**—A bill to be entitled An act relating to tanning facilities; providing definitions; providing applicability; providing for licensure and fees and for discipline; providing for warning statements and signs; regulating the operation of tanning facilities; requiring reporting of injuries; providing for inspections; providing for criminal and administrative penalties and injunctive relief; providing for rules; providing for future repeal and legislative review under the Regulatory Sunset Act; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote **CS for SB 356** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33      Nays—3

On motion by Senator Thomas, the rules were waived and **CS for SB 356** was ordered immediately certified to the House.

**CS for SB 410**—A bill to be entitled An act relating to the Community Hospital Education Council; amending s. 381.503, F.S.; revising the composition of the Community Hospital Education Council; providing for the length of terms for council members; abrogating the repeal of s. 381.503(5), F.S., scheduled pursuant to the Sundown Act; providing for future legislative review and repeal of s. 381.503(5), F.S.; providing an effective date.

—was read the second time by title.

Senator Walker moved **Amendment 1** which was adopted.

On motion by Senator Walker, by two-thirds vote **CS for SB 410** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36      Nays—None

Consideration of **CS for SB 412** was deferred.

On motions by Senator Walker, by two-thirds vote **HB 569** was withdrawn from the Committees on Education; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Walker—

**HB 569**—A bill to be entitled An act relating to public health facilities; repealing part V of chapter 154, F.S., which comprises the State Health Facilities Authority Law; providing an effective date.

—a companion measure, was substituted for **SB 416** and read the second time by title. On motion by Senator Walker, by two-thirds vote **HB 569** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38      Nays—None

**CS for SB 554**—A bill to be entitled An act relating to education; reviving and readopting s. 229.053(2)(m), F.S., relating to the duty of the State Board of Education to create subordinate advisory bodies; providing for future repeal and review; providing an effective date.

—was read the second time by title. On motion by Senator Walker, by two-thirds vote **CS for SB 554** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36      Nays—None

On motions by Senator Walker, by two-thirds vote—

**HB 2087**—A bill to be entitled An act relating to the hearing impaired; transferring the Florida Council for the Hearing Impaired from the Department of Education to the Department of Labor and Employment Security; amending and renumbering s. 229.8361, F.S., relating to the council; revising membership provisions; amending ss. 427.503, 427.504, and 427.506, F.S., relating to the Telephone Communication Services for the Deaf Act; revising definitions, correcting cross references, revising certification procedures, deleting obsolete language, and revising standards for telecommunications devices; repealing s. 427.508, F.S., relating to dual-party relay system; saving s. 229.8361 and part II of chapter 427, F.S., from Sundown repeal; providing for future review and repeal; providing an effective date.

—a companion measure, was substituted for **CS for SB 412** and by two-thirds vote read the second time by title.

Senator Walker moved **Amendments 1 and 2** which were adopted.

On motion by Senator Walker, by two-thirds vote **HB 2087** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37      Nays—None

Consideration of **CS for SB 558** was deferred.

On motions by Senator Dantzler, by two-thirds vote **HB 1263** was withdrawn from the Committees on Agriculture and Governmental Operations.

On motion by Senator Dantzler—

**HB 1263**—A bill to be entitled An act relating to confidentiality of records relating to pesticides; amending ss. 487.031, 487.041, 487.0615, and 487.160, F.S., which provide exemptions from public records requirements for certain records of the Department of Agriculture and Consumer Services, the Pesticide Review Council, and licensed pesticide applicators; saving such exemptions from repeal; providing for future review and repeal; providing an effective date.

—a companion measure, was substituted for **CS for SB 576** and read the second time by title. On motion by Senator Dantzler, by two-thirds vote **HB 1263** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38      Nays—None

**CS for CS for SB 582**—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; deleting the requirement that members of the Florida Transportation Commission be appointed to staggered terms; deleting the requirement that the commission review all construction, design, and maintenance standards issued by the Department of Transportation; deleting obsolete language; providing that four members of the commission constitute a quorum; providing for the appointment of an assistant executive director; providing for the Office of the Florida Turnpike; specifying duties of such office; amending s. 206.46, F.S.; revising the amount of funds that must be transferred annually from the State Transportation Trust Fund into the Right-of-Way Acquisition and Bridge Construction Trust Fund; amending s. 215.605, F.S.; providing procedures for the use of excess moneys in that fund; amending s. 218.32, F.S.; relating to financial reports of local governments; revising procedures for the reporting of local mileage; deleting a requirement that the department provide a comprehensive report on such mileage to the Legislature; amending s. 333.025, F.S.; revising language with respect to permits for structures exceeding federal obstruction standards; revising nautical mile limits for permit requirements; including reference to political subdivisions and airport zoning boards with respect to the issuance or denial of a permit; providing additional zoning factors; providing for compliance with the federal notification of proposed construction require-

ment and a valid aeronautical evaluation; amending s. 334.03, F.S.; revising the definition of the term "Florida Intrastate Highway System"; amending s. 335.074, F.S.; relating to the department's bridge inspection report; revising procedures relating to such report; amending s. 335.20, F.S., relating to the Local Government Transportation Assistance Act; deleting obsolete language; deleting procedures for the redistribution of unallocated funds; providing that the department may fund up to 50 percent of the costs of a project funded under the act; amending s. 337.106, F.S., relating to professional liability insurance; providing exceptions; amending s. 337.11, F.S.; repealing the requirement that a bond be posted to protest certain bid solicitations and otherwise revising the posting requirement with respect to other types of protest; amending s. 337.175, F.S., relating to retainage; deleting a provision prohibiting certain contractors from substituting securities, certificates of deposit, and irrevocable letters of credit in lieu of retainage; amending s. 337.18, F.S.; revising the schedule of liquidated damages on certain contracts; reenacting s. 337.18(5), F.S., relating to incentive payments to contractors for early completion and to assessment of additional damages for a contractor's failure to complete work on time; amending s. 337.185, F.S., relating to the State Arbitration Board; authorizing the board to hear certain claims in excess of \$100,000 but not exceeding \$250,000; deleting the prohibition on any member of the board serving more than 3 consecutive terms; authorizing the board to assess a fee not to exceed \$1,000 per claim for claims in excess of \$100,000; amending s. 337.221, F.S., relating to claims settlement; deleting the requirement that the department adopt a rule providing for the resolution of contract claims; requiring the department to establish a process for the resolution of such claims; requiring review of any claim in excess of \$500,000; providing that claims not resolved through the department's process may be pursued in the state arbitration board or in circuit court; requiring an annual report to the Legislature on claims settlements; amending s. 337.25, F.S., relating to the disposal of real property acquired by the department; authorizing the department to use staff appraisers when the department initiates such disposal; amending s. 337.273, F.S.; deleting obsolete language; amending s. 337.26, F.S.; authorizing the Administrator of Florida's Turnpike to execute a sale, lease, or conveyance of property located on the Turnpike system if authorized by the secretary of the department; amending s. 337.27, F.S.; authorizing the secretary to delegate the authority to execute eminent domain resolutions to the Administrator of Florida's Turnpike; amending s. 337.276, F.S.; providing procedures for the advancement of construction phases that use advanced acquisition of rights-of-way; authorizing the use of right-of-way bonds to purchase right-of-way where necessary to ensure the continued availability of previously donated right-of-way for a project; amending s. 337.407, F.S., relating to regulation by local governments of the installation of benches and shelters with advertising within rights-of-way; authorizing such installation without public bids; ratifying certain existing contracts; amending s. 338.001, F.S.; repealing the requirement that the Florida Intrastate Highway System be adopted by affirmative action of the Legislature; requiring that projects on the system be specifically identified in the Department of Transportation's tentative work program; requiring that an annual status report on the system be presented to the legislative transportation committees; amending s. 338.221, F.S.; revising the definition of the term "economically feasible" as used in the Florida Turnpike Law; amending s. 338.223, F.S.; authorizing the use of State Transportation Trust Fund moneys on proposed turnpike projects under certain conditions; providing that such funds are not required to be reimbursed except as provided in the General Appropriations Act or implementing bill; authorizing the use of turnpike funds to pay for studies of proposed turnpike projects; amending s. 338.227, F.S., relating to turnpike revenue bonds, to conform that section to changes made by this act; amending s. 338.2275, F.S.; deleting maximum authorized costs imposed on certain turnpike projects; providing for the establishment of a contingency amount for such a project; limiting the cost of such projects; providing procedures for exceeding such costs under certain circumstances; amending s. 338.250, F.S.; specifying that the Department of Environmental Regulation is responsible for approval of mitigation plans submitted by water management districts in connection with construction of beltways; amending s. 338.251, F.S.; providing that the Department of Transportation is not required to pay interest when repaying advances from the Toll Facilities Revolving Trust Fund; providing a schedule for such repayments; amending s. 339.08, F.S.; prohibiting the use of State Transportation Trust Fund moneys to pay the administrative expenses of commuter rail authorities that do not operate rail service; amending s. 339.135, F.S.; providing exceptions from the requirement that the planned date of construction using advanced acquisition of rights-of-way be identified in the tentative work program; amending s. 341.031, F.S.; revising definition of the term "transit corridor

project" as used in the Florida Public Transit Act; amending s. 341.051, F.S.; providing that state funding of the capital costs of certain public transit projects may not exceed the local share of such costs; deleting limitations on state funding for public transit capital projects; amending s. 341.052, F.S.; revising the formula for distribution of public transit block grants; revising limitations applicable to the use of such funds; providing procedures for the reallocation of unused, unusable, or improperly used public transit block grant funds; amending s. 341.102, F.S.; deleting the prohibition against local governments enacting economic regulations upon the use of certain nonpublic-sector buses engaged in intracity transportation; providing such prohibition for nonpublic-sector buses engaged in intercity transportation; providing applicability; requiring compliance with applicable state insurance regulations; amending s. 348.0012, F.S.; revising exclusions from applicability of the Florida Expressway Authority Act; amending s. 59, ch. 90-136, Laws of Florida; revising deadlines and procedures for the preparation and submission of a report on functional classification of roads; providing for public hearing; providing legislative approval of the Downtown I-4/Systems Interchange project; repealing s. 337.241, F.S., relating to maps of reservation; providing an effective date.

—was read the second time by title.

Senator Forman moved **Amendments 1, 2, 3, 4, 5, 6, 7, 8 and 9** which were adopted.

Senator Brown moved **Amendments 10 and 11** which were adopted.

Senator Davis moved **Amendments 12 and 13** which were adopted.

Senators Crotty and Jennings offered **Amendments 14, 15, 16 and 17** which were moved by Senator Crotty and adopted.

Senator Gordon moved **Amendment 18** which failed.

Senator Gordon moved **Amendment 19** which failed. The vote was:

Yeas—15      Nays—22

On motion by Senator Forman, by two-thirds vote **CS for CS for SB 582** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37      Nays—2

**CS for SB 632**—A bill to be entitled An act relating to health care service programs; amending ss. 641.201, 641.21, F.S.; deleting obsolete language to conform to changes made by the act; providing additional requirements for persons applying for a certificate of authority from the Department of Insurance to operate a health maintenance organization; requiring the Department of Health and Rehabilitative Services to adopt rules governing the operation of certain organizations providing prepaid health care and social services; amending s. 641.22, F.S.; providing additional requirements for obtaining a certificate of authority to operate a health maintenance organization; amending s. 641.221, F.S.; providing requirements for expanding the service area of a health maintenance organization; amending s. 641.23, F.S.; providing additional circumstances under which the department may revoke an organization's certificate of authority; providing a penalty; creating s. 641.275, F.S.; requiring periodic examinations of the quality of health care services provided by health maintenance organizations; exempting certain medical records and examination reports from public records law; providing for future legislative review of these exemptions pursuant to the Open Government Sunset Review Act; providing for subpoenas and enforcement thereof; providing a penalty; providing for the examination of health maintenance organizations that operate under certificates issued by the Department of Health and Rehabilitative Services prior to a specified date; amending s. 641.28, F.S.; deleting obsolete provisions; amending s. 641.29, F.S.; requiring health maintenance organizations to pay an annual assessment; providing for deposit of assessment proceeds into the Health Care Services Trust Fund; creating s. 641.295, F.S.; establishing the Health Care Services Trust Fund; providing for the transfer of certain funds in the Health Maintenance Organization Quality Care Trust Fund into the Health Care Services Trust Fund on a specified date; amending s. 641.30, F.S.; providing circumstances under which certain health maintenance organizations are exempt from specified hospital licensing requirements; transferring, renumbering, and amending s. 641.51, F.S.; prohibiting modification of the professional judgment of certain health care providers under certain circumstances; transferring, renumbering, and amending s. 641.55, F.S.; requiring the Department of Insurance to administer the internal risk management programs of health maintenance organizations;

continuing the exemption of certain reports and records from public records law; providing for future review of these exemptions pursuant to the Open Government Sunset Review Act; transferring, renumbering, and amending s. 641.54, F.S., relating to hospital and physician information disclosure; amending s. 641.31, F.S.; requiring health maintenance organizations to provide additional notification regarding subscriber's rights and the organization's grievance process; creating s. 641.31085, F.S.; providing requirements for a subscriber grievance procedure; requiring the department to investigate unresolved grievances; amending s. 641.311, F.S.; authorizing the department to provide for additional members on the grievance review panel; amending s. 641.401, F.S.; providing an additional legislative purpose in regulating prepaid health clinics; amending s. 641.402, F.S.; providing a definition; amending s. 641.405, F.S.; providing additional requirements for persons applying for a certificate of authority from the Department of Insurance to operate a prepaid health clinic; requiring the Department of Health and Rehabilitative Services to adopt rules governing the operation of certain clinics providing prepaid health care and social services; amending s. 641.406, F.S.; providing additional requirements for obtaining a certificate of authority to operate a prepaid health clinic; amending s. 641.412, F.S.; requiring prepaid health clinics to pay an annual assessment; providing for deposit of assessment proceeds into the Health Care Services Trust Fund; creating s. 641.4185, F.S.; requiring periodic examinations of the quality of health care services provided by prepaid health clinics; exempting certain medical records and examination reports from public records law; providing for future legislative review of these exemptions pursuant to the Open Government Sunset Review Act; providing for subpoenas and enforcement thereof; providing a penalty; providing for the examination of prepaid health clinics that operate under certificates issued by the Department of Health and Rehabilitative Services prior to a specified date; creating s. 641.4187, F.S.; requiring prepaid health clinics to establish internal quality assurance programs; providing program requirements; prohibiting modification of the professional judgment of certain health care providers under certain circumstances; providing prepaid health clinic subscribers the right to a second medical opinion under certain circumstances; amending s. 641.45, F.S.; providing additional circumstances under which the department may revoke a clinic's certificate of authority; amending s. 641.455, F.S.; conforming provisions to changes made by the act; saving existing rules adopted pursuant to part IV of ch. 641, F.S.; providing for a type four transfer of the regulation of health care services from the Department of Health and Rehabilitative Services to the Department of Insurance; repealing ss. 641.47, 641.48, 641.49, 641.495, 641.515, 641.52, 641.56, 641.57, 641.58, F.S., relating to health care services; reviving and readopting parts II and III of ch. 641, F.S., notwithstanding repeals scheduled pursuant to the Regulatory Sunset Act; providing for future review and repeal; providing an effective date.

—was read the second time by title.

Senator Malchon moved **Amendments 1 and 2** which were adopted.

Senators Meek and Girardeau offered **Amendment 3** which was moved by Senator Girardeau and adopted.

On motion by Senator Malchon, by two-thirds vote **CS for SB 632** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38      Nays—None

#### RECONSIDERATION

On motion by Senator Meek, the rules were waived and the Senate reconsidered the vote by which **CS for SB 632** as amended passed this day.

On motion by Senator Meek, by two-thirds vote the Senate reconsidered the vote by which **CS for SB 632** was read the third time.

Senators Meek and Girardeau offered **Amendment 4** which was moved by Senator Meek and adopted.

On motion by Senator Malchon, by two-thirds vote **CS for SB 632** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36      Nays—None

**CS for SB 904**—A bill to be entitled An act relating to state prison inmates; amending s. 947.1405, F.S.; requiring the Parole Commission to determine the status of victim restitution before setting the terms and

conditions of the conditional release of certain inmates; requiring the commission to determine an inmate's eligibility for conditional release upon his admission to a state correctional facility; requiring the commission to gather information relating to the victim of such an inmate; requiring the commission to adopt rules to implement the conditional release program rules by a specified date; providing an effective date.

—was read the second time by title.

Senator Grant moved **Amendments 1 and 2** which were adopted.

On motion by Senator Bruner, by two-thirds vote **CS for SB 904** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34      Nays—None

**CS for SB 906**—A bill to be entitled An act relating to mentally disordered sex offenders; repealing ss. 917.012, 917.014, 917.016, 917.017, 917.018, 917.019, 917.021, F.S., relating to the identification and disposition of mentally disordered sex offenders; providing an effective date.

—was read the second time by title. On motion by Senator Bruner, by two-thirds vote **CS for SB 906** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37      Nays—None

**CS for SB 558**—A bill to be entitled An act relating to the sale of money orders; amending ss. 560.01, 560.02, 560.03, 560.04, 560.06-560.11, 560.16, F.S.; deleting obsolete language; updating, simplifying, and clarifying certain language; revising qualifications for a license to engage in business of selling money orders; amending s. 560.05, F.S.; eliminating requirement that license applications be made in writing and under oath; creating s. 560.131, F.S.; providing grounds for disciplinary action against a licensee; creating s. 560.133, F.S.; providing for department investigations and examinations and the handling of complaints; amending s. 560.135, F.S.; providing powers of the department; amending s. 560.151, F.S.; providing for the collection of fees, charges, and fines and for deposit into the State Treasury to the credit of the Division of Finance's Regulatory Trust Fund; amending s. 560.17, F.S.; providing a penalty; repealing s. 560.13, F.S., relating to revocation of a license to sell money orders and inspections of books and records; repealing s. 560.137, F.S., which authorizes injunctions against violators; repealing s. 560.138, F.S., which authorizes cease and desist orders and administrative fines; repealing s. 560.15, F.S., which authorizes rules; repealing s. 560.201, F.S., which requires the recording of the sale of certain money orders; reviving and readopting portions of ch. 560, F.S., notwithstanding its scheduled repeal; providing for future repeal and review pursuant to the Regulatory Sunset Act; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **CS for SB 558** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37      Nays—None

**SB 954**—A bill to be entitled An act relating to workers' compensation; reenacting and amending s. 440.515, F.S.; notwithstanding its scheduled repeal pursuant to s. 119.14, F.S., the Open Government Sunset Review Act; exempting reports filed by self-insurers with the Division of Workers' Compensation of the Department of Labor and Employment Security from public inspection requirements; providing that the exemption is subject to the Open Government Sunset Review Act; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 954** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36      Nays—None

**SB 1138**—A bill to be entitled An act relating to public employees; amending s. 447.203, F.S.; providing that a reference to public information appearing within a definition of the term "good faith bargaining" does not constitute an exemption from s. 286.011, F.S., or ch. 119, F.S., and is not subject to Open Government Sunset Review; amending s. 447.205, F.S.; providing that an exemption from the public records and meetings requirements for draft orders and deliberations of the Public Employees Relations Commission concerning issuance of final orders is subject to s. 119.14, F.S., the Open Government Sunset Review Act; continuing the exemption and providing for future legislative review and

repeal of the exemption pursuant to that act; amending s. 447.307, F.S.; continuing and amending an exemption for employee collective bargaining agent certification petitions from ch. 119, F.S., relating to public records; providing for future legislative review and repeal of the exemption pursuant to the Open Government Sunset Review Act; amending s. 447.409, F.S.; providing that a provision for providing records to a special master conducting a labor impasse proceeding does not exempt the records from s. 286.011, F.S., or ch. 119, F.S., and is not subject to the Open Government Sunset Review Act; amending s. 447.503, F.S.; revising a provision relating to evidence filed with the Public Employers Relations Commission to review charges of an unfair labor practice; amending s. 447.605, F.S.; continuing an exemption from public records requirements for the work product of a public employer in preparing for collective bargaining; providing for future legislative review and repeal of the exemption pursuant to the Open Government Sunset Review Act; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 1138** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

**CS for SB 670**—A bill to be entitled An act relating to protection of persons from abuse, neglect, and exploitation; repealing s. 415.102(11), F.S.; excluding certain officers and employees from the definition of “caregiver”; deleting the definition of the term “indicated-perpetrator undetermined report” for purposes of provisions relating to the abuse, neglect, or exploitation of aged persons; amending s. 415.103, F.S.; deleting provisions relating to classifying such reports in the central abuse registry and tracking system within the Department of Health and Rehabilitative Services; amending s. 415.104, F.S.; providing requirements for persons representing alleged perpetrators in investigations of abuse, neglect, or exploitation; providing for indexing, retention, and confidentiality of closed unclassified reports; providing for reports to be closed without classification; allowing a longer retention period for certain unfounded reports; deleting terminology made obsolete by the act; amending s. 415.107, F.S.; deleting provisions relating to the confidentiality of reports classified as “indicated-perpetrator undetermined”; adding provisions relating to the confidentiality of unclassified reports; authorizing the department to charge a fee for searching reports in the central abuse registry and tracking system; amending s. 415.111, F.S.; providing procedures relating to repeated unfounded reports; providing for submission of information to the State Attorney; repealing s. 415.503(10), F.S.; deleting the definition of the term “indicated-perpetrator undetermined report” for purposes of provisions relating to child abuse or neglect; specifying persons responsible for a child’s welfare; amending s. 415.504, F.S.; requiring the department to transfer certain reports to local law enforcement agencies; deleting provisions pertaining to classifying such reports in the central abuse registry and tracking system within the department; providing for indexing, retention, and confidentiality of closed unclassified reports; allowing a longer retention period for certain unfounded reports; amending s. 415.505, F.S.; providing requirements for persons representing alleged perpetrators in certain child protective investigations; deleting terminology made obsolete by the act; providing for a report to be closed without classification; providing for the termination of certain restrictive actions upon a finding that a report of child abuse or neglect is unfounded or closed without classification; amending s. 415.51, F.S.; deleting provisions relating to confidentiality of reports of child abuse or neglect which are classified as “indicated-perpetrator undetermined”; adding provisions relating to the confidentiality of unclassified reports; authorizing the department to charge a fee for searching reports in the central abuse registry and tracking system; amending s. 415.513, F.S.; providing procedures relating to repeated unfounded reports; providing for submission of information to the State Attorney; requiring the department to remove the classification of all existing indicated reports or indicated-perpetrator undetermined reports prior to a specified date; allowing the department to retain such information; authorizing the department to reclassify such reports; prohibiting use of information other than for specified purposes; requiring the development of a plan to ensure coordination of activities and elimination of duplication regarding abuse investigations in adult facilities; providing an effective date.

—was read the second time by title.

Senator Weinstock moved **Amendments 1 and 2** which were adopted.

On motion by Senator Weinstock, by two-thirds vote **CS for SB 670** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35 Nays—1

On motion by Senator Weinstock, the rules were waived and **CS for SB 670** was ordered immediately certified to the House.

Consideration of **SB 644** was deferred.

**SB 702**—A bill to be entitled An act relating to hunting and fishing licenses; reenacting s. 372.561(5)(b), F.S.; providing for certain totally and permanently disabled persons to be certified by any branch of the United States Armed Forces or the United States Social Security Administration to receive permanent hunting and fishing licenses; reenacting and amending s. 372.57, F.S.; providing that the turkey stamp used for hunting need not bear the name of the person to whom it is issued; changing fees and conditions with respect to certain nonresident hunting licenses; authorizing the Game and Fresh Water Fish Commission to designate certain free fishing days; deleting an expired provision that provides for reciprocal licensing of certain Georgia and Alabama residents; reenacting s. 372.571, F.S., relating to expiration of licenses and stamps, to conform to the act; reenacting s. 372.661, F.S.; providing for a commercial hunting preserve license; providing a fee; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation recommended **Amendments 1, 2, 3 and 4** which were moved by Senator Brown and adopted.

On motion by Senator Brown, by two-thirds vote **SB 702** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33 Nays—None

**SB 900**—A bill to be entitled An act relating to agency orders issued pursuant to the Administrative Procedure Act; amending s. 119.041, F.S.; prohibiting state agencies from disposing of records of certain agency orders; requiring each state agency to permanently maintain those records pursuant to rules of the Department of State; amending s. 120.53, F.S.; specifying the types of state agency orders that the agency must include in a subject-matter index that the agency must make available for public inspection and copying; specifying other information that each state agency must make available for public inspection and copying; requiring the department to establish procedures for state agencies to follow in indexing rules and orders; requiring approval of the department of state agency procedures for indexing rules and orders and making information available to the public; revising requirements for the preservation of records of agency orders; providing for the publication of such orders in a designated reporter approved by or published by the department; authorizing the department to make such reporter available by annual subscription and to charge an agency a space rate to pay the cost of publishing the reporter; amending s. 120.59, F.S.; providing that certain final orders of state agencies must have the complete text of materials incorporated by reference attached to the order or must include a statement that specifies the location of such materials; requiring state agencies to number certain final orders in a certain manner; requiring state agencies to permanently preserve, pursuant to rules of the department, certain agency orders, subject-matter indexes, and lists that must be made available to the public; requiring the department to adopt rules to coordinate the indexing, listing, and preservation of orders and other information of state agencies that must be made available for public inspection and copying; requiring the department to provide by rule for storage and retrieval systems for state agencies to index and preserve agency orders; requiring the department to determine which of the final orders of each state agency must be included in a subject-matter index that must be made available to the public; authorizing the department to obtain assistance and information from public officers and state agencies to coordinate and administer the indexing, listing, and publication of agency orders; requiring each state agency by a specified date to submit to the department for approval its plans for coordinating and establishing procedures for indexing, listing, and publishing agency orders; providing an effective date.

—was read the second time by title. On motion by Senator Kiser, by two-thirds vote **SB 900** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—1

**CS for SB 1282**—A bill to be entitled An act relating to public lodging and food service establishments; amending s. 509.013, F.S.; removing certain vending machines from the Department of Business Regulation jurisdiction; providing that certain vending machines are excluded from the definition of a "public food service establishment"; revising the definition of a "single complex of buildings"; amending s. 509.032, F.S.; providing for inspection of resort dwellings; amending s. 509.035, F.S.; clarifying language prescribed for use on public health warning signs; amending s. 509.101, F.S.; requiring certain public food service establishments to maintain a registry verifying certain mobile food dispensing vehicle information; amending s. 509.201, F.S.; requiring additional disclosure in certain public displays of lodging rates; exempting resort dwellings from certain advertising requirements; amending s. 509.211, F.S.; expanding the application of certain safety regulations to include all public lodging establishments; amending s. 509.2112, F.S.; expanding the application of certain filing requirements and of certain sanctions for failure to file; amending s. 509.215, F.S.; providing that certain published standards are the ones most recently adopted by the Division of State Fire Marshal of the Department of Insurance; amending s. 509.221, F.S.; exempting resort dwellings from certain sanitary regulations; amending s. 509.241, F.S.; requiring certain public food service establishments to display license numbers in advertisements; amending s. 509.242, F.S.; creating and defining resort dwelling as an additional lodging establishment classification; directing the Division of Hotels and Restaurants of the Department of Business Regulation to study certain issues; providing for a report; amending s. 509.251, F.S.; providing for the licensing of resort dwelling units; amending s. 509.291, F.S.; increasing the membership of the advisory council in the Department of Business Regulation; clarifying the number of voting members; amending s. 509.302, F.S.; authorizing the director of education under certain circumstances to designate funds to support programs in hospitality services; providing for program supervision; providing for rules; providing an appropriation from the Hotel and Restaurant Trust Fund; providing an effective date.

—was read the second time by title. On motion by Senator Diaz-Balart, by two-thirds vote **CS for SB 1282** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35      Nays—None

On motion by Senator Diaz-Balart, the rules were waived and **CS for SB 1282** was ordered immediately certified to the House.

**SB 1658**—A bill to be entitled An act relating to instructional materials; amending s. 229.512, F.S.; requiring the Commissioner of Education to develop selection criteria for instructional materials; amending s. 233.07, F.S.; deleting absolute references; specifying the term of office of members of instructional materials councils; expanding the definition of instructional materials; amending s. 233.09, F.S.; deleting absolute references, specifying criteria to be used for the evaluation of instructional materials; amending s. 233.25, F.S.; providing for the delivery of specimen copies of printed and unprinted materials to state instructional materials councils; repealing s. 233.14(3), F.S., which provides for the availability of specimen materials to state instructional materials councils; continuing ss. 233.07, 233.08, 233.09, 233.10, 233.11, 233.115, 233.14, 233.15, F.S.; providing for future repeal of such sections and their review pursuant to the Sundown Act; providing an effective date.

—was read the second time by title. On motion by Senator Walker, by two-thirds vote **SB 1658** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34      Nays—None

**SB 1664**—A bill to be entitled An act relating to the Advisory Board for the Service Network for the Severely Emotionally Disturbed; amending s. 230.2317, F.S.; providing for the filling of vacancies on the board; continuing the effectiveness of s. 230.2317(2), F.S., notwithstanding its scheduled repeal under the Sundown Act; providing for future expiration of s. 230.2317(2), F.S., and for legislative review pursuant to the Sundown Act; providing an effective date.

—was read the second time by title. On motion by Senator Walker, by two-thirds vote **SB 1664** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35      Nays—None

**CS for SB 1702**—A bill to be entitled An act relating to drivers' licenses; amending s. 316.302, F.S.; exempting certain persons from

described federal requirements with respect to the operation of certain commercial vehicles; amending s. 322.28, F.S.; specifying offenses under former laws which are to be considered by a court in revoking a driver's license; amending s. 322.056, F.S.; increasing the period of drivers' license suspension for youthful drug offenders; amending s. 322.62, F.S.; providing penalties for operating a commercial motor vehicle with any alcohol in the driver's body; amending s. 322.01, F.S.; redefining the term "tank vehicle"; amending s. 322.04, F.S.; exempting certain employees of, and persons under contract with, the U.S. Government from having to hold a Florida driver's license; amending s. 322.08, F.S.; revising language with respect to application for a driver's license to include reference to disqualification; amending s. 322.12, F.S.; providing for a waiver of certain examinations for holders of valid licenses from another state or a province of Canada who apply for a Florida driver's license; amending s. 322.121, F.S.; providing for simplification of examinations to be administered upon renewal of a driver's license; amending s. 322.55, F.S.; revising waiver requirements for the skills portion of the commercial driver's license examination; amending s. 322.21, F.S.; providing for a delinquent fee for certain commercial drivers' license renewals; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended **Amendments 1 and 2** which were moved by Senator Crenshaw and adopted.

Senator Crenshaw moved **Amendments 3 and 4** which were adopted.

On motion by Senator Crenshaw, by two-thirds vote **CS for SB 1702** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35      Nays—None

On motions by Senator Jenne, by two-thirds vote **HB 1879** was withdrawn from the Committees on Governmental Operations, Judiciary and Appropriations.

On motion by Senator Jenne—

**HB 1879**—A bill to be entitled An act relating to the Administrative Procedure Act; creating s. 120.535, F.S.; requiring that certain agency statements be adopted as rules; providing for challenges to statements not adopted by rule; providing for award of costs and attorney's fees; amending s. 120.57, F.S.; providing for review of agency statements relied on in proceedings affecting substantial interests; providing that an agency may not reject or modify certain findings by a hearing officer; providing for de novo review of agency statements not adopted by rule; providing application and effect of statements; amending s. 120.68, F.S.; providing for a stay of a hearing officer's order under certain circumstances; requiring the Division of Administrative Hearings to study and develop a pilot project to establish a text retrieval system for certain orders; providing an effective date.

—a companion measure, was substituted for **CS for SB 1836** and read the second time by title.

Senator Jenne moved **Amendment 1**.

Senator Jenne moved **Amendment 1A** which was adopted.

**Amendment 1** as amended was adopted.

Senator Jenne moved **Amendment 2** which was adopted.

On motion by Senator Jenne, by two-thirds vote **HB 1879** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35      Nays—None

On motions by Senator Souto, by two-thirds vote **CS for HB 211** was withdrawn from the Committees on Professional Regulation and Appropriations.

On motion by Senator Souto—

**CS for HB 211**—A bill to be entitled An act relating to medical practice; amending s. 458.345, F.S.; providing for renewal of registration of resident physicians, assistant resident physicians, house physicians, interns, and fellows in fellowship training leading to subspecialty board certification; requiring a renewal application fee; amending s. 458.347,

F.S., relating to physician assistants; authorizing any community college with state board approval to conduct a physician assistant program; authorizing admittance to unlicensed physicians who are graduates of certain foreign medical schools; providing program requirements; providing for examination of such unlicensed physicians for physician assistant certification; requiring application and examination fees; providing for temporary certification of such unlicensed physicians; modifying existing provisions relating to temporary certification; deleting certain alternative certification provisions; providing an alternative to continuing education requirements; revising terms of members of the Physician Assistant Committee; amending s. 459.022, F.S., relating to osteopathic physician assistants; deleting reference to "osteopathic"; providing an alternative to continuing education requirements; revising temporary certification provisions; revising qualifications and terms of members of the Physician Assistant Committee; amending ss. 154.04, 395.011, and 459.002, F.S.; conforming terminology; providing an effective date.

—a companion measure, was substituted for CS for SB 90 and read the second time by title.

Senator Souto moved **Amendment 1** which was adopted.

Senator Langley moved **Amendment 2** which was adopted.

On motion by Senator Souto, by two-thirds vote CS for HB 211 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33      Nays—None

On motion by Senator Souto, the rules were waived and CS for HB 211 was ordered immediately certified to the House.

#### REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following Special and Continuing Order Calendar for April 9-10, 1991: CS for SB 1336, SB 1634, SB 1568, CS for SB 1704, SB 1802, SB 1180, CS for SB 976, SB 1398, CS for SB 602, CS for SB 586, SB 594, CS for SB 598, SB 710, SB 646, SB 2026, CS for SB 356, CS for SB 410, CS for SB 412, SB 416, CS for SB 554, CS for SB 558, CS for SB 576, CS for CS for SB 582, CS for SB 632, CS for SB 904, CS for SB 906, SB 954, SB 1138, CS for SB 670, SB 644, SB 702, SB 900, CS for SB 1282, SB 1658, SB 1664, CS for SB 1702, CS for SB 1836, CS for SB 90, SB 118, CS for CS for SB 18, CS for SB's 58 and 2294, SB 292, CS for SB 1142, CS for CS for SB 306, CS for SB 674, CS for SB 818, SB 1034, CS for SB 1188, SB 1328, CS for SB 1400, CS for SB 1432, SB 1572, SB 1862, CS for SB 2094, CS for SB's 2224 and 2086, CS for SB 2250, CS for SB 1164

Respectfully submitted,  
*Pat Thomas, Chairman*

The Committee on Corrections, Probation and Parole recommends the following pass: HB 2275 with 7 amendments, HB 2277 with 2 amendments, SB 686

**The bills were referred to the Committee on Appropriations under the original reference.**

The Committee on Commerce recommends the following pass: SB 1770

The Committee on Corrections, Probation and Parole recommends the following pass: SB 1376

**The bills contained in the foregoing reports were placed on the calendar.**

The Committee on Professional Regulation recommends the following not pass: SB 1914

**The bill was laid on the table.**

The Committee on Community Affairs recommends a committee substitute for the following: SB 2182

The Committee on Finance, Taxation and Claims recommends committee substitutes for the following: CS for SB 864, SB 964, CS for SB 1264, SB 1926

The Committee on Health and Rehabilitative Services recommends committee substitutes for the following: SB 1622, CS for SB 2306, SB 2340

**The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Appropriations under the original reference.**

The Committee on Finance, Taxation and Claims recommends a committee substitute for the following: SB 406

The Committee on Health and Rehabilitative Services recommends committee substitutes for the following: SB 1148, SB 1426

The Committee on Judiciary recommends a committee substitute for the following: SB 1510

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 2084

The Committee on Professional Regulation recommends a committee substitute for the following: SB 1894

**The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.**

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 2064

**The bill with committee substitute attached was referred to the Committee on Education under the original reference.**

The Committee on Commerce recommends committee substitutes for the following: SB 2024, SB 2280

The Committee on Community Affairs recommends a committee substitute for the following: SB 1522

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 1192

The Committee on Judiciary recommends a committee substitute for the following: SB 998

The Committee on Natural Resources and Conservation recommends committee substitutes for the following: SB 654, SB 1768, SB 2352

**The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Finance, Taxation and Claims under the original reference.**

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 2186

The Committee on Judiciary recommends a committee substitute for the following: SB 2066

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 2282

**The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Governmental Operations under the original reference.**

The Committee on Community Affairs recommends a committee substitute for the following: SB 1262

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 1662

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 1440

**The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.**

The Committee on Judiciary recommends committee substitutes for the following: SB 74, SB 2214

**The bills with committee substitutes attached were referred to the Committee on Personnel, Retirement and Collective Bargaining under the original reference.**

The Committee on Finance, Taxation and Claims recommends a committee substitute for the following: CS for SB's 1042, 142, 366 and 1070

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 284

The Committee on Judiciary recommends a committee substitute for the following: SB 296

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 464

**The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.**

#### REPORTS OF SUBCOMMITTEES

The Subcommittee on Health Care recommends favorably the following: SB 284 as a committee substitute, SB 1148 as a committee substitute, SB 1192 as a committee substitute, SB 1426 as a committee substitute, SB 2168 with 2 amendments to the Committee on Health and Rehabilitative Services.

*Jeanne Malchon, Chairman*  
Subcommittee on Health Care

#### BILL REFERRED TO SUBCOMMITTEE

The following has been referred to the Subcommittee on Health Care which will report to the full committee within 40 days: Senate Bill 1560

*Eleanor Weinstock, Chairman*  
Committee on Health and Rehabilitative Services

#### INTRODUCTION AND REFERENCE OF BILLS

##### First Reading

By Senator Crotty—

**SR 2416**—A resolution commending the Florida Student Association, Inc., for 15 years of service to the students of the State of Florida.

—was referred to the Committee on Rules and Calendar.

**SR 2418** was introduced out of order and adopted April 4.

By Senator Forman—

**SB 2420**—A bill to be entitled An act relating to North Springs Improvement District, Broward County; amending s. 2, chapter 71-580, Laws of Florida, as amended; expanding the boundaries of the district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Thurman—

**SB 2422**—A bill to be entitled An act relating to the Pasco-Hernando Community College District; authorizing the board of trustees of the district to expend district funds to acquire real property at or near Spring Hill as the site for the permanent location of the community college; providing an effective date.

—was referred to the Committees on Education; and Rules and Calendar.

**SR 2424** was introduced out of order and adopted April 4.

By Senator McKay—

**SR 2426**—A resolution commending and welcoming the National Association of Women Business Owners.

—was referred to the Committee on Rules and Calendar.

By Senator Kirkpatrick—

**SR 2428**—A resolution recognizing this decade as the "Decade of the Brain."

—was referred to the Committee on Rules and Calendar.

**SR 2430** was introduced out of order and adopted this day.

**SR 2432** was introduced out of order and adopted this day.

**SR 2434** was introduced out of order and adopted April 4.

By Senator Kurth—

**SR 2436**—A resolution honoring Fire Marshal and Building Official Mr. N. B. "Barney" Fox, Jr., for his 27 years of dedicated service to the City of Melbourne.

—was referred to the Committee on Rules and Calendar.

By Senator Weinstein—

**SR 2438**—A resolution commending the efforts of the Jewish people of this state in rescuing their Soviet brothers and sisters and in aiding in the resettlement of Soviet Jews.

—was referred to the Committee on Rules and Calendar.

By Senator Langley—

**SB 2440**—A bill to be entitled An act relating to Lake County; authorizing the consolidation of Central Florida Health Care Development Corporation, the parent corporation of Leesburg Regional Medical Center, Inc., and Lake County Health Care Systems, Inc., the parent corporation of Waterman Medical Center, Inc.; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Thomas—

**SR 2442**—A resolution recognizing, commending, and expressing appreciation to secretaries on the occasion of National Secretaries' Day.

—was referred to the Committee on Rules and Calendar.

By Senator Thomas—

**SR 2444**—A resolution honoring mothers.

—was referred to the Committee on Rules and Calendar.

By Senator Gardner—

**SR 2446**—A resolution recognizing May 5 through May 11, 1991, as National Tourism Week and May 8, 1991, as National Tourism Day.

—was referred to the Committee on Rules and Calendar.

By Senator Forman—

**SB 2448**—A bill to be entitled An act relating to Broward County; creating the Broward County Natural Resource Protection Act; providing legislative intent; providing definitions; authorizing the Board of County Commissioners of Broward County to impose and recover civil penalties and to issue citations for violations of ordinances protecting the natural resources of Broward County; providing for administrative hearings and civil penalties; providing for construction of the act; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Forman—

**SB 2450**—A bill to be entitled An act relating to the City of Coral Springs, Broward County; extending and enlarging the corporate limits of the City of Coral Springs to include specified unincorporated lands; protecting contract rights; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Forman—

**SB 2452**—A bill to be entitled An act relating to the City of Coral Springs, Broward County; extending and enlarging the corporate limits of the City of Coral Springs to include specified unincorporated lands; protecting contract rights; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

#### FIRST READING OF COMMITTEE SUBSTITUTES

By the Committee on Judiciary and Senators Malchon and Forman—

**CS for SB 74**—A bill to be entitled An act relating to labor regulations; prohibiting employers from taking retaliatory personnel action against employees under certain conditions; authorizing civil actions and providing specified relief; providing for certain employer relief; providing an effective date.

By the Committee on Health and Rehabilitative Services; and Senator Bankhead—

**CS for SB 284**—A bill to be entitled An act relating to childbirth by caesarean section; defining the term, “provider hospital”; requiring the Department of Health and Rehabilitative Services, in consultation with other entities, to draft and adopt, by rule, specified guidelines that must be applied by provider hospitals prior to the performance of certain caesarean section deliveries; requiring the establishment of peer review boards to review certain caesarean section deliveries; requiring the reviews and reports to be part of the hospital’s quality assurance monitoring and peer review process; specifying that this act not serve as the basis of any administrative or civil action; directing the Health Care Cost Containment Board to assess hospitals’ caesarean section rate; requiring provider hospitals to provide certain notice to the board; requiring an annual report from the board; providing an effective date.

By the Committee on Judiciary and Senator Forman—

**CS for SB 296**—A bill to be entitled An act relating to child support; amending s. 61.13, F.S.; providing for child support for children who are over age 18 and who have not yet graduated from high school; amending s. 61.30, F.S.; amending the deductions from gross income allowable in computing the parents’ combined net income so as to determine the minimum child support need; requiring the court order for child support to state the actual dollar amount provided as calculated under these guidelines; amending s. 742.031, F.S.; revising language with respect to court-ordered support in hearings concerning determination of paternity; amending s. 743.07, F.S.; providing that a court may require support for a person over the age of 18 years if the person is in high school; providing an effective date.

By the Committee on Finance, Taxation and Claims; and Senator Diaz-Balart—

**CS for SB 406**—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.02, F.S.; defining the term “sea trial” for purposes of ch. 212., F.S.; amending s. 212.05, F.S.; revising requirements and conditions relating to the tax exemption provided for boats and airplanes removed from the state after purchase; amending s. 212.08, F.S.; revising requirements and conditions relating to the tax exemption provided for boats temporarily docked in this state; providing an effective date.

By the Committee on Natural Resources and Conservation; and Senator Myers—

**CS for SB 464**—A bill to be entitled An act relating to water resources; amending s. 373.069, F.S.; modifying the boundaries of the Suwannee River Water Management District and the St. Johns River Water Management District; providing for the transfer of water management district rules, permits, and applications for permits affected by the boundary modifications; amending s. 373.079, F.S.; authorizing the governing board of a water management district to delegate to its executive director authority relating to permits; amending s. 373.083, F.S.; authorizing a governing board to require surety to provide reasonable assurances of compliance; amending s. 373.117, F.S.; authorizing the Department of Environmental Regulation or the governing boards of water management districts to adopt rules to require certification by a professional of certain projects that involve the services of that professional; prohibiting the use or operation of a completed project without such certification; providing a limitation; creating s. 373.1395, F.S.; limiting the liability of water management districts for damages that occur on real property or water areas of the district that are made available to the public for recreational purposes, or for access to recreational activities, if no fee is charged for admission to the real property or water areas and no commercial activity is conducted upon the real property or water areas; amending s. 373.139, F.S.; providing that the title information of real property to be acquired by a water management district is exempt from public records requirements under certain circumstances; creating s. 373.1401, F.S.; authorizing the governing board of each water management district to contract with governmental entities and environmental nonprofit organizations to provide for the improvement, management, and maintenance of the district’s real property; amending s. 373.59, F.S.; repealing a provision providing for such a contract with state agencies; amending s. 373.089, F.S.; authorizing the governing board of a water management district to exchange real property of the district for other real property located in the state; authorizing the governing board to enter into a contract for such an exchange; creating s. 373.42, F.S.; autho-

rizing water management districts to provide wetland determinations; providing procedures; amending s. 373.536, F.S.; providing for review of water management district budgets by the Department of Environmental Regulation; providing for a report; amending s. 373.503, F.S., relating to manner of taxation; deleting obsolete provisions; revising the apportionment of millage levied by the Southwest Florida Water Management District; amending s. 373.553, F.S.; authorizing the governing board of a water management district to provide for the disbursement of funds of the board and of the district by wire or electronic transfer; amending s. 119.07, F.S.; exempting from public records requirements information relating to the medical condition or medical status of employees of a water management district; providing an effective date.

By the Committee on Natural Resources and Conservation; and Senators Childers, Bruner and Thomas—

**CS for SB 654**—A bill to be entitled An act relating to reciprocal agreements for licenses; amending s. 370.0605, F.S.; authorizing the Department of Natural Resources to enter into reciprocal agreements with contiguous states with respect to saltwater fishing license fees; providing for reduced fees pursuant to any such agreement; providing an effective date.

By the Committees on Finance, Taxation and Claims; Transportation; and Senator Dudley—

**CS for CS for SB 864**—A bill to be entitled An act relating to motor vehicle licenses; creating s. 320.08068, F.S.; providing for the issuance of Save Our Children license plates; providing fees; providing for the use of fees; providing an effective date.

By the Committee on Finance, Taxation and Claims; and Senator Gordon—

**CS for SB 964**—A bill to be entitled An act relating to ammunition; creating s. 212.30, F.S.; providing for a surcharge to be levied on retail sales of ammunition; providing for collection of proceeds of the surcharge by the Department of Revenue; requiring the department to keep certain records; providing that such records are exempt from public disclosure requirements; providing for future legislative review of this exemption under the Open Government Sunset Review Act; providing for surcharge proceeds to be deposited into the Trauma Services Trust Fund; authorizing the department to adopt rules; providing penalties; providing an effective date.

By the Committee on Judiciary and Senator Malchon—

**CS for SB 998**—A bill to be entitled An act relating to marriage licenses; amending s. 741.01, F.S.; increasing the portion of the marriage license fee used to fund domestic violence centers; amending s. 286.25, F.S.; repealing a requirement relating to a statement of state sponsorship within a written advertisement of a program funded in part by the state; providing an effective date.

By the Committees on Finance, Taxation and Claims; Executive Business, Ethics and Elections; and Senators Jenne, Brown, Crotty, Wexler, Plummer, Weinstein, Dudley, Weinstock and Girardeau—

**CS for CS for SB’s 1042, 142, 366 and 1070**—A bill to be entitled An act relating to public officers, candidates for public office, and public employees; amending s. 112.312, F.S.; providing additional definitions and redefining the term “gift” for purposes of part III of ch. 112, F.S., and s. 8, Art. II of the State Constitution; amending s. 112.313, F.S.; clarifying a prohibition; including provisions regulating representation before certain agencies by legislators, statewide elected officers, and agency employees, and standards of conduct for legislators and employees; removing provisions relating to disclosure of certain specified interests; providing exemptions from the prohibition against a public officer or employee doing business with his own company or entering into a conflicting employment relationship; repealing s. 112.3141, F.S., relating to additional standards of conduct for public officers and employees; amending s. 112.3143, F.S.; providing definitions; providing additional disclosure requirements and prohibitions for public officers in circumstances in which potential voting conflicts are involved; amending s. 112.3145, F.S.; requiring certain officers, candidates, and employees who hold a specified relationship with business entities authorized to operate in this state to file a disclosure statement as part of their financial statement; amending ss. 112.3146, 112.3147, F.S.; correcting cross-references; amending s. 112.3148, F.S.; prohibiting governmental entities and direct-support organizations from making certain gifts to persons who must file

disclosure of financial interests and procurement employees; providing for the valuation of gifts; correcting a cross-reference; amending s. 112.3149, F.S.; redefining "honorarium"; providing applicability; amending s. 112.317, F.S.; providing penalties for officers, employees, and candidates who violate s. 8, Art. II of the State Constitution; providing penalties for former public officers or former employees who violated provisions of part III of ch. 112, F.S., or s. 8, Art. II of the State Constitution; removing prohibition against certain disclosures of information; amending s. 112.320, F.S.; providing that the Commission on Ethics is the commission provided for in s. 8(f), Art. II of the State Constitution; amending s. 112.3215, F.S.; providing for registration by lobbyists of principals; increasing the lobbyists registration fee; providing for semi-annual reports by lobbyists; providing for receipt and disposition of complaints against lobbyists; providing investigation procedures; amending s. 112.322, F.S.; providing authority of the commission with respect to breaches of the public trust; authorizing the commission to delegate to its investigators the authority to administer oaths; authorizing the commission to delegate its subpoena powers to its members or executive director; authorizing the commission to allow its employees to serve such subpoenas; providing authority for the commission to make rules; creating s. 112.3231, F.S.; providing time limitations for complaint filing; amending s. 112.324, F.S.; modifying procedures on complaints of violations of part III of ch. 112, F.S., or s. 8, Art. II of the State Constitution; providing procedures for complaints against former officers, former employees, and former candidates; providing procedures for complaints against candidates; providing effective dates for lobbyist registration fees; providing an effective date.

By the Committee on Health and Rehabilitative Services; and Senators Davis, Malchon and Grant—

**CS for SB 1148**—A bill to be entitled An act relating to health care responsibility; providing legislative findings; amending s. 154.306, F.S.; revising the rate of payment with an exception, and reenacting s. 154.309(2), F.S., relating to certification of county of residence, to incorporate said amendment in a reference thereto; amending s. 154.308, F.S.; establishing a spend-down provision with an exception, and reenacting ss. 154.304(9), 154.31, F.S., relating to definitions and hospital obligations, to incorporate said amendment in references thereto; providing an effective date.

By the Committee on Health and Rehabilitative Services; and Senators Yancey, Grant, Davis and Casas—

**CS for SB 1192**—A bill to be entitled An act relating to mammography; amending s. 404.22, F.S.; providing a definition; providing restrictions on the use of radiation machines for mammography; providing for rules; providing an effective date.

By the Committee on Community Affairs and Senator Kiser—

**CS for SB 1262**—A bill to be entitled An act relating to mobile homes; amending s. 713.10, F.S.; revising a provision of law governing mechanics' liens to prohibit the interest of the lessor being subject to liens for improvements made by the lessee when the lessee is a mobile home park owner under certain circumstances; amending s. 713.78, F.S.; providing for a towing lien for a mobile home evicted from a mobile home park; providing for the collection of unpaid rent from the proceeds of the sale of the mobile home; amending s. 723.002, F.S.; authorizing associations to convert to a condominium, cooperative, or subdivision; providing that mobile home owners who no longer meet membership requirements are not members of a converted association; amending s. 723.038, F.S.; revising language with respect to dispute settlement; providing a filing fee; amending s. 723.077, F.S.; revising language with respect to articles of incorporation; amending s. 723.078, F.S.; revising language with respect to the bylaws of homeowners' associations; providing for conversion; amending s. 723.079, F.S.; providing additional powers and duties of homeowners' associations; amending s. 849.093, F.S.; authorizing the conduct of bingo games on certain property; providing for storage charges on mobile homes under certain circumstances; providing for the rights of lienholders on mobile homes in rental mobile home parks; providing for reasonable attorney's fees and costs; repealing s. 723.010, F.S., relating to disclosure of lot rental amount increases; repealing s. 723.013(4), F.S., and amending s. 723.014, F.S., to conform; providing for retroactive application; providing an effective date.

By the Committees on Finance, Taxation and Claims; Natural Resources and Conservation; and Senator Beard—

**CS for CS for SB 1264**—A bill to be entitled An act relating to salt-water fisheries; creating s. 370.1535, F.S.; providing for the regulation of dead shrimp harvesting in Tampa Bay; requiring a permit from the Department of Natural Resources for dead shrimp production; specifying criteria for a permit; requiring a permit fee; specifying the deposit of fees; limiting the number of permits; prohibiting transfer of permits; requiring production of permits; requiring compliance with certain rules of the Marine Fisheries Commission; providing a definition; providing an effective date.

By the Committee on Health and Rehabilitative Services; and Senator Forman—

**CS for SB 1426**—A bill to be entitled An act relating to access to health care; providing legislative findings and intent; providing definitions; creating the FloridaCare Plan to provide for health insurance coverage for certain employed state residents and their dependents; establishing the FloridaCare Commission; providing for appointment of members, adoption of rules, and appointment of an executive director; providing commission responsibilities for establishing, monitoring, and evaluating operation of the Plan; creating the FloridaCare Trust Fund and specifying uses; providing eligibility for benefits; specifying covered health services; providing for deductibles, copayments, and responsibility of patients; specifying limitations and exclusions; providing responsibility of health care providers; providing responsibility for premiums; providing for reimbursement to providers; providing employer responsibility to make information available; requiring participation in a wellness program; providing an effective date.

By the Committee on Natural Resources and Conservation; and Senator Brown—

**CS for SB 1440**—A bill to be entitled An act relating to state lands; amending s. 253.03, F.S.; authorizing the Board of Trustees of the Internal Improvement Trust Fund to adopt rules governing the use of sovereignty submerged lands; amending s. 253.04, F.S.; including vessels within a group of structures which the Board of Trustees of the Internal Improvement Trust Fund may order removed or altered under certain circumstances; providing an effective date.

By the Committee on Judiciary and Senators Grant, Dudley, Langley and Myers—

**CS for SB 1510**—A bill to be entitled An act relating to eminent domain; amending s. 73.071, F.S.; revising language with respect to jury trials for compensation with respect to eminent domain to provide requirements with respect to lawfully erected signs and compensation therefor; providing for application; providing an effective date.

By the Committee on Community Affairs and Senators Kiser, Gardner, Brown, Crotty, Dudley, Grant, Jennings, Kirkpatrick, Malchon, Meek, Plummer, Thurman, Beard, Wexler and Souto—

**CS for SB 1522**—A bill to be entitled An act relating to local government impact fees; providing legislative intent; providing definitions; requiring certain local governments that impose impact fees upon the construction of developments to charge the fee at a uniform rate within service areas, and to use revenue derived from the fee for capital improvements within the service areas; specifying provisions that must be included within the ordinance that imposes such an impact fee; prohibiting a local government from using revenue derived from impact fees for any purpose other than constructing capital facilities to accommodate development upon which the fee is imposed; requiring the local government to consider the value of capital improvements, real property, and moneys provided by the developer in determining the impact fee upon a development; requiring local governments to deposit revenue derived from impact fees into interest-bearing accounts; restricting the expenditure of moneys from the accounts; requiring an annual audit of each account; requiring a local government to refund impact fee revenue plus interest to the fee payer if the local government does not encumber the revenue within a specified time period; providing for a civil action to recover such revenue; providing for intergovernmental agreements between local governments to jointly impose impact fees and construct capital improvements; providing that the act does not apply to existing ordinances that impose impact fees for capital improvements; requiring ordinances adopted or substantively amended after the effective date of the act to comply with the act; providing severability; providing an effective date.

By the Committee on Health and Rehabilitative Services; and Senator Kurth—

**CS for SB 1622**—A bill to be entitled An act relating to memory disorders; amending s. 410.402, F.S.; requiring the funding of a memory disorder clinic at a specified memory disorder center, for the purpose of conducting research and training in the diagnosis and therapy of Alzheimer's disease and related memory disorders; providing legislative intent and requirements for research funded by the state; providing that the center shall be established when it is funded by the Legislature; providing an effective date.

By the Committee on Health and Rehabilitative Services; and Senator Weinstock—

**CS for SB 1662**—A bill to be entitled An act relating to children; amending s. 39.01, F.S.; providing definitions; amending s. 39.41, F.S.; providing additional disposition options to the court in dependency proceedings; amending s. 39.453, F.S.; providing deadlines for certain judicial reviews; amending s. 409.165, F.S.; providing legislative intent for the expenditure of certain funds; providing for certain funds to be used to meet the needs of dependent children; providing an effective date.

By the Committee on Natural Resources and Conservation; and Senators Plummer, Casas, Meek, Gordon, Souto and Diaz-Balart—

**CS for SB 1768**—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.142, F.S.; establishing a spiny lobster trap certificate program; providing intent; requiring trap certificates and providing for transferability thereof; requiring tagging of traps; providing for fees and surcharges, including disposition thereof; providing prohibitions and penalties; providing for periodic trap reduction; providing for monitoring, evaluation, and enforcement; providing duties of the Department of Natural Resources and the Marine Fisheries Commission; establishing the Trap Certificate Technical Advisory and Appeals Board; providing for membership, terms, officers, meetings, procedures, duties, and reimbursement of specified expenses thereof; amending s. 370.14, F.S.; deferring for another year the reopening of the existing trap numbering program; increasing and providing for disposition of certain fees thereof; providing for rulemaking authority; providing for review and repeal; repealing provisions of the Florida Administrative Code which have been displaced by or are in conflict with the spiny lobster trap certificate program created by this act; providing appropriations; amending s. 370.0605, F.S.; authorizing the Department of Natural Resources to designate two "Disabled Angler Fishing Days"; providing effective dates.

By the Committee on Professional Regulation and Senator Kirkpatrick—

**CS for SB 1894**—A bill to be entitled An act relating to professional regulation; amending s. 287.055, F.S.; providing that a design-build firm includes certain practitioners; amending s. 373.117, F.S.; providing for certification by professionals regulated by the Department of Professional Regulation; amending s. 455.242, F.S.; deleting requirement relating to disposition of records of deceased hearing aid specialists; amending s. 464.004, F.S.; revising the membership of the Board of Nursing; amending s. 466.006, F.S.; revising requirements applicable to applicants to practice dentistry who are graduates of certain colleges or schools not accredited or approved; amending s. 470.006, F.S.; requiring an internship in order to be granted a license as an embalmer; amending s. 470.008, F.S.; revising fee for application to become an embalmer intern; amending s. 470.009, F.S.; requiring an internship in order to be granted a license as a funeral director; revising contents of examination for funeral directors; amending s. 470.012, F.S.; revising fee for application to become a funeral director intern; amending s. 470.024, F.S.; providing requirement for a change in ownership of a funeral establishment; amending s. 470.025, F.S.; providing requirement for change in ownership of a cinerator facility; amending s. 473.303, F.S.; providing requirements relating to the probable cause panel of the Board of Accountancy; amending s. 473.314, F.S.; revising application fee for temporary licenses for certified public accountants; amending s. 473.323, F.S.; increasing administrative fine for violations relating to certified public accountants; amending s. 481.217, F.S.; revising requirements for reactivating a registered interior designer license; amending s. 484.042, F.S.; providing requirements relating to the probable cause panel of the Board of Hearing Aid Specialists; amending s. 484.0447, F.S.; revising fees relating to hearing aid specialists; repealing s. 484.046, F.S., relating to licensure by endorsement to practice dispensing of hearing aids; amending s. 484.047, F.S.; revising requirements relating to renewal of hearing aid specialist

licenses; repealing s. 484.048, F.S., relating to inactive status of such licenses; amending s. 484.054, F.S.; revising provisions relating to the unlawful sale or distribution of hearing aids through the mail; amending s. 484.056, F.S.; revising provisions relating to disciplinary proceedings relating to the dispensing of hearing aids; amending s. 489.103, F.S.; deleting an exemption from application of requirements relating to construction contracting; amending s. 489.105, F.S.; revising the definition of contracting; amending s. 489.107, F.S.; providing for meetings of the Construction Industry Licensing Board with the Electrical Contractors' Licensing Board; amending s. 489.119, F.S.; revising provisions relating to the use of fictitious names; amending s. 489.127, F.S.; adding prohibitions with respect to contractors; revising provisions relating to enforcement and issuance of citations; providing additional penalties; revising provisions relating to hearings and orders; amending s. 489.129, F.S.; revising provisions relating to acts for which disciplinary proceedings are taken; amending s. 489.131, F.S.; revising provisions with respect to applicability of provisions relating to contractors; amending s. 489.133, F.S.; revising definitions; providing for approval by the Department of Environmental Regulation of precision tank testers, tank lining applicators, procedures, and equipment; providing requirements for certain registrants; providing penalties; amending s. 489.503, F.S.; providing an exemption from application of requirements relating to electrical and alarm system contracting; providing a disclosure statement; amending s. 489.507, F.S.; providing for meetings of the Electrical Contractors' Licensing Board with Construction Industry Licensing Board; amending s. 489.515, F.S.; providing additional requirement for issuance of certificates or registrations; amending s. 489.521, F.S.; providing additional requirements with respect to business organizations and their qualifying agents; amending s. 489.531, F.S.; adding prohibitions with respect to electrical contractors or alarm system contractors; providing for enforcement and issuance of citations; providing additional penalties; providing for hearings, orders, and appeals; providing for liens on property; providing for administration of citation programs and training of code enforcement officers; providing a penalty for refusal to sign and accept a citation; amending s. 489.533, F.S.; revising provisions relating to acts for which disciplinary proceedings are taken; creating s. 489.539, F.S.; providing for adoption of electrical standards; amending s. 492.104, F.S.; revising provisions relating to fees for licensure of professional geologists; amending s. 492.106, F.S.; revising provisions relating to provisional licensure of professional geologists; amending s. 492.108, F.S.; revising requirements for licensure by endorsement; amending s. 492.111, F.S.; revising requirements relating to practice of professional geology by a firm, corporation, or partnership; providing for review and repeal; providing an effective date.

By the Committee on Finance, Taxation and Claims; and Senator Jenne—

**CS for SB 1926**—A bill to be entitled An act relating to manatees; amending s. 327.25, F.S.; increasing vessel registration fees; providing for an increase in the voluntary contribution to the Save the Manatee Trust Fund by vessel registrants; providing that a vessel registrant who makes a specified voluntary contribution be given a sticker or emblem signifying support of the fund; providing for the use of such voluntary funds; amending s. 327.28, F.S.; providing for the transfer of a portion of vessel registration fees to the Save the Manatee Trust Fund for use by approved facilities to rescue, rehabilitate, and release manatees; amending s. 370.12, F.S.; providing for the reimbursement of the cost of activities related to manatee rehabilitation by facilities approved to rescue, rehabilitate, and release manatees; specifying what type of costs may be reimbursed; providing for a limit on reimbursement moneys; providing for the submission of annual marketing plans to the Department of Natural Resources to assist in the marketing of the manatee specialty license plates; providing for an annual visit by the Department of Natural Resources to ensure the quality of promotional activities; providing for the issuance of an annual report documenting the effectiveness of such promotional activities; requiring the Department of Natural Resources to submit an annual written report to the Legislature on the expenditures from the Save the Manatee Trust Fund; authorizing the Department of Natural Resources to provide stickers or emblems signifying support of the trust fund; providing an effective date.

By the Committee on Commerce—

**CS for SB 2024**—A bill to be entitled An act relating to insurance; amending s. 407.07, F.S.; specifying power of the health care cost containment board; amending s. 624.01, F.S.; specifying laws that include the Insurance Code; amending ss. 624.08, 624.09, F.S.; revising the definitions of the term "state" and "unauthorized insurer"; amending s. 624.12, F.S.;

clarifying applicability of the Florida Insurance Code; amending s. 624.125, F.S., raising premiums charged for motor vehicle service agreements and specifying terms; amending s. 624.155, F.S., relating to civil remedies; requiring compilation of records; explaining purpose of section; amending s. 624.305, F.S.; requiring notification to the department after receipt of a loan based on market rates; amending s. 624.310, F.S.; requiring provision of information to other prosecuting agencies; providing authority for issuing cease and desist orders; providing authority for issuing administrative fines under this code; providing for complaints against affiliated parties; providing for removal of affiliated parties; providing definitions; amending s. 624.313, F.S.; requiring publication of a statistical report by the department as early as possible each year; specifying items that may be included in the report; providing authority for contracting with outside vendors for compilation of data in an electronic data-processing format; amending s. 624.315, F.S.; revising required contents of the annual report by the department; amending s. 624.316, F.S.; revising authority for examining insurers; providing authority for the department to accept independent financial records of the insurer; transferring, renumbering, and amending s. 627.321, F.S.; revising provisions relating to market conduct examinations; expanding the scope of such examinations; providing authority for the examinations to be conducted by independent professional examiners; amending s. 624.317, F.S.; providing for investigations; amending ss. 624.320, 624.33, F.S.; correcting a cross-reference; providing jurisdiction regarding health or life coverage; amending s. 624.401, F.S.; prescribing felony penalties for acting as an insurer or transacting insurance without a certificate of authority; amending s. 624.404, F.S.; expanding authority of the department for denying, suspending, or revoking certificates of authority; deleting a prohibition; amending s. 624.412, F.S.; revising deposit requirements for alien insurers; amending s. 624.416, F.S.; revising provisions pertaining to duration of a certificate of authority; amending s. 624.424, F.S.; requiring authorized insurers to file quarterly financial statements; providing authority for submission of forms to designates; providing authority for requiring reports or filings to be provided in computer-readable form; requiring audited financial statements and opinions based upon certain principles; providing authority for verification of financial statements by independent certified public accountants; specifying reasons for refusal to accept reports from certain independent certified public accountants; providing penalties for failure to file required reports; providing procedures for hiring of auditors; providing authority for adopting rules; amending s. 624.426, F.S.; revising exceptions to resident agent and countersignature law; amending s. 624.430, F.S., relating to discontinuance of writing certain kinds or lines of insurance; providing exemptions; amending s. 624.436, F.S.; conforming applicability of short title of the Florida Nonprofit Multiple-Employer Welfare Arrangement Act; amending s. 624.4361, F.S.; providing definitions for terms used in that act; amending s. 624.437, F.S.; revising definition of the term "multiple-employer welfare arrangement"; revising terminology with respect to certificates of approval; increasing fines for failure to have a certificate; amending s. 624.438, F.S.; requiring the constitution or bylaws of certain associations to specifically state purposes; providing that an arrangement may only offer coverage to eligible employers who are members of the association; expanding requirements for evidence of the benefits and coverages; specifying eligibility for certificates of authority for arrangements; creating s. 624.4385, F.S.; prohibiting the use of certain terms in an arrangement's name, contracts, or literature; amending s. 624.439, F.S.; requiring signatures on applications for certificates of authority to be under oath; requiring submission of the articles of incorporation of the association and of the arrangement; requiring submission of rate tables and other information; requiring actuarial certification; requiring fidelity bond coverage for directors and officers; imposing requirements for excess insurance; requiring a feasibility study; requiring confirmation of insolvency protection; requiring submission of contracts; amending s. 624.4392, F.S.; requiring arrangements to have fund balances in certain amounts; amending s. 624.44, F.S.; requiring examinations of arrangements; providing authority for administering oaths; providing for payment of examination expenses; providing authority to contract for performing examinations; requiring filing of information proving the arrangement is not insolvent within 30 days after notice of insolvency; providing sanctions for failing to timely supply such information; amending s. 624.441, F.S.; increasing insolvency protection deposits; providing for deposit payments; creating s. 624.4411, F.S.; requiring submission of certain contracts to the department; requiring such contracts to contain cancellation provisions; amending s. 624.4412, F.S., relating to policy forms; improving clarity; amending s. 624.4415, F.S.; revising assessment provisions; prohibiting fee arrangements; creating s. 624.4416, F.S.; providing authority for receiver assessment; creating s. 624.4417, F.S.; prohibiting certain

sales of insurance coverage by an arrangement; amending s. 624.442, F.S.; providing requirements with respect to annual reports, including actuarial certification; requiring quarterly filing; providing penalties for non-compliance; providing for deposit of moneys; providing for certified public accountants and audited financial statements; creating s. 624.4431, F.S.; providing authority to the department to adopt certain rules; creating s. 624.4432, F.S.; requiring arrangements to comply with pt. I and pt. II of ch. 625, F.S.; amending s. 624.444, F.S.; revising provisions pertaining to suspension or revocation of a certificate of authority; providing authority for the department to order implementation of a corrective action plan; providing for suspensions and reinstatement; creating s. 624.4441, F.S.; providing authority for imposing administrative fines against arrangements; amending s. 624.445, F.S., relating to suspensions and revocations; conforming terminology; amending s. 624.462, F.S.; providing criteria for establishment of commercial self-insurance funds; amending s. 624.474, F.S.; providing for assessments; creating s. 624.4895, F.S.; providing for director liability; amending s. 624.482, F.S., relating to making and use of rates, to conform; providing authority for charges; creating s. 624.6018, F.S.; providing authority for issuing charges; amending s. 624.610, F.S.; extending reinsurance provisions that apply to unincorporated alien insurers to incorporated alien insurers; limiting ceding of risks under certain conditions; providing authority for the department to order cancellation or rescission of the reinsurance agreement; amending s. 624.80, F.S.; revising the term "insurer" as used in pt. VI, ch. 624, F.S.; amending s. 624.82, F.S.; revising confidentiality provisions; amending s. 625.091, F.S.; specifying reserves required for losses and loss adjustment expenses; amending s. 625.121, F.S.; revising the standard valuation law for life insurance; requiring an actuarial opinion of reserves; providing for rules; requiring memoranda supporting the opinion; providing for a transitory period; requiring the department to prescribe standards for valuation of health plans; providing for actuarial immunity; amending s. 625.151, F.S.; providing for valuation of securities; amending s. 625.305, F.S.; providing for diversification; providing certain limitations on investments; providing definitions; amending s. 625.327, F.S.; providing that this section, relating to mortgage loans, supersedes any inconsistent provision of s. 106 of the Secondary Mortgage Market Enhancement Act; amending s. 625.51, F.S.; providing for value and certification of deposits by domestic insurers; amending s. 625.52, F.S.; specifying securities eligible for deposit; amending s. 625.58, F.S.; specifying actions the department may take with respect to an insurer that fails to cure a deficiency in its deposit; amending s. 625.62, F.S.; providing for holding and release of deposit; amending s. 625.63, F.S.; providing for release of deposit; amending s. 628.051, F.S.; specifying additional information to be contained in application for permit to form insurer; amending s. 628.081, F.S.; deleting certain information from articles of incorporation of domestic insurer; amending s. 628.161, F.S.; specifying qualifications for mutual insurers; amending s. 628.171, F.S.; providing bond requirements for mutual insurers; amending s. 628.451, F.S.; providing for merger or share exchange of stock insurers; amending s. 628.4615, F.S.; redesignating "allied lines insurers" as "specialty insurers"; providing for acquisition of controlling stock, ownership interest, assets, or control; amending s. 628.471, F.S.; providing for mergers of mutual insurers; amending s. 628.520, F.S.; providing for change of domicile of a foreign insurer; amending s. 628.901, F.S.; redefining the term "captive insurer"; creating ss. 628.6011, 628.6012, 628.6013, 628.6014, 628.6015, 628.6016, 628.6017, F.S.; providing for creation, regulation, and conversion of assessable mutual insurers; amending s. 628.903, F.S.; decreasing the minimum premium for certain industrial insured captive insurers; reviving and readopting ss. 628.011-628.431, 628.441-628.917, F.S.; amending s. 629.261, F.S.; revising circumstances under which the Department of Insurance may authorize an insurer to extinguish certain liabilities; providing for the authority of the department to issue limited reciprocal insurer certificates of authority to cease on a specified date; prohibiting limited reciprocal insurers from accepting new business or renewals after a specified date; amending s. 631.011, F.S.; providing definitions; amending s. 631.041, F.S.; providing for automatic stays in delinquency proceedings; creating s. 631.112, F.S.; providing for subordination of claims for noncooperation; amending s. 631.141, F.S.; providing for disposition of records of delinquency proceedings for domestic and alien insurers; amending s. 631.152, F.S.; providing for conduct of delinquency proceedings of foreign insurers; amending s. 631.154, F.S.; providing procedures for delivery to the receiver of funds or property in the possession of third parties; amending s. 631.155, F.S.; providing for an accounting of premiums and unearned commissions collected by an agent; amending s. 631.171, F.S.; specifying rights of Florida residents with respect to liquidation proceedings in other states; amending s. 631.181, F.S.; providing for filing and proof of claims; amending s. 631.182, F.S.; providing for resolution of

objections to the receiver's report; amending s. 631.221, F.S.; specifying accounting practices to be used by receivers; amending s. 631.252, F.S.; providing for continuation of coverage; amending s. 631.271, F.S.; specifying priority of distribution of claims from the insurer's estate; amending s. 631.391, F.S.; requiring officers and employees of an insurer's affiliate to cooperate with the department; amending s. 631.66, F.S.; expanding immunity; amending s. 631.713, F.S.; providing exemptions from pt. III of ch. 631, F.S.; amending s. 631.714, F.S.; modifying definition of covered policy; amending s. 631.717, F.S.; providing that the association is not liable for payments under s. 624.155, F.S.; amending s. 631.722, F.S.; providing for appeal of assessments; amending s. 631.727, F.S.; providing immunity for organization participation; creating s. 631.737, F.S.; providing for review and tolling of noncontestable period; amending s. 631.814, F.S.; providing a definition; amending s. 631.816, F.S.; providing for staggered terms of office of the board of directors of the plan; deleting obsolete provisions; amending s. 631.817, F.S.; providing additional circumstances under which a person remains eligible for treatment under the plan; amending s. 631.818, F.S.; revising the powers of and duties performed by the plan upon the insolvency of a health maintenance organization; authorizing the plan to recover costs and attorney's fees in certain claims filed against a subscriber; providing additional circumstances under which a subscriber may be terminated from coverage; amending s. 631.819, F.S.; revising provisions authorizing the board of directors to levy and collect assessments; deleting provisions authorizing assessments against the Health Care Financing Administration; amending s. 631.820, F.S.; deleting provisions authorizing the Department of Insurance to adopt rules under specified circumstances; conforming a cross-reference; amending s. 631.821, F.S.; providing an additional circumstance under which the department may suspend or revoke a health maintenance organization's certificate of authority; amending s. 631.822, F.S.; revising requirements pertaining to recordkeeping; amending s. 641.19, F.S.; defining and redefining terms for purposes of pt. II, ch. 641, F.S., relating to health maintenance organizations; amending s. 641.21, F.S.; requiring each application for a certificate of authority to operate a health maintenance organization to be filed under the oath of two officers; requiring certain biographical information, independent investigative reports, and sets of fingerprints to be filed with such an application; creating s. 641.215, F.S.; requiring applicants for such a certificate of authority to file statements agreeing to certain procedures for liquidating, rehabilitating, reorganizing, or conserving the health maintenance organization and waiving the right to file or be subject to a bankruptcy proceeding; requiring the termination of the certificate of authority of a health maintenance organization that is involved in a bankruptcy proceeding; providing that the assets of such a health maintenance organization on deposit with the department vest in the department if the organization is in a bankruptcy proceeding; amending s. 641.228, F.S.; correcting a cross-reference relating to the Florida Health Maintenance Organization Consumer Assistance Plan; deleting a provision that has served its purpose; amending s. 641.23, F.S.; providing that the failure of a health maintenance organization to renew its health care provider certificate terminates its certificate of authority; amending s. 641.26, F.S.; requiring the annual report of a health maintenance organization to include financial statements with the Department of Insurance in specified forms; specifying a requirement for the quarterly reports of health maintenance organizations; amending s. 641.27, F.S.; requiring departmental supervision of any reorganization of a health maintenance organization; amending s. 641.28, F.S.; providing for attorney's fees and costs in certain actions against health maintenance organizations; creating s. 641.284, F.S.; specifying exclusive methods for the liquidation, rehabilitation, reorganization, or conservation of a health maintenance organization; amending s. 641.29, F.S.; requiring annual statements to be filed on computer diskette; creating s. 641.309, F.S.; providing standards for marketing to persons eligible for Medicare; amending s. 641.31, F.S.; requiring health maintenance organizations to provide certain advance notice of changes of the amount of charges pursuant to health maintenance contracts; requiring health maintenance organizations to cease charging at a rate that has been disapproved by the department; requiring health maintenance organizations to notify certain contract holders and subscribers of their rights and responsibilities under the grievance process; providing for a health maintenance organization to receive reimbursement in accordance with provisions relating to collateral sources of indemnity; repealing a provision that prohibits the Department of Health and Rehabilitative Services from contracting with certain entities for Medicaid services; revising a provision pertaining to maternity coverage in a health maintenance contract; requiring certain health maintenance organizations to have open enrollment periods at specified intervals; limiting certain defenses; providing for the option of inpatient and outpatient services by osteopathic hospitals; providing for

negotiation of rates by osteopathic hospitals; amending s. 641.3108, F.S.; extending the time period by which a health maintenance organization must give a subscriber notice of a termination, cancellation, or non-renewal of its contract with the subscriber; amending s. 641.311, F.S.; providing for a statewide subscriber assistance program; authorizing the Department of Health and Rehabilitative Services to impose fines on health maintenance organizations that fail to meet certain standards; amending s. 641.3111, F.S.; revising provisions relating to the extension of benefits pursuant to a health maintenance contract after the contract term ceases; providing for the extension of benefits for maternity coverage; amending s. 641.315, F.S.; extending the time period for a health care provider to notify a health maintenance organization of the cancellation of a contract with the health maintenance organization; creating s. 641.325, F.S.; providing that copayments may not be in an amount that will prevent a person from receiving a covered service or benefit; amending s. 641.35, F.S.; revising provisions relating to the assets and investments of health maintenance organizations; amending s. 641.36, F.S.; revising provisions relating to rulemaking; providing penalties for violating rules of the Department of Insurance relating to health maintenance organizations; amending s. 641.386, F.S.; providing for the appointment of health insurance agents; amending s. 641.3905, F.S., relating to the examining and investigative powers of the department; providing that such powers are in addition to its general powers; amending s. 641.3921, F.S.; revising a provision relating to the disenrollment for cause of a subscriber of a health maintenance organization under a converted contract; amending s. 641.3922, F.S.; revising provisions relating to the cancellation or nonrenewal clause within a converted contract; providing authority for the Department of Labor to enforce rules; amending s. 768.76, F.S.; providing requirements and specifications for collateral source benefits; providing requirements and procedures; repealing s. 627.7372, F.S., relating to collateral sources of indemnity; amending s. 627.727, F.S.; providing for coverage; providing for release; deleting arbitration; amending s. 627.736, F.S.; deleting arbitration; amending s. 627.739, F.S.; providing for applicability of deductible; reenacting ss. 395.0172(2)(c), 402.48(8)(c), 404.111(2)(a), 458.320(1)(b) and (2)(a), 459.0085(1)(a) and (2)(a), 624.11(2), 624.402(4), 624.4414(1) and (2), 624.466(9)(a), 624.488(1) and (2), 624.606(2)(c), 624.609(3), 625.012(8), 626.8417(3)(g), 626.88(1)(i), 627.9403, 628.071(2), 628.261, 629.131, 631.061, 631.071(1), 631.081(1), 631.371(1), 631.828, 632.638(3), 634.052(1) and (2), 634.252, 634.253(1), 634.305(1) and (2)(a), 634.3073, 634.405(1), 634.4085, 637.153, 637.316, 637.422, 638.052, 638.081(1), 639.106, 641.255, 641.285(1), 641.35(1)(d), 641.416, 641.47(1) and (5), 642.023(1), 651.024, 651.035(7)(e), 651.071(1), 651.105(1), 651.114(5), F.S., relating to health care utilization review, health care services pools, surety requirements, physicians' and osteopaths' financial responsibility, risk retention groups, reinsurance, employers' liability in multiple-employer welfare arrangements, commercial self-insurance funds, reinsurance, title insurance agents, administrators, long-term care insurance policies, permits to form insurers, notice of change of director or officer, attorney's deposit in lieu of bond, grounds for liquidation or conservation, seizure, assessments against health maintenance organizations, fraternal benefit societies, motor vehicle service agreement companies, home warranty associations, service warranty associations, optometric service plans, pharmaceutical service plans, dental service plans, ambulance service associations, preneed funeral contracts, health maintenance organizations, prepaid health clinics, legal expense insurance corporations, and continuing care facilities and contracts, to incorporate amendments to various provisions in references thereto; reviving and readopting various sections of chapter 624, F.S., notwithstanding repeals scheduled pursuant to the Regulatory Sunset Act; providing for future review and repeal; reviving and readopting various sections of chapter 625, F.S., notwithstanding repeals scheduled pursuant to the Regulatory Sunset Act; providing for future review and repeal; repealing ss. 627.9301-627.9305, F.S., relating to life maintenance contracts; reviving and readopting various sections of chapter 628, F.S., notwithstanding repeals scheduled pursuant to the Regulatory Sunset Act; providing for future review and repeal; repealing ss. 629.50, 629.501, 629.502, 629.504, 629.506, 629.507, 629.508, 629.509, 629.511, 629.512, 629.513, 629.514, 629.516, 629.517, 629.518, 629.519, F.S., relating to limited commercial reciprocals; reviving and readopting various sections of chapter 629, F.S., notwithstanding repeals scheduled pursuant to the Regulatory Sunset Act; providing for future review and repeal; reviving and readopting various sections of chapter 630, F.S., notwithstanding repeals scheduled pursuant to the Regulatory Sunset Act; providing for future review and repeal; reviving and readopting various sections of chapter 631, F.S., notwithstanding repeals scheduled pursuant to the Regulatory Sunset Act; repealing s. 1(15), ch. 90-192, Laws of Florida; abrogating the future repeal of ss. 631.154, 631.155, F.S., scheduled pur-

suant to the Regulatory Sunset Act; providing for future review and repeal; reviving and readopting various sections of chapter 641, F.S., notwithstanding repeals scheduled pursuant to the Regulatory Sunset Act; providing for future review and repeal; repealing ss. 641.01, 641.02, 641.025, 641.03, 641.04, 641.05, 641.06, 641.08, 641.12, 641.125, 641.13, 641.14, 641.151, 641.155, F.S., relating to health care services plans; providing an effective date.

By the Committee on Judiciary and Senator McKay—

**CS for SB 2066**—A bill to be entitled An act relating to judgments, decrees, or settlements; creating s. 602.076, F.S.; revising the interest rate used with respect to certain judgments, decrees, or settlements; providing an effective date.

By the Committee on Natural Resources and Conservation; and Senator Crotty—

**CS for SB 2084**—A bill to be entitled An act relating to developments of regional impact; amending s. 380.06, F.S.; exempting from provisions governing developments of regional impact annual increases in the seating capacity of certain sports facilities; requiring a transportation management plan; providing an effective date.

By the Committee on Community Affairs and Senator Meek—

**CS for SB 2182**—A bill to be entitled An act relating to community development; amending s. 290.0301, F.S., relating to the short title for the Community Development Corporation Support and Assistance Program Act; amending s. 290.0311, F.S.; revising and providing additional legislative findings; amending s. 290.032, F.S.; clarifying the purpose of the act; amending s. 290.033, F.S.; revising and providing additional definitions; amending s. 290.034, F.S., relating to the Community Development Support and Assistance Trust Fund; amending s. 290.035, F.S.; revising the requirements which a community development corporation must meet to be eligible for assistance; amending s. 290.036, F.S.; removing an administrative funding restriction effective July 1, 1991; revising requirements relating to administrative grants and application therefor; specifying eligible activities; providing for development of a diminishing scale of funding; authorizing multiyear grants; providing for scoring criteria; creating s. 290.0365, F.S.; authorizing the award of planning grants to certain corporations; providing selection criteria; amending s. 290.037, F.S.; revising eligible uses of loan funds; revising a loan limitation; clarifying audit requirements; providing additional evaluation criteria; clarifying provisions relating to term of loans; amending s. 290.038, F.S.; deleting reporting requirements; creating s. 290.039, F.S.; requiring corporations to report to the Department of Community Affairs and providing for an annual report to the Legislature; creating s. 290.0395, F.S.; providing for evaluation of the program by the Auditor General; providing for future repeal of the act; amending s. 288.063, F.S., to conform; amending s. 290.0065, F.S.; authorizing the department to approve changes in enterprise zone boundaries; providing an effective date for boundary changes; amending s. 290.007, F.S.; correcting a cross-reference; providing additional state and local incentives; authorizing certain loans or grants to certain businesses in enterprise zones; creating s. 290.0135, F.S.; providing legislative intent; requiring certain local governments to review ordinances for certain adverse impacts upon enterprise zones; authorizing certain local governments to waive, amend, or modify certain ordinances to reduce negative impacts within enterprise zones; providing for future repeal; amending s. 290.014; providing an additional reporting requirement; providing an effective date.

By the Committee on Health and Rehabilitative Services; and Senator Kiser—

**CS for SB 2186**—A bill to be entitled An act relating to mental health; amending s. 394.459, F.S.; revising patient's right to express and informed consent; providing for consent to admission to a facility; revising procedures with respect to minors; creating s. 394.4784, F.S.; providing to certain minors access to outpatient diagnostic and evaluative services and outpatient crisis intervention, therapy, and counseling services; providing limitations; providing for parental participation; providing limitations on parental financial liability; providing rights of professionals; amending s. 394.715, F.S.; modifying procedure for appointment of members to the district alcohol, drug abuse, and mental health planning councils; providing a residency requirement; specifying a five-member nominating committee; providing an effective date.

By the Committee on Judiciary and Senator Malchon—

**CS for SB 2214**—A bill to be entitled An act relating to the Whistleblower's Act of 1986; amending s. 112.3187, F.S.; amending the short title; providing a definition; revising conditions under which the act does not apply; providing additional information that may be disclosed under the act without adverse action; expanding the persons protected under the act; revising conditions under which disclosure of information is protected; providing for mandatory relief; allowing the payment of reasonable costs to a prevailing employer, in specified circumstances; providing for affirmative defenses; amending s. 112.3188, F.S.; providing for confidentiality of information given to an internal auditor of an agency; creating s. 112.3189, F.S.; providing investigative procedures upon receipt of whistleblower information; providing applicability of the procedures; providing for a toll-free hotline; requiring reports; providing for procedures when there is evidence of a criminal violation; providing for confidentiality of the whistleblower's identity; exempting certain information from disclosure under ch. 119, F.S.; providing criminal penalties for willfully and knowingly disclosing confidential information; creating s. 112.3190, F.S.; providing investigative procedures in response to prohibited actions; establishing the Office of Special Counsel; providing duties of the office and of the Chief Inspector General in the Executive Office of the Governor; providing for investigations and corrective action; requiring the Special Counsel or agency head to report to the Florida Department of Law Enforcement if there is reasonable cause to believe that a criminal violation has occurred; providing rights of an employee against whom a complaint has been presented; providing that this section does not diminish certain existing rights; amending s. 20.055, F.S.; incorporating the amendment to s. 112.3187, F.S., into that section; providing an effective date.

By the Committee on Commerce—

**CS for SB 2280**—A bill to be entitled An act relating to financial institutions; amending s. 655.001, F.S.; expanding the scope of the section to specify the purposes and application of the financial institutions codes rather than of ch. 655, F.S.; amending s. 655.005, F.S.; altering and adding definitions applicable to ch. 655, F.S.; amending s. 655.012, F.S., relating to general supervisory powers of the Department of Banking and Finance, to conform; creating s. 655.013, F.S.; providing for the act's effect on existing financial institutions; creating s. 655.015, F.S.; providing for construction of the act and standards to be observed by the department; transferring, renumbering, and amending s. 655.021, F.S., relating to administrative enforcement guidelines; transferring, renumbering, and amending s. 655.025, F.S., concerning department investigations, subpoenas, hearings, and witnesses; transferring, renumbering, and amending s. 655.029, F.S.; requiring hearings and proceedings to be public except under certain circumstances; creating s. 655.032, F.S.; prescribing prohibited acts and practices; providing criminal penalties; amending s. 655.033, F.S.; revising the grounds upon which and the parties against which the department may issue a cease and desist order; amending s. 655.034, F.S., relating to injunctions; inserting the term "members" to conform; amending s. 655.037, F.S., relating to removal of officers, directors, and others by the department; revising the list of persons that may be so removed and revising the grounds upon which such persons may be removed; revising the procedure therefor; creating s. 655.0385, F.S.; providing for the disapproval of directors and executive officers of a financial institution by the department; creating s. 655.0386, F.S.; restricting conduct of and transactions by financial institution-affiliated parties; creating s. 655.0391, F.S.; providing for retention of supervision of financial institutions by the department; creating s. 655.0392, F.S.; allowing a financial institution to rent space from a governmental entity under certain circumstances; authorizing a governmental entity to rent such space at a certain rate; deleting provisions for disposition of fines; amending s. 655.041, F.S.; expanding the department's authority to impose administrative fines; amending s. 655.044, F.S.; revising recordkeeping requirements; providing for recovery of certain costs; amending s. 655.045, F.S.; revising the examination authority of the department; amending s. 655.047, F.S.; clarifying the application period of assessments; allowing proration of assessments but prohibiting refunds of portions of assessments; deleting provisions for disposition of assessments; amending s. 655.049, F.S.; clarifying the types of fees that are required to be deposited into the Financial Institutions' Regulatory Trust Fund; amending s. 655.053, F.S.; revising the annual report requirements; amending s. 655.057, F.S.; revising the restrictions on public access to certain records; amending s. 655.059, F.S.; providing certain law enforcement agencies access to a financial institution's books and records; amending s. 655.061, F.S., relating to competitive equality with federally

organized or chartered financial institutions; providing for the section to take precedence over other state statutes; amending s. 655.41, F.S., relating to cross-industry conversions, mergers, consolidations, and acquisitions; replacing the term "financial institution" with the term "financial entity" with reference thereto; amending s. 655.411, F.S.; revising conversion-of-charter requirements; amending s. 655.412, F.S.; revising merger and consolidation requirements; amending s. 655.414, F.S.; revising the conditions and limitations upon which a financial entity may acquire all or substantially all the assets or liabilities of another financial entity; amending s. 655.416, F.S.; providing for the valuation of assets after an acquisition; amending s. 655.417, F.S.; conforming provisions relating to the effect of merger, consolidation, conversion, or acquisition; amending s. 655.418, F.S.; conforming provisions relating to cessation of nonconforming activities; amending s. 655.419, F.S.; clarifying the applicability of provisions for merger, consolidation, conversion, or acquisition of assets; amending s. 655.50, F.S.; revising the provisions of, and the penalties for violation of, the Florida Control of Money Laundering in Financial Institutions Act; providing for confidentiality of reports and records thereunder; extending the act's penalties to cover violations of ch. 896, F.S., or similar state or federal statutes; amending s. 655.51, F.S.; allowing state and federal regulatory agencies access to certain employment information; amending s. 655.55, F.S., relating to the law applicable to deposits in and contracts related to extensions of credit by financial institutions; replacing the term "financial institution" with the term "deposit or lending institution" and defining that term; creating s. 655.56, F.S.; providing for the collection of fines, interest, or premiums on loans made by financial institutions; creating s. 655.60, F.S.; providing for appraisals of financial institutions, subsidiaries, or service corporations by the department; creating s. 655.762, F.S.; regulating the sale of assets by a financial institution; creating s. 655.769, F.S.; providing definitions related to deposits in deposit or lending institutions; creating s. 655.77, F.S.; providing for deposits by minors; creating s. 655.78, F.S.; providing for deposit accounts in two or more names; creating s. 655.79, F.S.; establishing a presumption as to vesting on death when deposits and accounts are in two or more names; creating s. 655.80, F.S.; defining and establishing requirements for convenience accounts; creating s. 655.81, F.S.; providing for deposits in trust; creating s. 655.83, F.S.; providing for adverse claims to deposit or fiduciary accounts; creating s. 655.84, F.S.; establishing a presumption as to correctness concerning statements of account; creating s. 655.85, F.S.; providing for settlement of checks; creating s. 655.86, F.S.; regulating the issuance of postdated checks; creating s. 655.89, F.S.; defining "legal holidays," "business days," and "transactions"; creating s. 655.90, F.S.; providing for the closing of deposit or lending institutions during emergencies and other special days; creating s. 655.91, F.S.; providing recordkeeping requirements for such institutions; creating s. 655.921, F.S.; providing for transaction of business by out-of-state financial institutions; creating s. 655.922, F.S.; prohibiting banking by unauthorized persons; providing penalties; creating s. 655.93, F.S.; providing definitions related to the leasing of safe-deposit boxes; creating s. 655.931, F.S.; authorizing financial institutions to engage in the safe-deposit business; creating s. 655.932, F.S.; authorizing the leasing of a safe-deposit box to a minor; creating s. 655.933, F.S.; providing for access to safe-deposit boxes by fiduciaries; creating s. 655.934, F.S.; specifying the effect of the death or incapacity of the lessee of a safe-deposit box; creating s. 655.935, F.S.; establishing safe-deposit search procedures on the death of the lessee; creating s. 655.936, F.S.; providing for the delivery of safe-deposit box contents or other property to a personal representative; creating s. 655.937, F.S.; providing for access to a safe-deposit box leased in two or more names; creating s. 655.938, F.S.; providing for adverse claims to the contents of a safe-deposit box; creating s. 655.939, F.S.; limiting the right of access to a safe-deposit box for failure to comply with security procedures; creating s. 655.94, F.S.; providing special remedies for the nonpayment of rent for a safe-deposit box; amending s. 657.002, F.S.; providing definitions; amending s. 657.004, F.S.; providing technical changes to cross-references; amending s. 657.005, F.S.; providing credit union organizational procedures and forms; creating s. 657.0061, F.S.; requiring the submission of bylaw amendments to the Department of Banking and Finance; amending s. 657.008, F.S.; authorizing armored car services and deleting the requirement that all records be kept at the principal place of business as described within the bylaws; amending s. 657.021, F.S.; defining the duties and powers of the board of directors; amending s. 657.023, F.S.; clarifying certain language; amending s. 657.026, F.S.; authorizing audit committees and defining the duties and responsibilities of these committees; amending s. 657.0265, F.S.; prescribing the liability of audit committee members; amending s. 657.027, F.S.; clarifying certain language; amending s. 657.028, F.S.; prohibiting certain persons from serving as an officer, director, or committee

member; amending s. 657.031, F.S.; clarifying language and deleting language requiring notice to the department concerning certain authorized activities; creating s. 657.0315, F.S.; prohibiting credit unions from entering into certain contracts; limiting the enforceability of these contracts; amending s. 657.033, F.S.; clarifying the definition of dormant accounts; amending s. 657.038, F.S.; deleting reference to a 18-percent usury cap and defining the term "related interest"; amending s. 657.039, F.S.; prescribing conditions for credit union loans to its directors, officers, and employees; defining the term "related interests"; amending s. 657.042, F.S.; increasing the allowable percentage of certain types of investments and clarifying the authority to invest in mutual funds; amending s. 657.043, F.S.; replacing the term "gross earnings" with the term "all income for the period"; modifying the definition of "risk assets" and increasing the amount of reserve amounts; amending s. 657.053, F.S.; revising the amounts of the semiannual assessments collected from credit unions; amending s. 657.055, F.S.; mandating the type and length of time certain records must be maintained; amending s. 657.062, F.S.; providing procedures for assumption of control of an insolvent credit union; amending s. 657.063, F.S.; authorizing the department to appoint a liquidator; limiting the enforceability of certain contracts; modifying procedures for involuntary liquidation; amending s. 657.064, F.S.; altering the procedures for undertaking a voluntary liquidation; amending s. 657.065, F.S.; prescribing voting requirements and procedures of a credit union merger; amending s. 657.068, F.S.; removing certain limitations on membership in a central credit union; providing for the conversion to federal share insurance through the National Credit Union Administration or the liquidation or merger of all member credit unions and the dissolution of the Florida Credit Union Guaranty Corporation; amending s. 657.251, F.S.; providing a purpose; amending s. 657.253, F.S.; defining member credit union; amending s. 657.257, F.S.; providing for the conversion of member credit unions to federal share insurance and deleting certain procedural requirements for such conversion; amending s. 657.258, F.S.; providing standards in pledging or advancing funds or entering into agreements with the National Credit Union Administration or providing assistance to member credit unions to qualify for federal share insurance; providing for a determination date for liquidating distributions; amending s. 657.259, F.S.; providing that the plan of operation provide for dissolution of the corporation; amending s. 657.260, F.S.; providing authority to the department to require the corporation to take any required action; amending s. 657.262, F.S.; permitting the department to charge the corporation the actual cost of examination of certain member credit unions when examination is requested; amending s. 657.263, F.S.; permitting the department to charge the corporation the actual cost of its annual examination; providing for disposition of the records of the corporation; creating s. 657.269, F.S.; providing for the orderly dissolution of the Florida Credit Union Guaranty Corporation; providing for retroactive application; amending s. 658.12, F.S.; providing definitions; amending s. 658.165, F.S.; correcting a cross-reference and inserting the term "financial institutions codes"; amending s. 658.20, F.S.; providing for prior approval of certain directors and executive officers of a failing bank or trust company; providing a filing fee for approval; amending s. 658.21, F.S.; altering the approval criteria of an application; amending s. 658.22, F.S.; requiring orders approving applications to organize a state bank be sent to the "Federal Home Loan Bank of Atlanta"; amending s. 658.23, F.S.; requiring prior Department of Banking and Finance authorization for a change in the articles of incorporation; amending ss. 658.24, 658.25, F.S.; substituting the term "bank" for "banking corporation"; amending s. 658.26, F.S.; altering the locations where banks and trust companies may transact business; amending s. 658.27, F.S.; altering the definition of control over a bank or trust company; amending s. 658.28, F.S.; providing an exception to the requirement that the department be given prior notice of any acquisition of voting securities; amending s. 658.29, F.S.; altering certain prohibitions concerning ownership and control of a bank or trust company; amending s. 658.30, F.S.; incorporating changes concerning the application of the Florida Business Corporation Act; amending s. 658.32, F.S.; allowing the department to approve an annual meeting date which is not within the first 4 months of a given year; amending s. 658.33, F.S.; inserting the term "financial institutions codes"; requiring director's oath of office to be filed within 30 days of election; amending s. 658.34, F.S.; requiring shares of common stock to be issued with a minimum par value and to be paid for in cash; amending s. 658.36, F.S.; requiring department approval for banks and trust companies to reduce outstanding common stock; amending s. 658.37, F.S.; clarifying that a stock split does not constitute a dividend; amending s. 658.38, F.S.; clarifying that a state bank must have and maintain Federal Deposit Insurance; amending s. 658.39, F.S.; restricting the right of stockholders to examine certain records; amending s. 658.40, F.S.; deleting the term "conversion"; amending s.

658.42, F.S.; providing a technical clarification; amending s. 658.43, F.S.; modifying the department's authority to issue emergency rules concerning a failing institution; amending s. 658.44, F.S., relating to approval by stockholders; revising cross-references; amending s. 658.45, F.S.; providing a technical clarification; amending s. 658.48, F.S.; altering the loan and credit authority of a state bank; amending s. 658.50, F.S., relating to loans or extensions of credit; removing interest rate limitations on credit cards or overdraft financing arrangements; improving clarity; amending s. 658.53, F.S.; altering limits of indebtedness; amending s. 658.60, F.S.; deleting the term "reserves"; amending s. 658.65, F.S.; altering the provisions related to remote financial service units; amending s. 658.67, F.S.; altering the investment powers of a bank and trust company; amending s. 658.68, F.S.; altering the liquidity requirements of a state bank; amending s. 658.73, F.S.; increasing examination fees and assessments; amending s. 658.79, F.S.; allowing the department to take possession of an imminently insolvent state bank or trust company; deleting the conditions for determining insolvency; amending ss. 658.80, 658.82, 658.83, F.S.; providing a technical clarification; amending s. 658.84, F.S., prohibiting the enforcement of certain judicial actions; amending s. 660.25, F.S.; redefining the term "commercial department"; providing for the use of terms defined in other chapters of the Florida Statutes; creating s. 660.265, F.S.; requiring certain financial institutions to pay the costs of examination by the Department of Banking and Finance; amending s. 660.27, F.S.; deleting references to state mutual associations with respect to deposits of securities with the Treasurer; clarifying the term "bank" to include state banks and national banks; amending s. 660.33, F.S.; prescribing when an association is "affiliated" or a "successor"; correcting a cross-reference; amending s. 660.37, F.S.; deleting references to the Federal Savings and Loan Insurance Corporation; permitting the deposit of fiduciary funds in amounts exceeding insurance in specified circumstances; amending s. 660.41, F.S.; revising powers of corporations other than banks, associations, and trust companies with respect to fiduciary functions; amending s. 660.44, F.S.; authorizing a bank, association, or trust company to charge reasonable management expenses for managing common trust funds; amending s. 663.01, F.S.; providing definitions; amending s. 663.02, F.S.; expanding the applicability of domestic bank powers to international banking corporations; deleting reference to a clarification concerning branching authority of bank holding companies located outside the state; amending s. 663.03, F.S.; providing that ch. 607, F.S., regulating corporations applies to international banking corporations unless it conflicts with the banking code; amending s. 663.04, F.S.; prescribing conditions under which a license may be issued to an international banking corporation to operate an international bank agency or an international branch; deleting application fee; amending s. 663.05, F.S.; modifying the application requirements for an international banking corporation to maintain an office in this state; creating s. 663.055, F.S.; prescribing certain capital requirements as a condition of licensing; providing alternative requirements for licensing; amending s. 663.06, F.S.; expanding the permissible activities of an international banking corporation and allowing the department to prescribe by rule the procedures for surrendering a license; creating s. 663.061, F.S.; defining the permissible activities of international bank agencies; creating s. 663.062, F.S.; defining the permissible activities of an international representative office; amending s. 663.063, F.S.; altering the purposes and powers of an international administrative office; creating s. 663.064, F.S.; defining the permissible activities of an international branch; creating s. 663.065, F.S.; defining the permissible activities of a state investment company; creating s. 663.066, F.S.; authorizing, under certain conditions, the acquisition of state banks by international banking corporations; amending s. 663.07, F.S.; modifying the asset maintenance requirements of an international bank agency and international branch; amending s. 663.083, F.S.; adding the term "international branch" and deleting language allowing capital debentures and notes to be treated as capital in computing capital limitations; amending s. 663.09, F.S.; providing for the consolidation of reports under certain circumstances; requiring loan documentation to be in the English language; amending s. 663.10, F.S.; modifying the provisions related to license conversion; amending s. 663.11, F.S.; replacing the term "international bank agency" with the term "office"; amending s. 663.12, F.S.; providing for filing fees, semiannual assessments, and examination fees; amending s. 663.13, F.S., relating to rulemaking respecting international banking corporations; conforming a cross-reference; amending s. 663.302, F.S., relating to the applicability of state banking laws to international development banks, to conform cross-references in that section to renumbering by this act; amending s. 663.309, F.S., relating to prohibited activities; deleting an obsolete cross-reference; amending s. 663.319, F.S., relating to rulemaking respecting regional development banks; conforming a cross-reference; amending s. 665.012, F.S.; altering and deleting

certain definitions; creating s. 665.013, F.S.; outlining the applicability of ch. 658, F.S., to ch. 665, F.S.; amending s. 665.0211, F.S.; deleting exclusiveness-of-name provisions; amending s. 665.0315, F.S.; correcting a cross-reference and incorporating a nonrefundable filing fee; amending s. 665.033, F.S.; inserting reference to the financial institutions codes and permitting denial of an application due to the existence of a state-imposed order; increasing the fee for converting from a federal mutual to a state capital stock association and authorizing examination fees for conversions; revising a cross-reference; amending s. 665.034, F.S.; changing certain requirements concerning acquisition of assets of, or control over, an association; amending s. 665.0501, F.S.; altering the general powers of an association organized under ch. 665, F.S.; amending s. 665.0711, F.S.; limiting the association's power to invest in loans; amending s. 665.074, F.S.; deleting the requirement that a settlement statement be furnished to each borrower; amending s. 665.1001, F.S.; clarifying the definition of a "foreign association"; deleting reference to the term "savings"; deleting a requirement relating to references to insurance or guaranty of accounts in advertising, solicitations, or representations; amending s. 665.1011, F.S.; deleting the term "savings and loan"; amending s. 665.102, F.S.; inserting the term, "financial institutions codes"; repealing s. 655.081, F.S., relating to disclosure of practices with respect to availability of funds; repealing s. 655.413, F.S., relating to acquisition of stock by a financial institution in another financial institution; reviving and readopting ss. 655.001, 655.005, 655.012, 655.016, 655.021, 655.025, 655.029, 655.033, 655.034, 655.037, 655.041, 655.043, 655.044, 655.045, 655.049, 655.053, 655.057, 655.059, 655.061, 655.071, 655.41, 655.411, 655.412, 655.414, 655.416, 655.417, 655.418, 655.419, 655.50, 655.51, and 655.55, F.S., as renumbered and amended by this act, notwithstanding their scheduled termination October 1, 1991, pursuant to the Regulatory Sunset Act and other laws; terminating ss. 655.001-655.94, F.S., effective October 1, 2001, and providing for legislative review of such sections pursuant to the Regulatory Sunset Act before that date; repealing ch. 88-113, Laws of Florida, relating to a contingent amendment to s. 655.061, F.S.; reviving and readopting ss. 657.001, 657.002, 657.003, 657.004, 657.005, 657.008, 657.021, 657.022, 657.023, 657.024, 657.026, 657.027, 657.028, 657.029, 657.031, 657.032, 657.033, 657.0335, 657.034, 657.035, 657.036, 657.037, 657.038, 657.039, 657.041, 657.042, 657.043, 657.051, 657.053, 657.055, 657.062, 657.063, 657.064, 657.065, 657.066, 657.068, 657.25, 657.251, 657.252, 657.253, 657.254, 657.256, 657.257, 657.258, 657.259, 657.260, 657.261, 657.262, 657.263, 657.264, 657.265, 657.266, 657.267, and 657.268, F.S., as amended by this act, notwithstanding their scheduled termination October 1, 1991, pursuant to the Regulatory Sunset Act and other laws; terminating ss. 657.001-657.068, F.S., effective October 1, 2001, and providing for legislative review of such sections pursuant to the Regulatory Sunset Act before that date; terminating ss. 657.25-657.269, F.S., effective October 1, 1996, and providing for legislative review of such sections pursuant to the Regulatory Sunset Act before that date; repealing ss. 658.1101, 658.13, 658.14, 658.15, 658.46, 658.47, 658.54, 658.55, 658.56, 658.57, 658.58, 658.59, 658.61, 658.62, 658.63, 658.64, 658.66, 658.69, 658.70, 658.71, 658.72, 658.74, 658.75, 658.76, 658.77, 658.78, 658.85, 658.86, 658.87, 658.88, 658.89, 658.91, 658.92, 658.93, 658.97, 658.98, 658.99, F.S., relating to the regulation of banks and trust companies; reviving and readopting ss. 658.12, 658.16, 658.19, 658.20, 658.21, 658.22, 658.23, 658.235, 658.24, 658.25, 658.26, 658.27, 658.28, 658.29, 658.295, 658.30, 658.32, 658.33, 658.34, 658.35, 658.36, 658.37, 658.38, 658.39, 658.40, 658.41, 658.42, 658.43, 658.44, 658.45, 658.48, 658.49, 658.491, 658.50, 658.51, 658.53, 658.60, 658.65, 658.67, 658.68, 658.73, 658.79, 658.80, 658.81, 658.82, 658.83, 658.84, 658.90, 658.94, 658.95, and 658.96, F.S., notwithstanding their scheduled termination October 1, 1991, pursuant to the Regulatory Sunset Act and other laws; terminating ss. 658.12-658.96, F.S., effective October 1, 2001, and providing for legislative review of such sections pursuant to the Regulatory Sunset Act before that date; repealing s. 660.32, F.S., relating to the place of transacting trust business and trust company branches; reviving and readopting ss. 660.25, 660.26, 660.27, 660.28, 660.29, 660.30, 660.31, 660.33, 660.34, 660.35, 660.36, 660.37, 660.38, 660.39, 660.40, 660.41, 660.42, 660.43, 660.44, 660.45, 660.46, 660.47, and 660.48, F.S., as amended by this act, notwithstanding their scheduled termination October 1, 1991, pursuant to the Regulatory Sunset Act and other laws; terminating ss. 660.25-660.48, F.S., effective October 1, 2001, and providing for legislative review of such sections pursuant to the Regulatory Sunset Act before that date; repealing ss. 661.45-661.55, F.S., relating to regulating the safe-deposit business, in accordance with the Regulatory Sunset Act; repealing ss. 662.01-662.08, F.S., relating to bank service corporations, in accordance with the Regulatory Sunset Act; reviving and readopting ss. 663.01, 663.02, 663.03, 663.04, 663.05, 663.06, 663.07, 663.08, 663.09, 663.10, 663.11, 663.12, 663.13, 663.14, 663.301, 663.302, 663.303, 663.304, 663.305,

663.306, 663.307, 663.308, 663.309, 663.310, 663.311, 663.312, 663.313, 663.314, 663.315, 663.316, 663.317, 663.318, and 663.319, F.S., as amended by this act, notwithstanding their scheduled termination October 1, 1991, pursuant to the Regulatory Sunset Act and other laws; terminating ss. 663.01-663.319, F.S., effective October 1, 2001, and providing for legislative review of such sections pursuant to the Regulatory Sunset Act before that date; repealing ss. 664.01-664.12, F.S.; relating to industrial savings banks, in accordance with the Regulatory Sunset Act, repealing ss. 665.011, 665.0201, 665.022, 665.023, 665.024, 665.025, 665.027, 665.028, 665.0301, 665.0311, 665.0335, 665.038, 665.0401, 665.044, 665.045, 665.047, 665.048, 665.0601, 665.0611, 665.062, 665.063, 665.064, 665.065, 665.066, 665.067, 665.068, 665.069, 665.0701, 665.0731, 665.076, 665.077, 665.0801, 665.082, 665.083, 665.093, 665.096, 665.097, 665.099, 665.1021, 665.103, 665.104, F.S., relating to the regulation of savings associations; reviving and readopting ss. 665.012, 665.0211, 665.0315, 665.033, 665.0335, 665.034, 665.0345, 665.0501, 665.0711, 665.074, 665.075, 665.1001, 665.1011, and 665.102, F.S., as amended by this act, notwithstanding their scheduled termination October 1, 1991, pursuant to the Regulatory Sunset Act and other laws; terminating ss. 665.012-665.102, F.S., effective October 1, 2001, and providing for legislative review of such sections pursuant to the Regulatory Sunset Act before that date; amending s. 154.238, F.S., relating to the authority of a health facilities authority to deal with a bank that employs a member of the authority, to conform terminology to that used in this act; amending s. 159.414, F.S., relating to the authority of a board of a local agency, under the Florida Industrial Development Financing Act, to deal with a bank that employs a board member, to conform terminology to that used in this act; amending s. 159.494, F.S., relating to the authority of an industrial development authority to deal with a bank that employs a member of the authority; amending s. 240.488, F.S., relating to the investment of funds of a county education loan authority, to conform terminology to that used in this act; amending s. 288.753, F.S., relating to examination of the Florida Export Finance Corporation by the Department of Banking and Finance, to conform terminology to that used in this act; amending s. 289.121, F.S., relating to examination of the Florida Industrial Development Corporation, to conform terminology to that used in this act; amending s. 420.141, F.S., relating to examination of the Housing Development Corporation of Florida, to conform terminology to that used in this act; amending s. 538.03, F.S., relating to definitions applicable to secondhand dealers, to conform a cross-reference made obsolete by this act; amending s. 560.201, F.S., relating to the record of sales of money orders, to revise a cross-reference to a provision repealed by this act; amending s. 607.0501, F.S., relating to registered offices and agents of corporations, to conform terminology to that used in this act; amending s. 627.826, F.S., relating to insurance premium finance companies, to delete a cross-reference to a law repealed by this act; amending s. 671.304, F.S., relating to laws not repealed by the enactment of the Uniform Commercial Code, to delete cross-references to laws repealed by this act; amending s. 687.12, F.S., relating to interest rates of licensed lenders and creditors, to revise a cross-reference to a law repealed by this act; amending s. 896.101, F.S., relating to the conduct of financial transactions involving the proceeds of unlawful activity, to revise cross-references to conform with this act; providing an effective date.

By the Committee on Natural Resources and Conservation; and Senator Dantzler—

**CS for SB 2282**—A bill to be entitled An act relating to water management districts; providing a short title; requiring periodic legislative review of water management district regulatory programs under parts II, III, and IV of ch. 373, F.S.; requiring the President of the Senate and the Speaker of the House of Representatives to designate committees responsible for oversight of the water management districts; requiring the appropriations committees within the Legislature to review water management district budgets; providing for future legislative review and repeal of pts. II, III, and IV of ch. 373, F.S., relating to permitting of consumptive uses of water, regulation of wells, and management of storage of surface water; creating s. 373.199, F.S.; providing for agricultural advisory committees; providing duties; providing an effective date.

By the Committees on Health and Rehabilitative Services; Health and Rehabilitative Services Reorganization; and Senator Gordon—

**CS for CS for SB 2306**—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending s. 20.19, F.S.; redefining the purposes of the department; providing for the appointment of ad hoc advisory committees; redefining the authority of the secretary; transferring responsibilities for operations to the secretary;

delineating responsibilities of Deputy Secretary for Health; deleting the reference to the Office of Restaurant Programs; deleting Advisory Council on Health; renaming the Deputy Secretary for Programs as the Deputy Secretary for Human Services; delineating responsibilities; providing conforming name changes throughout the section; deleting specific reference to children's mental health outcome report; deleting program office advisory councils; deleting the Medicaid Advisory Council; providing for regional administration centers; prescribing counties that comprise the subdistricts in District 4; providing changes in the responsibilities of the district administrators; changing the budget entities; providing for departmental budget requests to be based on costs of units of service; deleting provisions requiring program evaluation; providing requirements for the department's information systems; deleting management fellows program; requiring a report on departmental monitoring requirements; providing for outcome evaluation in the department; providing intent; providing definitions; requiring the department to establish a system of outcome evaluation of services provided by all programs; providing additional requirements of the Children, Youth, and Families Program Office under the system; providing for reports; requiring periodic evaluations and reports by the Auditor General; providing for a budget assessment to fund evaluation activities; amending s. 20.04, F.S.; conforming language; amending ss. 39.021, 39.025, F.S.; correcting cross-references; creating s. 110.1097, F.S.; providing intent; requiring the Department of Administration to conduct a review of the personnel system of the Department of Health and Rehabilitative Services; requiring examination of specified items; requiring reports; creating s. 381.297, F.S.; establishing the Office of Restaurant Programs with the department; providing for appointment of district supervisors; providing duties of the office; amending ss. 402.167, 402.47, F.S.; conforming language; creating s. 402.50, F.S.; providing for review of administrative infrastructure needs; providing intent; requiring the development of administrative infrastructure standards; requiring a report; requiring analysis based upon standards; creating s. 402.55, F.S.; providing for the Management Fellows Program; amending s. 409.146, F.S.; correcting a cross-reference; providing for reporting; providing for staff training; requiring an analysis of documentation and reporting requirements for all programs of the Department of Health and Rehabilitative Services; requiring specific distribution of analysis; providing for the establishment of local health and human services planning groups; providing for appointment of members to planning groups; providing duties; requiring the department to develop a formula for equally funding service districts; providing for the appointment of an advisory committee to assist the department in developing the formula; requiring a report; requiring the Department of Health and Rehabilitative Services to establish a mediation process to resolve disputes between contract agencies and the department; providing for the appointment of mediation panels; providing that final decisions of mediation panels may not be administratively appealed; repealing s. 331.0615, F.S., relating to the Children, Youth, and Families Program Office; providing an effective date.

By the Committee on Health and Rehabilitative Services; and Senator Weinstock—

**CS for SB 2340**—A bill to be entitled An act relating to living accommodations for elderly and disabled persons and health care facilities; amending s. 381.704, F.S.; modifying nursing home bed need methodology for certain areas of the state; amending s. 400.401, F.S.; modifying purpose of the Adult Congregate Living Facilities Act; amending s. 400.402, F.S.; modifying definitions; adding definitions; amending s. 400.404, F.S.; authorizing policies to enable residents to age in place; amending s. 400.407, F.S.; providing penalties for unlicensed operation of facilities; establishing licensure categories; providing for licensure of extended congregate care facilities; revising licensure fees; providing for biennial licensure; amending s. 400.408, F.S.; modifying requirements for notice relating to referral of persons to unlicensed facilities; amending s. 400.411, F.S.; providing additional requirements for license applications; requiring certain financial disclosure; amending s. 400.412, F.S.; requiring resident notification of sale or transfer of ownership of facility; amending s. 400.417, F.S.; requiring certain financial disclosure; amending s. 400.4176, F.S.; deleting required notice of certain contract services; amending s. 400.418, F.S.; specifying use fees; amending s. 400.419, F.S.; providing penalty for failure to make financial disclosure; providing an additional consideration for the department in imposing penalties; redesignating the Aging and Adult Licensure Fees Trust Fund as the Licensure Fees Trust Fund; amending s. 400.4195, F.S.; providing requirements for placement or referral services; restricting payment; amending s. 400.422, F.S.; conforming language; amending s. 400.424, F.S.; providing protection for security deposits and advanced rent; providing for

claims against refunds; creating s. 400.4255, F.S.; specifying responsibilities of licensed personnel; amending s. 400.426, F.S.; modifying provisions relating to appropriateness of placement; providing for aging in place; amending s. 400.427, F.S.; modifying provisions relating to property and personal affairs of residents; amending ss. 400.428, 400.435, 400.442, 400.467, F.S., to conform to biennial licensure; amending s. 400.431, F.S.; modifying requirements for notice of closing a facility; providing a penalty; amending s. 400.441, F.S., relating to facility standards; modifying fire drill requirements; providing for rules and for waivers; providing for copying fees; amending s. 400.4445, F.S.; requiring compliance with ch. 419, F.S., under certain conditions; amending s. 400.447, F.S.; requiring certain financial disclosure; providing a penalty; revising advertising requirements; amending s. 400.451, F.S., to conform; amending s. 400.452, F.S.; modifying staff education and training requirements; providing an exemption from food service certification; amending s. 400.462, F.S.; modifying definitions under the Home Health Services Act; amending s. 400.464, F.S.; requiring infusion therapy providers to be licensed as home health agencies; providing for Medicare reimbursement; amending s. 400.478, F.S.; prohibiting agencies and health care facilities from certain recruiting; amending s. 420.5087, F.S.; expanding provisions relating to temporary reservations of funds for loans from State Apartment Incentive Loan Program to sponsors of housing for the elderly, to authorize such loans for additional purposes and to extend the term of such loans; amending s. 651.011, F.S.; correcting a cross-reference; amending s. 651.091, F.S.; requiring expanded distribution of reports; requiring certain financial disclosure to residents' councils; requiring disclosure of certain plans to prospective residents; amending s. 651.121, F.S.; increasing membership on the Continuing Care Advisory Council; requiring the Department of Health and Rehabilitative Services to develop a plan for subsidizing extended congregate care for indigent persons; providing for cooperative efforts by the department, the Division of Hotels and Restaurants, and the State Fire Marshal to improve the safety and welfare of persons in retirement hotels or similar complexes; requiring reports; providing for future legislative review and repeal of s. 400.4255, F.S., pursuant to the Regulatory Sunset Act; providing an effective date.

By the Committee on Natural Resources and Conservation; and Senators Thurman and Childers—

**CS for SB 2352**—A bill to be entitled An act relating to pollutant storage and environmental cleanup; amending s. 206.9935, F.S.; extending the operation of the tax for inland protection; amending s. 376.301, F.S.; revising the definition of the term "person responsible for conducting site rehabilitation" for the purposes of the Pollutant Spill Prevention and Control Act; allowing mortgage holders and trust holders to participate in reimbursement; amending s. 376.305, F.S.; revising the definition of the term "abandoned petroleum storage system"; increasing the time period for the submission of applications under the Abandoned Tank Restoration Program; providing for the usage of certain funds; amending s. 376.3071, F.S.; authorizing the use of the Inland Protection Trust Fund for the Abandoned Tank Restoration Program; limiting the uses of funds from that trust fund; authorizing the Department of Environmental Regulation to enter into certain agreements regarding reimbursement of cleanup costs; allowing the responsible party to be eligible for the reimbursement program, under certain conditions; revising terms to conform to current usage; allowing certain facilities to be eligible for redetermination; eliminating the expiration of an incentive program; extending the time interest would be paid by the department on reimbursements under certain conditions; repealing obsolete s. 376.3071(12)(i), F.S., relating to obligated funds; amending s. 376.3072, F.S.; requiring the responsible party to conduct the total restoration after a specified date; providing exceptions; providing that certain petroleum storage systems owners and operators are eligible for the restoration program under certain conditions; expanding waiver provisions; authorizing certain lending institutions under the Florida Petroleum Liability Insurance and Restoration Program to conduct certain cleanup operations; providing for the retroactivity of s. 376.3072(2)(b), F.S.; amending s. 376.3073, F.S.; allowing the department to contract with state agencies for control of contamination; providing guidelines for state agency programs for control of contamination; amending s. 376.3077, F.S.; clarifying who is prohibited from depositing motor fuel into certain tanks; amending ch. 88-331, Laws of Florida; providing an additional time period for the compilation of a report to legislative leaders on pollution liability and restoration insurance; deleting the automatic expiration of the Florida Petroleum Liability Insurance Program; amending s. 489.133, F.S.; providing the area of operations for certain registered precision tank testers; requiring the registration of internal pollutant storage tank lining applicators by the Construction Industry Licensing Board of the Department of Professional Regulation;

requiring the Department of Environmental Regulation to review rules requiring such registration; correcting cross-references; providing criminal penalties for conducting business as a precision tank tester or an internal pollutant tank lining applicator without registration; amending s. 253.033, F.S., relating to "the Graves Tract," former Inter-American Center property; providing for protection of a State Mangrove Preserve; providing for a cost-sharing arrangement with the City of North Miami for protective measures; providing severability; providing an effective date.

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Gardner, by two-thirds vote **CS for SB 20** and **SB 1686** were removed from the calendar and referred to the Committee on Appropriations.

On motions by Senator Gardner, by two-thirds vote **CS for CS for SB 30, CS for SB 32, CS for SB 344, SB 398, CS for SB 642, SB 1002, CS for SB 1084, SB 1196, CS for SB 1554, CS for CS for SB 1576, CS for SB 1694, CS for SB 1834, SB 1902, CS for SB 1926, CS for SB's 2054 and 1504 and CS for SB 2272** were withdrawn from the Committee on Appropriations.

On motions by Senator Thomas, by two-thirds vote **Senate Bills 1612, 2218** and **CS for SB 1026** were withdrawn from the Committee on Rules and Calendar; **Senate Bills 1906, 384** and **CS for SB 1758** were withdrawn from the Committee on Governmental Operations; **SB 256** was withdrawn from the Committee on Education; **CS for SB 1670** was withdrawn from the Committee on Agriculture; **CS for SB 1820** was withdrawn from the Committee on Judiciary; and **Senate Bills 1342** and **1608** were withdrawn from the Committee on Commerce.

On motion by Senator Thomas, by two-thirds vote **CS for SB 1560** was also referred to the Committee on Health and Rehabilitative Services.

On motions by Senator Thomas, by two-thirds vote **SB 796** was withdrawn from the Committee on Commerce; and **CS for SB 596** was withdrawn from the Committee on Rules and Calendar.

On motions by Senator Grizzle, by two-thirds vote **CS for SB 406, CS for SB 530, SB 1014, CS for SB 1426, CS for SB 1652, SB 2090, HB 2069, CS for SB 1894** and **SB 960** were withdrawn from the Committee on Community Affairs.

#### MOTIONS

On motions by Senator Jenne, the rules were waived and the following bills which passed on April 4 were ordered immediately certified to the House: **HB 567, CS for SB 1614, CS for SB 2014, SB 122, CS for CS for SB's 212 and 266, CS for CS for CS for SB 480, CS for CS for SB's 1000, 1234 and 2158, CS for SB 1058, CS for CS for SB 1120, CS for SB 1128, CS for CS for SB 1436** and **CS for SB 2010**.

On motion by Senator Thomas, the rules were waived to allow members of the Committee on Education to meet at 1:00 p.m. this day.

On motion by Senator Thomas, the rules were waived and the Special Order Subcommittee of the Committee on Rules and Calendar was granted permission to meet upon adjournment, in lieu of 12:00 noon as scheduled this day.

On motion by Senator Jenne, the rules were waived and the Committee on Finance, Taxation and Claims was granted permission to place **SB 1342, SB 1608, SB 796** and **CS for SB 1768** first on the agenda this day.

#### SESSION SCHEDULE CHANGE

On motion by Senator Thomas, the rules were waived and the session schedule for Wednesday, April 10 was changed as follows: The Senate will meet at 10:00 a.m., in lieu of 9:00 a.m., as previously scheduled.

#### MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State **SB 418** which he approved on April 9, 1991.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

## First Reading

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives has passed HB 1255, HB 1341, HB 1503, HB 1521, HB 1669, HB 1687, HB 2075, HB 2087, HB 2265, HB 2423; has passed as amended HB 243, CS for CS for CS for HB 389, CS for HB 737, CS for HB 1119, CS for HB 2343 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

By Representative Grindle and others—

**HB 1255**—A bill to be entitled An act relating to Seminole County; repealing chapters 74-612 and 81-493, Laws of Florida, relating to the Seminole County Comprehensive Planning Act of 1974; providing a savings clause; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representatives Simone and Boyd—

**HB 1341**—A bill to be entitled An act relating to honeybees; amending s. 586.11, F.S.; deleting an inspection requirement for bees moved into the state; providing an effective date.

(Substituted for **SB 1398** on the special order calendar this day.)

By Representative Flagg—

**HB 1503**—A bill to be entitled An act relating to Alachua County; amending chapter 90-496, Laws of Florida, known as the "Alachua County Boundary Adjustment Act"; providing for the effect of other laws; revising definitions of "Urban in Character" and "Urban Services"; extending the deadline for the designation of proposed reserve areas, and prohibiting the designation of a reserve area for any municipality which fails to perform certain duties; revising the criteria for designating reserve areas; providing that the requirements of this section do not apply to voluntary annexations; repealing section 10(2) of chapter 90-496, Laws of Florida, relating to the preparation and submission of a report in voluntary annexations; providing for conflict; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representatives Flagg and Chestnut—

**HB 1521**—A bill to be entitled An act relating to Alachua County; repealing chapter 63-1097, Laws of Florida, relating to peddlers' and solicitors' licenses; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Foley—

**HB 1669**—A bill to be entitled An act relating to Palm Beach County; repealing chapter 63-1746, Laws of Florida, as amended, which provides for the removal of unsafe buildings; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representatives Lawson and Rudd—

**HB 1687**—A bill to be entitled An act relating to the Tallahassee downtown improvement authority; amending chapter 71-935, Laws of Florida; increasing the membership of the board; providing for appointment and terms; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Employee and Management Relations; and Representative Hargrett and others—

**HB 2075**—A bill to be entitled An act relating to the state group insurance program; amending s. 110.123, F.S.; directing the Department of Administration to establish a comprehensive package of insurance benefits; providing criteria for such benefits; providing for enrollment in the pretax benefit program of certain employees; directing the department to study the feasibility of establishing a State Employee Cafeteria Benefit Program for state employees; providing for a report; providing an effective date.

—was referred to the Committees on Personnel, Retirement and Collective Bargaining; and Appropriations.

By the Committee on Regulatory Reform and Representatives Tobin and Chinoy—

**HB 2087**—A bill to be entitled An act relating to the hearing impaired; transferring the Florida Council for the Hearing Impaired from the Department of Education to the Department of Labor and Employment Security; amending and renumbering s. 229.8361, F.S., relating to the council; revising membership provisions; amending ss. 427.503, 427.504, and 427.506, F.S., relating to the Telephone Communication Services for the Deaf Act; revising definitions, correcting cross references, revising certification procedures, deleting obsolete language, and revising standards for telecommunications devices; repealing s. 427.508, F.S., relating to dual-party relay system; saving s. 229.8361 and part II of chapter 427, F.S., from Sundown repeal; providing for future review and repeal; providing an effective date.

(Substituted for **CS for SB 412** on the special order calendar this day.)

By the Committee on Natural Resources and Representative Rudd—

**HB 2265**—A bill to be entitled An act relating to game and freshwater fish; amending s. 372.83, F.S.; providing noncriminal infractions; providing for license or permit revocation; providing penalties for violations associated with fish and wildlife resources; amending s. 372.663, F.S.; prohibiting illegal killing, possession, or capturing of alligators; repealing s. 372.68, F.S., relating to reports by freshwater fish dealers; repealing s. 372.71, F.S., relating to fines, penalties, and forfeiture of licenses; amending s. 372.711, F.S.; providing a civil penalty for noncriminal infractions; providing for payment of civil penalty; amending s. 372.911, F.S.; deleting a penalty; amending ss. 372.58, 372.581, 372.921, and 372.922, F.S.; correcting cross references; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; Criminal Justice; and Appropriations.

By the Committee on Commerce and Representative Langton—

**HB 2423**—A bill to be entitled An act relating to the Florida Credit Union Guaranty Corporation Act; providing for the conversion to federal share insurance through the National Credit Union Administration or the liquidation or merger of all member credit unions and the dissolution of the Florida Credit Union Guaranty Corporation; amending s. 657.251, F.S.; providing a purpose; amending s. 657.253, F.S.; defining member credit union; amending s. 657.257, F.S.; providing for the conversion of member credit unions to federal share insurance and deleting certain procedural requirements for such conversion; amending s. 657.258, F.S.; providing standards in pledging or advancing funds or entering into agreements with the National Credit Union Administration or providing assistance to member credit unions to qualify for federal share insurance; providing for a determination date for liquidating distributions; amending s. 657.259, F.S.; providing that the plan of operation provide for dissolution of the corporation; amending s. 657.260, F.S.; providing authority to the department to require the corporation to take any required action; amending s. 657.262, F.S.; permitting the department to charge the corporation the actual cost of examination of certain member credit unions when examination is requested; amending s. 657.263, F.S.; permitting the department to charge the corporation the actual cost of its annual examination; providing for disposition of the records of the corporation; creating s. 657.269, F.S.; providing for the orderly dissolution of the Florida Credit Union Guaranty Corporation; providing for retroactive application; reviving and readopting various sections of ch. 657, F.S., notwithstanding their scheduled repeal; providing for future review and repeal of specified sections of ch. 657, F.S., pursuant to the Regulatory Sunset Act; providing an effective date.

—was referred to the Committees on Commerce; Finance, Taxation and Claims; and Appropriations.

By Representatives Reddick and Sindler—

**HB 243**—A bill to be entitled An act relating to special observances; creating s. 683.21, F.S.; designating "Juneteenth Day" to officially commemorate the freeing of the slaves in Florida; providing an effective date.

—was referred to the Committee on Governmental Operations.

By the Committees on Appropriations; Finance and Taxation; and Agriculture; and Representative Harris—

**CS for CS for CS for HB 389**—A bill to be entitled An act relating to citrus canker; amending s. 581.192, F.S.; revising excise taxes for the sale of citrus stock; providing collection procedures; providing penalties; providing for future repeal; amending s. 581.193, F.S.; revising excise taxes for commercial sale of citrus stock; providing collection procedures; providing additional penalties; revising the percentage proceeds from excise taxes transferred to the Citrus Canker Compensation Trust Fund and the Citrus Canker Eradication Trust Fund; providing for future repeal; amending s. 601.282, F.S.; revising excise taxes on citrus fruit; revising collection procedures; providing additional penalties; revising the percentage proceeds from excise taxes transferred to the Citrus Canker Compensation Trust Fund; providing for future repeal; amending s. 602.055, F.S.; revising citrus canker claims procedures; amending s. 602.065, F.S.; revising language with respect to interest rates on claims; authorizing the state to proceed to administrative hearing; providing appropriations; amending s. 602.025, F.S.; providing legislative intent; providing effective dates.

—was referred to the Committees on Agriculture; Finance, Taxation and Claims; and Appropriations.

By the Committee on Health Care and Representatives Corr and Safley—

**CS for HB 737**—A bill to be entitled An act relating to air ambulance services; amending s. 401.48, F.S.; requiring air ambulance services to provide written statements on services to be rendered and the cost for such services under certain circumstances; providing an effective date.

—was referred to the Committee on Health and Rehabilitative Services.

By the Committee on Agriculture and Representatives Daryl Jones and Sindler—

**CS for HB 1119**—A bill to be entitled An act relating to the animal industry; amending s. 585.002, F.S.; clarifying language with respect to fees assessed by the Department of Agriculture and Consumer Services; amending s. 585.003, F.S.; providing additional powers of the department when entering private premises; amending s. 585.01, F.S.; providing definitions; amending s. 585.145, F.S.; clarifying authority with respect to importation, intrastate movement, and transfer of ownership of animals; providing a penalty for certain offenses; creating s. 585.68, F.S.; providing authority to enter, inspect, and test premises and animals where animals are suspected of harboring biological or chemical residues; authorizing the restriction of premises and animal movement when harmful biological or chemical residues are suspected; authorizing destruction of certain animals; amending s. 585.70, F.S.; defining the term "pet food"; amending s. 585.85, F.S.; prohibiting the sale and transportation of specified pet food for human consumption; providing labeling requirements; providing penalties; amending and renumbering s. 828.31, F.S., and designating said section as part IV of chapter 585, F.S., entitled "Dogs and Cats"; revising language with respect to dogs and cats transported or offered for sale; providing an effective date.

—was referred to the Committees on Agriculture and Criminal Justice.

By the Committees on Appropriations, Public Schools and Representative Jamerson and others—

**CS for HB 2343**—A bill to be entitled An act relating to education; amending s. 229.591, F.S.; revising provisions relating to comprehensive revision of Florida's system of school improvement and responsibility; providing intent for a system of school improvement and education accountability; providing requirements and education goals; amending s. 229.592, F.S.; providing for implementation of the system of improvement and accountability; providing duties of the Legislature, Commissioner of Education, Department of Education, and State Board of Education; providing for exceptions to the law; amending ss. 229.593 and 229.594, F.S.; deleting the Commission to Improve Schools and Simplify

Education Reports and providing for the Florida Commission on Education Reform and Accountability and duties thereof; amending s. 24.121, F.S.; revising provisions relating to use and distribution of revenues from the sale of lottery tickets; amending s. 120.68, F.S.; providing for judicial review of certain actions; amending s. 228.041, F.S.; providing for definition of the term performance standard; amending ss. 228.0617, 229.551, 229.575, 229.59, and 233.0615, F.S.; conforming language; amending s. 229.512, F.S.; providing an additional duty of the commissioner; amending s. 229.58, F.S.; changing district and school advisory committees to councils and revising certain requirements thereof; amending s. 230.03, F.S.; providing duties of school principals; amending s. 230.23, F.S.; providing duties of school boards for implementation of a system of school improvement and education accountability; providing contents of such system; amending s. 230.33, F.S.; providing related duties of superintendents; amending s. 230.2316, F.S.; revising certain requirements relating to educational alternatives programs; amending s. 231.085, F.S.; providing duties of principals; authorizing the reorganization of the Division of Public Schools; providing for consideration for appointment to the Florida Commission on Education Reform and Accountability; repealing ss. 229.861, 229.863, 229.865, 229.867, F.S.; relating to Board of Public Schools; providing for review and repeal; providing an effective date.

—was referred to the Committees on Education; Rules and Calendar; and Appropriations.

#### RETURNING MESSAGES—FINAL ACTION

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives has passed Senate Bills 232, 462 and CS for SB 828.

*John B. Phelps, Clerk*

The bills contained in the foregoing message were ordered enrolled.

#### AMENDMENTS TO SENATE BILLS

##### CS for SB 410

Senator Walker moved the following amendment which was adopted:

**Amendment 1**—On page 1, line 21, through page 2, line 17, strike all of said lines and insert:

1. *Five members must be program directors of accredited graduate medical education programs or practicing physicians who have faculty appointments in accredited graduate medical education programs. Of these five members, each member must be board certified or board eligible in one of the following medical specialty areas: general or family practice, internal medicine, pediatrics, obstetrics-gynecology, and emergency medicine, and no two members may be board certified or board eligible in the same medical specialty area. At least one of these members must be licensed pursuant to chapter 459.*

~~1. Three members must be program directors of accredited medical education in approved community hospital medical education programs;~~

~~2. Two members must be from private practice and serve as faculty members of approved community hospital education programs, one of whom must be licensed pursuant to chapter 458 and the other of whom must be licensed pursuant to chapter 459;~~

2.3. One member must be a representative of the administration of a hospital with an approved community hospital medical education program;

3.4. One member must be the dean of a medical school in this state; and

4.5. Two members must be consumer representatives.

##### CS for CS for SB 582

Senator Forman moved the following amendments which were adopted:

**Amendment 1**—On page 7, line 16, strike "seven" and insert: *nine seven*

**Amendment 2**—In title, on page 1, line 3, after the semicolon (;) insert: increasing the membership of the Florida Transportation Commission;

**Amendment 3**—On page 10, line 22, strike “Four Five members of the commission constitute” and insert: *A majority of the membership of the commission constitutes Five members of the commission constitute*

**Amendment 4**—In title, on page 1, strike all of lines 10 and 11 and insert: providing quorum requirements; providing for the

**Amendment 5**—On page 10, line 25, strike “at least” and insert: *a majority of the members present, but not fewer than at least*

**Amendment 6**—In title, on page 6, line 4, after the semicolon (;) insert: amending s. 339.155, F.S.; providing for the creation of the Metropolitan Planning Organization Advisory Council; amending s. 339.175, F.S.; providing for membership of the council; specifying the powers and duties of such council;

**Amendment 7**—On page 55, between lines 16 and 17, insert:

Section 34. Subsection (6) is added to section 348.0004, Florida Statutes, 1990 Supplement, to read:

348.0004 Purpose and powers.—

(6) *An expressway authority created pursuant to ss. 348.0001-348.0012 may not construct a transportation facility unless such facility is consistent with the applicable Metropolitan Planning Organization's transportation improvement program and with the applicable local government comprehensive plan.*

(Renumber subsequent sections.)

**Amendment 8**—In title, on page 6, line 27, after the semicolon (;) insert: amending s. 348.0004, F.S.; relating to the Florida Expressway Authority Act; providing limitations on construction of transportation facilities by certain expressway authorities;

**Amendment 9**—On page 50, between lines 3 and 4, insert:

Section 30. Paragraph (a) of subsection (5) of section 339.155, Florida Statutes, 1990 Supplement, is amended to read:

339.155 Transportation planning.—

(5) **SYSTEMATIC PLANNING PROCESS.**—The department shall institute and publish a systematic planning process for considering those factors to be used in developing the statewide transportation plan pursuant to subsection (2) so that any major transportation facility is so planned that it will function as an integral part of the overall plan for local, regional, and state development. The process shall:

(a) Provide the necessary framework to guide transportation planning in the state, consistent with the state comprehensive plan. ~~In order to assist the department shall be assisted in the systematic planning process by, there is created the Metropolitan Planning Organization Advisory Council Committee created pursuant to s. 339.175. The committee shall be composed of a representative from each metropolitan planning organization in the state. Each metropolitan planning organization shall select one representative to serve on the committee and shall notify the department of such selection or any change in representation. The advisory committee shall, by majority vote, make recommendations to the department concerning the statewide transportation plan. The department shall formally document actions taken in response to such recommendations. The advisory committee will augment, and not supplant, the role of individual metropolitan planning organizations in the cooperative transportation planning process.~~

Section 31. Subsection (23) is added to section 339.175, Florida Statutes, 1990 Supplement, to read:

339.175 Transportation planning organization.—

(23)(a) *A Metropolitan Planning Organization Council shall be created to augment, and not supplant, the role of individual metropolitan planning organizations in the cooperative transportation planning process and to assist the department in the systematic planning process described in s. 339.155(5).*

(b) *The voting membership of the council shall consist of a representative from each metropolitan planning organization in the state. Each metropolitan planning organization shall appoint a representative, either the chairperson or other voting member of the organization, and an alternate to serve in the representative's absence on the council*

*pursuant to the bylaws of the council. Each metropolitan planning organization shall notify the executive director of the council of such appointments or any change in representation. The members of the council shall elect a chairman from their number annually.*

(c) *The council shall meet at least twice annually at times determined by the council.*

(d) *Members of the council shall not receive any compensation for their services but may, at the discretion of the council, be reimbursed for travel and expenses incurred in the performance of their council duties, as provided in s. 112.061.*

(e) *The council is assigned to the Office of the Secretary of Transportation for administrative and fiscal accountability purposes.*

(f) *The council shall function independently of the control and direction of the department in the fulfillment of its powers and duties.*

(g) *The council shall develop a budget pursuant to chapter 216, subject to review and approval by the Florida Department of Transportation. The approved budget shall be included in the department's Legislative Budget Request.*

(h) *The powers and duties of the Metropolitan Planning Organization Council shall be to:*

1. *Hire an executive director, who shall serve under the direction, supervision, and control of the council. The executive director, with the consent of the council, shall employ such staff as may be necessary to perform adequately the functions of the council, within budgetary limitations. All employees of the council are exempt from Part II of chapter 110 and shall serve at the pleasure of the council. The salaries and benefits of all employees of the council shall be set in accordance with the Selected Exempt Service and consistent with salary and rate levels appropriated for the council staff.*

2. *Enter into contracts with individuals, private corporations and public agencies.*

3. *Acquire, own, operate, maintain, sell or lease personal property essential for the conduct of business.*

4. *Establish an office and lease and maintain real property essential for the conduct of business.*

5. *Accept funds, grants, assistance, gifts, or bequests from private, local, state, and federal sources.*

6. *Research, prepare, publish and procure books, reports, pamphlets, brochures, documents, maps, and other printed material necessary for it to fulfill its purpose and function.*

7. *Establish bylaws and promulgate rules to effectuate its powers, responsibilities, and obligations under this subsection provided that said rules do not supercede or conflict with applicable local and state laws, rules, and regulations.*

8. *Establish metropolitan planning organization planning policies, standards and procedures, in cooperation with the department and all metropolitan planning organizations of the state, to assist the metropolitan planning organizations in carrying out the urbanized area transportation planning process as required by Title 23 of the Code of Federal Regulations, Parts 420 and 450 and all applicable sections of chapter 339.*

9. *Serve as the principal forum for collective metropolitan planning organization policy discussion and decision making regarding overall transportation policy affecting the urbanized areas of the state. The council shall represent the interest of all metropolitan planning organizations within the state before the Governor, Legislature, department, and federal agencies. It shall make recommendations to the department concerning transportation policy affecting the state's urbanized areas and the Florida Transportation Plan. The department shall formally document actions taken in response to the council's recommendations concerning the statewide transportation plan.*

10. *Serve as a clearinghouse for review and comment by all metropolitan planning organizations on the Florida Transportation Plan and any other plans, programs, standards, rules, procedures, regulations, and other operational guidelines developed by the department or federal agencies to comply with federal requirements and state law in carrying out the urbanized area transportation planning process and the systematic planning process instituted pursuant to s. 339.155.*

(Renumber subsequent sections.)

Senator Brown moved the following amendments which were adopted:

**Amendment 10**—On page 19, between lines 24 and 25, insert:

Section 9. Subsection (1) of section 336.045, Florida Statutes, is amended and subsection (6) is added to that section to read:

336.045 Uniform minimum standards for design, construction, and maintenance; advisory committees.—

(1) The department shall develop and adopt uniform minimum standards and criteria for the design, construction, and maintenance of all public streets, roads, highways, bridges, sidewalks, curbs and curb ramps, crosswalks, where feasible, bicycle ways, underpasses, and overpasses used by the public for vehicular and pedestrian traffic. *The standards and criteria must include considerations for environmental design approaches which provide for the compatibility of such facilities with the surrounding natural or manmade environment; the safety and security of public spaces; and the appropriate aesthetics based upon scale, color, architectural style, materials used to construct the facilities, and the landscape design and landscape materials around the facilities. The department shall annually provide funds in its tentative work program to implement the provisions of this subsection relating to environmental design standards.* The minimum standards adopted ~~shall~~ include a requirement that permanent curb ramps be provided at crosswalks at all intersections where curbs and sidewalks are constructed in order to give handicapped persons and persons in wheelchairs safe access to crosswalks.

(6) *If the governing body of a county or municipality has adopted a design element as part of its comprehensive plan pursuant to part II of chapter 163, the department shall consider such element during project development of transportation facilities. The design of transportation facilities constructed by the department within the boundaries of that county or municipality must be consistent with that element to the maximum extent feasible.*

(Renumber subsequent sections.)

**Amendment 11**—In title, on page 2, line 18, after the semicolon (;) insert: amending s. 336.045, F.S.; providing standards and criteria;

Senator Davis moved the following amendments which were adopted:

**Amendment 12**—On page 47, strike all of lines 15-29 and insert a new section 28:

Section 28. Subsection (2) of section 339.08, Florida Statutes, is amended to read:

339.08 Use of moneys in State Transportation Trust Fund.—

(2) Such rules shall provide that the use of such moneys be restricted to the following purposes:

(a) To pay administrative expenses of the department, including administrative expenses incurred by the several state transportation districts *but excluding administrative expenses of commuter rail authorities that do not operate rail service.*

(b) *To match funds received by those organizations receiving federal planning funds pursuant to Title 23 U.S.C. s. 104(f) to conduct transportation planning and programming pursuant to s. 339.175(18).*

(c)(b) To pay the cost of construction of the State Highway System, including amounts necessary to match federal-aid funds for such purposes. The department may also match federal-aid highway funds allocated to the county road and city street systems and is authorized to contract for and administer such federal-aid projects in cooperation with local officials in accordance with federal regulations.

(d)(e) To pay the cost of maintaining the State Highway System.

(e)(d) To pay the cost of public transportation projects in accordance with chapter 341 and ss. 332.003-332.007 and to make such other lawful expenditures of the department for the payment of which no other funds may be specified.

(f)(e) To reimburse counties or municipalities for expenditures made on projects in the State Highway System as authorized by s. 339.12(4) upon legislative approval.

(g)(f) To pay the cost of economic development transportation projects in accordance with s. 288.063.

Notwithstanding any other provision of law, the department may match any federal-aid highway funds allocated for any other transportation purpose.

**Amendment 13**—On page 50, between lines 3 and 4, insert:

Section 30. Subsection (18) of Section 339.175, Florida Statutes, 1990 Supplement, is amended to read:

339.175 Transportation planning organization.—

(18) Each M.P.O. shall receive its appropriate share of federal planning funds for the purpose of carrying out transportation planning and programming. *The department shall match dollar for dollar federal planning funds received pursuant to Title 23 U.S.C. s. 104(f) to assist each M.P.O. in carrying out transportation planning and programming.*

(Renumber subsequent sections.)

Senators Crotty and Jennings offered the following amendments which were moved by Senator Crotty and adopted:

**Amendment 14**—On page 57, between lines 7 and 8, insert:

Section 37. Paragraph (b) of subsection (2) of section 343.63, Florida Statutes, is amended to read:

343.63 Central Florida Commuter Rail Authority.—

(2) The governing board of the authority shall consist of nine members, as follows:

(b) The Governor shall appoint five members to the board who are residents and qualified electors in the area served by the authority. One of the members appointed by the Governor shall be the mayor of a city within the area served by the authority, *whose term as mayor expires on or after the expiration of his term on the authority.* The mayor shall serve a term of 2 years. Of the remaining members initially appointed by the Governor, two members shall serve a term of 2 years and two members shall serve a term of 4 years. Thereafter all members appointed by the Governor shall serve a term of 4 years, except for the mayor who shall serve a term of 2 years.

(Renumber subsequent sections.)

**Amendment 15**—In title, on page 7, line 4, after the semicolon (;) insert: amending s. 343.63, F.S.; amending the qualifications of a member of the Central Florida Commuter Rail Authority;

**Amendment 16**—On page 57, between lines 9 and 10, insert:

Section 38. Central Florida Transportation Summit Pilot Project.— For fiscal year 1991-1992, there is hereby created the Central Florida Transportation Summit Pilot Project. The pilot project shall address the current state and future direction of public transportation and mass transit services for Orange, Seminole, and Osceola counties.

(1) The Orange Seminole Osceola Transportation Authority is authorized to administer the pilot project. The authority shall ensure that every reasonable opportunity is provided for representatives from state and local government, private enterprise, transportation authorities, the transportation industry, and social service provider organizations, to contribute and fully participate in the pilot project.

(2) Participation in the pilot project shall be voluntary on the part of the various participating entities and in no way shall be considered mandated by this act.

(3) The results of the pilot project shall be included in a report submitted to the President of the Senate and the Speaker of the House of Representatives by February 1, 1993.

(Renumber subsequent section.)

**Amendment 17**—In title, on page 7, line 6, following the semicolon (;) insert: creating the Central Florida Transportation Summit Pilot Project; authorizing the Orange Seminole Osceola Transportation Authority to conduct the Central Florida Summit; providing for reports;

Senator Gordon moved the following amendments which failed:

**Amendment 18**—On page 54, line 31, strike "1990" and insert: 1987

**Amendment 19**—On page 38, line 9, through page 40, line 25, strike all of said lines and insert:

Section 22. Subsections (2) and (3) of section 338.223, Florida Statutes, 1990 Supplement, are amended to read:

338.223 Proposed turnpike projects; turnpike system plan.—

(2)(a) Subject to the provisions of s. 338.228, the department is authorized to expend, out of any funds available for the purpose, such moneys as may be necessary for studies, preliminary engineering, construction, right-of-way acquisition, and construction engineering inspection of any proposed turnpike project or any turnpike project and is authorized to use its engineering and other resources for such purposes.

1. The department may not include in the turnpike work program the right-of-way acquisition or construction phase of a proposed turnpike project that has not been found to be economically feasible.

2. The department may allocate moneys pursuant to paragraph (1)(a) in the turnpike work program.

(b) Moneys allocated to a proposed turnpike project in an adopted work program of a department district prior to January 1, 1991, need not be reimbursed to the State Transportation Trust Fund.

(Renumber subsequent sections.)

**CS for SB 598**

Senator Crotty moved the following amendments which were adopted:

**Amendment 1**—On page 1, strike all of lines 22 and 23 and insert: ordinance or regulation adopted by a county with respect to amateur radio antennas shall conform to the

**Amendment 2**—On page 2, strike all of lines 11 and 12 and insert: Any ordinance or regulation adopted by a municipality with respect to amateur radio antennas shall

**CS for SB 632**

Senator Malchon moved the following amendments which were adopted:

**Amendment 1**—On page 55, between lines 14 and 15, insert:

Section 29. (1) The Division of Insurer Services of the Department of Insurance is allocated nine career service positions and one select exempt service position to carry out the provisions of this act.

(2) There is hereby appropriated from the Health Care Services Trust Fund of the Department of Insurance for fiscal year 1991-92 the sum of \$1,050,545.

(3) There is hereby appropriated from the working capital trust fund of the Department of Insurance for fiscal year 1991-92 the sum of \$330,000 for capital outlay.

(Renumber subsequent sections.)

**Amendment 2**—In title, on page 4, line 28, after the semicolon (;) insert: providing an appropriation and authorizing positions;

Senators Meek and Girardeau offered the following amendment which was moved by Senator Girardeau and adopted:

**Amendment 3**—On page 55, between lines 26 and 27, insert:

Section 31. The Health Care Cost Containment Board is directed to conduct a study on competition and provider contracts in health maintenance organizations.

(1) The board shall prepare and submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives, by December 15, 1991, a report addressing the following issues:

(a) The impact of competition, patient care, physician-patient relationships, and consumer choice on contract provisions which do not permit physicians to enter into contracts with other health maintenance organizations.

(b) The impact of competition, patient care, physician-patient relationships, and consumer choice on contract provisions which require a physician to make payment for liquidated damages when a physician ter-

minates an agreement with a health maintenance organization and a subscriber elects to receive care from the same physician through another health maintenance organization.

(2) The report shall contain recommendations for any changes in state requirements for health maintenance organization provider contracts.

(3) The board shall appoint a technical advisory panel to conduct the study, which shall have representation from the following groups:

(a) A representative of elderly health care consumers.

(b) A representative of the physician community.

(c) Two representatives of the health maintenance organization industry.

(d) The Secretary of Health and Rehabilitative Services or his designee.

(e) The Commissioner of Insurance or his designee.

(f) A representative of the hospital industry.

(4) The board may procure information and assistance from any officer or agency of the state or any subdivision thereof. All such officers and agencies shall give the board all relevant information and reasonable assistance on any matters of research within their knowledge and control.

(Renumber subsequent sections.)

Senators Meek and Girardeau offered the following amendment which was moved by Senator Meek and adopted:

**Amendment 4**—In title, on page 5, line 3, after the semicolon (;) insert: requiring the Health Care Cost Containment Board to conduct a study on competition and provider contracts in health maintenance organizations; requiring a report; specifying the contents of the report; requiring the board to appoint a technical advisory panel; specifying panel membership and purposes; requiring state agencies and state officers to provide information and assistance; providing for reimbursement for per diem and travel expenses;

**CS for SB 670**

Senator Weinstock moved the following amendments which were adopted:

**Amendment 1**—Strike everything after the enacting clause and insert:

Section 1. Subsection (11) of section 415.102, Florida Statutes, as amended by section 1 of chapter 90-50, Laws of Florida, and section 44 of chapter 90-306, Laws of Florida, is repealed and subsection (4) of that section is amended to read:

415.102 Definitions of terms used in ss. 415.101-415.113.—As used in ss. 415.101-415.113, the term:

(4) "Caregiver" means a person or persons responsible for the care of an aged person or disabled adult. "Caregiver" includes, but is not limited to, relatives, adult children, parents, neighbors, day care personnel, adult foster home sponsors, personnel of public and private institutions and facilities, nursing homes, adult congregate living facilities, and state institutions who have voluntarily assumed the care of an aged person or disabled adult or have been entrusted with the care of an aged person or disabled adult on a temporary or permanent basis. For the purpose of departmental investigative jurisdiction, "caregiver" does not include law enforcement officers or employees of municipal or county detention facilities or the Department of Corrections while acting in an official capacity.

~~(11) "Indicated perpetrator undetermined report" means a report made pursuant to s. 415.103 when an adult protective services investigation determines that some indication of abuse, neglect, or exploitation exists; or a report which contains indicators that abuse, neglect, or exploitation has occurred.~~

Section 2. Paragraphs (c), (d), and (e) of subsection (3) of section 415.103, Florida Statutes, 1990 Supplement, are amended, present paragraph (f) of subsection (3) is redesignated as paragraph (g) of that subsection, and new paragraphs (f) and (h) are added to subsection (3), to read:

415.103 Mandatory reporting of abuse, neglect, or exploitation of aged persons or disabled adults; mandatory reports of death; central abuse registry and tracking system; immunity from liability.—

(3) CENTRAL ABUSE REGISTRY AND TRACKING SYSTEM.—

(c)1. Upon commencing an investigation, the adult protective investigator shall inform any subject of the investigation of the following:

- a. The names of the investigators and identifying credentials from the department.
- b. The purpose of the investigation.
- c. The possible consequences of the investigation.
- d. How the information provided by the subject may be used.
- e. The description of the risk assessment process and placement of an adult.

f. That the aged or disabled adult named as the victim, the named victim's guardian or guardians, the alleged perpetrator named in a proposed confirmed report, and legal counsel for any of the aforementioned persons have a right to a copy of any proposed confirmed or confirmed report at the conclusion of the investigation.

g. That persons who are entitled to receive a copy of the report also have the right to submit a written comment or rebuttal which may be made a part of the record.

h. That subjects may have additional appeal rights which will be explained in writing when appropriate and necessary at the conclusion of the investigation.

i. The telephone number and name of a department employee available to answer questions.

2. Upon completion of its investigation, the department shall classify reports as "proposed confirmed," "~~indicated perpetrator undetermined,~~" or "unfounded," *unless the report is closed without classification*, and shall give notice of its classification as follows:

a. In the case of an unfounded report, notice of the classification shall be given to the guardian or guardians of the aged person or disabled adult, the aged person or disabled adult, and the alleged perpetrator.

~~b. In the case of an indicated perpetrator undetermined classification, notice shall be given to the guardian or guardians of the aged person or disabled adult, any other person responsible for the aged person's or disabled adult's welfare, the aged person or disabled adult, the alleged perpetrator, and legal counsel for the aforementioned persons.~~

b.e. In the case of a proposed confirmed classification, notice shall be given to the guardian or guardians of the aged person or disabled adult, the aged person or disabled adult, the alleged perpetrator, and legal counsel for the aforementioned persons.

The department shall adopt rules prescribing the content of the notice to be provided and requiring uniformity of content and appearance of each notice of classification issued by the department.

(d)1. The contents of the notice of classification of reports shall be as follows:

a. In the case of unfounded reports, notice shall be provided to the persons specified in sub-subparagraph (c)2.a., may be sent by regular mail, and shall advise the recipient that the report will be expunged in 30 days.

~~b. In the case of an indicated perpetrator undetermined report, notice shall be provided to the persons specified in sub-subparagraph (c)2.b. and shall be sent by regular mail. The notice shall advise the recipient of his right to submit a written statement of explanation or rebuttal with respect to the investigation and to request that such statement be made a part of the record. The department may modify the record based upon an internal review, and shall finalize the report within 15 days after the deadline for submitting written comments.~~

b.e. In case of a proposed confirmed report, notice shall be provided to the persons specified in sub-subparagraph (c)2.b.(e)2.e. and, in the case of the alleged perpetrator, shall be sent by certified mail with return receipt requested. The notice shall state the facts that are alleged to support the proposed confirmed classification, the nature of the alleged

abuse, neglect, or exploitation, and that an alleged perpetrator of a confirmed report may be disqualified from working with children, the developmentally disabled, disabled adults, or aged persons. The notice shall further advise the recipient of his right to request a copy of the report, to submit a written statement of explanation or rebuttal with respect to the report, and to request amendment or expunction of the report. The notice shall clearly advise the person that failure to make such a request within 60 days after receipt of the notice, as evidenced by the date on the return receipt, means that the person agrees not to contest the classification of the report, and shall prevent further proceedings in the matter. If the alleged perpetrator of a proposed confirmed report asks for amendment or expunction, the secretary may amend or expunge the record. If the secretary refuses or does not act within 30 days after receiving such a request, the alleged perpetrator of a proposed confirmed report shall have the right to an administrative hearing pursuant to chapter 120 to contest whether the record of the report should be amended or expunged. A request for an administrative hearing must be submitted in writing to the department within 30 days after notification of the secretary's decision to deny the requested amendment or expunction, or, if the secretary fails to act on the request, within 30 days after the expiration of the 30-day time period within which the secretary may act under the provisions of this sub-subparagraph. The alleged perpetrator may, within 1 year after the classification of the report as confirmed, request the department to set aside a confirmed report where it can be shown that the failure to ask for amendment or expunction was due to excusable neglect or fraud. The standard for excusable neglect or fraud shall be as provided in the Florida Rules of Civil Procedure.

2. The schedule for requesting reports, submitting written comments, and requesting amendment or expunction of reports shall be as follows:

a. A person entitled to request a copy of an investigative report shall do so within 15 days after receipt of the notice as provided in this paragraph. In the case of an unfounded ~~or indicated perpetrator undetermined~~ report, the 15 days shall be counted from the date of mailing of the notice. In the case of a proposed confirmed report, the 15 days shall be counted from the date of delivery of the original notice as evidenced by the return receipt.

~~b. A person entitled to submit a written statement of explanation or rebuttal and have an internal review of the record of the investigation pursuant to sub-subparagraph 1.b. shall make such a request within 45 days after the date of mailing of the original notice. The failure to submit such a statement means the person does not seek an internal review of the record and agrees not to contest the contents of the report. Any person who is named in an indicated perpetrator undetermined report shall not have the right to challenge the department's final classification of the report through an administrative hearing pursuant to chapter 120.~~

b.e. A person entitled to submit a written statement of explanation or rebuttal and to request amendment or expunction of the report pursuant to sub-subparagraph 1.b. ~~1.e.~~ shall submit the statement or make such a request within 60 days after receipt of the original notice as evidenced by the return receipt. The failure to make a timely request for amendment or expunction of the report means the person agrees not to contest the classification of the report.

3. At a hearing conducted pursuant to the provisions of chapter 120, the department shall prove by a preponderance of the evidence that the alleged perpetrator committed the abuse, neglect, or exploitation. The department's investigative report shall be considered competent evidence at the hearing, and the technical rules of evidence shall not exclude such report. If the department's classification as proposed confirmed is upheld, the report shall become a confirmed report.

4. The confidentiality of the abuse or neglect report shall, to the extent possible, be maintained during the administrative hearing process. The administrative hearing shall be closed, the administrative files shall be closed and not disclosed to the public under s. 119.07(1), and any identifying information in the recommended or final order shall be deleted prior to publishing pursuant to chapter 120.

(e) All identifying information in the central abuse registry and tracking system or other computer systems or records that is related to an unfounded report shall be expunged 30 days after the case is classified as "unfounded." ~~All identifying information in the central abuse registry and tracking system related to an indicated perpetrator undetermined report shall be expunged from the central abuse registry and tracking system 7 years after the report is classified as an indicated perpetrator~~

~~undetermined report concerning any person named in the report.~~ Computer records of a confirmed report shall be retained for 50 years from the date the report is classified. All information, other than identifying information, related to an ~~indicated perpetrator undetermined~~ or unfounded report at the time of expunction shall be disposed of in a manner deemed appropriate by the department and pursuant to ss. 119.041 and 257.36(7). Unfounded reports shall only be indexed by the name of the aged person or disabled adult to detect patterns of abuse, neglect, or exploitation. Persons named in unfounded or ~~indicated perpetrator undetermined~~ reports ~~may~~ shall not be identified as perpetrators. All information in the records of the central abuse registry and tracking system or other computer systems or records shall be subject to the confidentiality provisions in s. 415.107.

(f) *Reports closed without classification shall be indexed only by the name of the aged person or disabled adult and the institution or facility at which the abuse, neglect, or exploitation occurred, if appropriate, to detect patterns of abuse, neglect, or exploitation. Each report shall be maintained by the department for a period of 7 years after the date the report is closed and is subject to the confidentiality provisions in s. 415.107.*

(h) *A person who is the alleged perpetrator in a report that the department has classified as unfounded may request the department to retain the report for 1 year for the purpose of detecting a person who knowingly makes a false report.*

Section 3. Subsections (1) and (2) of section 415.104, Florida Statutes, 1990 Supplement, are amended to read:

415.104 Protective services investigations of cases of abuse, neglect, or exploitation of aged persons or disabled adults; transmittal of records to state attorney.—

(1) The department shall, upon receipt of a report alleging abuse, neglect, or exploitation of an aged person or disabled adult, commence, or cause to be commenced within 24 hours, a protective services investigation of the facts alleged therein. If, upon arrival of the protective investigator at the scene of the incident, a caregiver refuses to allow the department to begin a protective services investigation or interferes with the department's ability to conduct such an investigation, the appropriate law enforcement agency shall be contacted to assist the department in commencing the protective services investigation. If, during the course of the investigation, the department has reason to believe that the abuse, neglect, or exploitation is perpetrated by a second party, the appropriate criminal justice agency and state attorney shall be orally notified in order that such agencies may begin a criminal investigation concurrent with the protective services investigation of the department. *In an institutional investigation, the alleged perpetrator may be represented by an attorney, at his or her own expense, or accompanied by another person, if the person or the attorney executes an affidavit of understanding with the department and agrees to comply with the confidentiality provisions of s. 415.107. The absence of an attorney or other person does not prevent the department from proceeding with other aspects of the investigation, including interviews with other persons.* ~~The alleged perpetrator shall be entitled to legal representation, at his or her expense, during questioning in connection with the investigation, but the absence of counsel shall not prevent the department from proceeding with other aspects of the investigation including interviews with other persons. Legal counsel shall be bound by the confidentiality provisions of s. 415.107.~~ The department shall make a preliminary written report to the criminal justice agencies within 5 working days after of the oral report. The department shall, within 24 hours after receipt of the report, notify the appropriate human rights advocacy committee, or long-term care ombudsman council, when appropriate, that an alleged abuse, neglect, or exploitation perpetrated by a second party has occurred. Notice to the human rights advocacy committee or long-term care ombudsman council may be accomplished orally or in writing and shall include the name and location of the aged person or disabled adult alleged to have been abused, neglected, or exploited and the nature of the report. For each report it receives, the department shall perform an onsite investigation to:

(a) Determine that the person is an aged person or disabled adult as defined in s. 415.102.

(b) Determine the composition of the family or household, including the name, address, date of birth, social security number, sex, and race of each aged person or disabled adult named in the report; any others in the household or in the care of the caregiver, or any other persons responsible for the aged person's or disabled adult's welfare; and any other adults in the same household.

(c) Determine whether there is an indication that any aged person or disabled adult is abused, neglected, or exploited, including a determination of harm or threatened harm to any aged person or disabled adult; the nature and extent of present or prior injuries, abuse, or neglect, and any evidence thereof; and a determination as to the person or persons apparently responsible for the abuse, neglect, or exploitation, including the name, address, date of birth, social security number, sex, and race of each person to be classified as an alleged perpetrator in a proposed confirmed report. An alleged perpetrator named in a proposed confirmed report of abuse, neglect, or exploitation shall cooperate in the provision of the required data for the central abuse registry and tracking system to the fullest extent possible.

(d) Determine the immediate and long-term risk to each aged person or disabled adult through utilization of standardized risk assessment instruments.

(e) Determine the protective, treatment, and ameliorative services necessary to safeguard and ensure the aged person's or disabled adult's well-being and cause the delivery of those services through the early intervention of the departmental worker responsible for service provision and management of identified services.

(2) No later than 30 days after receiving the initial report, the designated aging and adult services staff of the department shall complete its investigation and classify the report as proposed confirmed, ~~indicated perpetrator undetermined~~, or unfounded or ~~close the report without classification and notify the guardian of the aged person or disabled adult, the aged person or disabled adult, and the alleged perpetrator.~~ These findings must be reported to the department's central abuse registry and tracking system. For proposed confirmed reports, after receiving the final administrative order rendered in a hearing requested pursuant to s. 415.103(3)(d) or after the 30-day period during which an alleged perpetrator may request such a hearing has expired, the department shall classify the report of abuse, neglect, or exploitation as confirmed, ~~indicated perpetrator undetermined~~, or unfounded and shall report its findings to the department's central abuse registry and tracking system, and must do so in accordance with the final order if a hearing was held.

Section 4. Subsection (2), paragraph (a) of subsection (5), and subsection (6) of section 415.107, Florida Statutes, 1990 Supplement, are amended, and subsection (7) is added to that section, to read:

415.107 Confidentiality of reports and records in cases of abuse, neglect, or exploitation of aged persons or disabled adults.—

(2) Access to such records, excluding the name of the reporter, which shall be released only as provided in subsection (4), shall depend on the classification of the report, and shall be granted only to the following persons, officials, and agencies. Access to unfounded reports shall be limited to the persons and for the purposes stated in paragraphs (a), (b), (c), (g), and (h). ~~Access to indicated perpetrator undetermined reports shall be limited to the persons and for the purposes stated in paragraphs (a), (b), (e), (f), (g), (h), and (i).~~ Access to proposed confirmed reports shall be limited to the persons and for the purposes stated in paragraphs (a) through (i). Access to confirmed reports shall be limited to the persons and for the purposes stated in paragraphs (a) through (l) (m). *Access to reports closed without classification shall be limited to the persons and for the purposes stated in paragraphs (a), (b), (c), (e), (f), and (g) (h), as follows:*

(a) Employees or agents of the department responsible for carrying out adult or child protective services investigations, ongoing adult or child protective services, or licensure or approval of nursing homes, adult congregate living facilities, adult day care centers, adult foster homes, home care for the elderly, hospices, or other facilities used for the placement of aged persons or disabled adults.

(b) A criminal justice agency investigating a report of known or suspected abuse, neglect, or exploitation of an aged person or disabled adult.

(c) The state attorney of the judicial circuit in which the aged person or disabled adult resides or in which the alleged abuse, neglect, or exploitation occurred.

(d) Any aged person or disabled adult or perpetrator who is the subject of a proposed confirmed or confirmed report or the subject's guardian, caregiver, or legal counsel.

(e) A court, by subpoena, upon its finding that access to such records may be necessary for the determination of an issue before the court; how-

ever, such access shall be limited to inspection in camera, unless the court determines that public disclosure of the information contained in such records is necessary for the resolution of an issue then pending before it.

(f) A grand jury, by subpoena, upon its determination that access to such records is necessary in the conduct of its official business.

(g) Any appropriate official of the human rights advocacy committee or long-term care ombudsman council investigating a report of known or suspected abuse, neglect, or exploitation of an aged person or disabled adult.

(h) Any appropriate official of the department responsible for:

1. Administration or supervision of the department's program for the prevention, investigation, or treatment of adult abuse, neglect, or exploitation when carrying out his official function; or

2. Taking appropriate administrative action concerning an employee of the department alleged to have perpetrated institutional abuse, neglect, or exploitation of an aged person or disabled adult.

(i) Any person engaged in bona fide research or auditing. However, no information identifying the subjects of the report shall be made available to the researcher.

(j) The Division of Administrative Hearings for purposes of any administrative challenge relating to a proposed confirmed or confirmed report.

(k) The Department of Professional Regulation when taking disciplinary action against a licensee for actions which resulted in a confirmed report of abuse, neglect, or exploitation which has been upheld following a chapter 120 hearing or a waiver of such proceedings.

(l) Employees or agents of an agency of another state that has comparable jurisdiction to the jurisdiction described in paragraph (a).

(m) *The Public Employees Relations Commission for the sole purpose of obtaining evidence for appeals filed pursuant to s. 447.207. Records may be released only after deletion of all information which specifically identifies persons other than the employee.*

(5)(a) The department, upon receipt of the applicable fee, shall search its central abuse registry and tracking system records pursuant to the requirements of ss. 39.076, 110.1127, 393.0655, 394.457, 396.0425, 397.0715, 400.478, 400.497, 402.305(1), 402.3055, 402.313, 409.175, 409.176, and 464.008 for the existence of a confirmed report made on the personnel as defined in the foregoing provisions. The search shall also include indicated reports prior to July 1, 1987. Reports prior to 1978 shall not be included. If the search reveals an indicated or closed report prior to July 1, 1987, the department shall review the report to determine whether the indicated or closed report shall be classified as "~~indicated perpetrator undetermined~~" or shall be classified as "proposed confirmed" according to the definitions in s. 415.102. ~~If the report remains classified as "indicated perpetrator undetermined," the individual shall not be disqualified.~~ If the report is classified as "proposed confirmed," the department shall notify the individual according to the provisions in s. 415.103(3)(d)1.b ~~s. 415.103(3)(d)1.e.~~ The department shall report the existence of any confirmed report and advise the authorized licensing agency, applicant for licensure, or other authorized agency or person of the results of the search and the date of the report. Prior to a search being conducted, the department or its designee shall notify such person that an inquiry will be made. The department shall notify each person for whom a search is conducted of the results of the search upon request.

(6) Upon receipt of the applicable fee ~~payment of a fee in the amount of \$5, which funds shall be deposited in an administrative trust fund of the department,~~ and with the written consent of a person applying to work with aged persons or disabled adults, the department shall search its central abuse registry and tracking system for the existence of a confirmed report. The department shall advise the employer and the person of any such report found and the results of the investigation.

(7) *The department may charge a user fee to an employer or the agency in charge of a volunteer, whichever is applicable, for a search of the central abuse registry and tracking system of up to one-third of the actual cost of the screening process. All fees received by the department under this section shall be deposited in an administrative trust fund of the department and may be expended only for the caretaker screening program.*

Section 5. Section 415.111, Florida Statutes, 1990 Supplement, is amended to read:

415.111 Penalties relating to abuse, neglect, or exploitation of aged person or disabled adult.—

(1) ~~A Any person who is required by s. 415.103 to report a case of known or suspected abuse, neglect, or exploitation of an aged person or disabled adult and who knowingly and willfully fails to do so, or who knowingly and willfully prevents another person from doing so, commits is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or, s. 775.083, or s. 775.084.~~

(2) ~~A Any person who knowingly and willfully makes public or discloses any confidential information contained in the central abuse registry and tracking system, or in other computer systems, or in the records of any case of abuse, neglect, or exploitation of an aged person or disabled adult, except as provided in ss. 415.101-415.113, commits is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or, s. 775.083, or s. 775.084.~~

(3) ~~A Any person who knowingly or willfully abuses, neglects, tortures, or willfully and unlawfully cages an aged person or disabled adult and, in so doing, causes great bodily harm, permanent disfigurement, or permanent disability to such person commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

(4) ~~A Any person who knowingly or willfully abuses, neglects, tortures, or willfully and unlawfully cages an aged person or disabled adult commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

(5) ~~A Any person who knowingly or willfully exploits an aged person or disabled adult by the improper or illegal use or management of the funds, assets, property, power of attorney, or guardianship of such aged person or disabled adult for profit, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

(6) ~~A Any person who knowingly and willfully makes a false report of abuse, neglect, or exploitation of an aged person or disabled adult, or a any person who advises another to make a false report, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Anyone making a report who is acting in good faith is immune from any liability under this subsection.~~

(7) *The department shall establish procedures for determining whether a false report of abuse, neglect, or exploitation of an aged person or disabled adult has been made and for submitting all identifying information relating to such a report to the State Attorney for prosecution.*

(8)(7) Each state attorney shall establish procedures to facilitate the prosecution of persons under this section.

Section 6. Subsection (10) of section 415.503, Florida Statutes, as amended by section 5 of chapter 90-50, Laws of Florida, and section 50 of chapter 90-306, Laws of Florida, is repealed, and subsections (8) and (13) of that subsection are amended to read:

415.503 Definitions of terms used in ss. 415.502-415.514.—As used in ss. 415.502-415.514:

(8) "Guardian ad litem" as referred to in any civil or criminal proceeding includes the following: a certified guardian ad litem program, a duly certified volunteer, a staff attorney, contract attorney, or certified pro bono attorney working on behalf of a guardian ad litem or the program, staff members of a program office, or other court-appointed attorney, or means a responsible adult who is appointed by the court to represent the best interests of a child in a proceeding as provided for by law, including, but not limited to, chapter 39 and this chapter, who shall be a party to any judicial proceeding as a representative of the child, and who shall serve until discharged by the court.

~~(10) "Indicated perpetrator undetermined report" means a report made pursuant to s. 415.504 when a child protective investigation determines that some indication of abuse or neglect exists.~~

(13) "Other person responsible for a child's welfare" includes the child's legal guardian, legal custodian, or foster parent; an employee of a public or private school, public or private child day care center, residential home, institution, facility, or agency; or any other person legally responsible for the child's welfare in a residential setting; and also

includes an adult sitter or relative entrusted with a child's care. For the purpose of departmental investigative jurisdiction, this definition does not include law enforcement officers or employees of municipal or county detention facilities or the Department of Corrections while acting in an official capacity.

Section 7. Paragraph (a) of subsection (2) and paragraphs (c), (d), and (e) of subsection (4) of section 415.504, Florida Statutes, 1990 Supplement, are amended, present paragraph (f) of subsection (4) is redesignated as paragraph (g) of that subsection, and new paragraphs (f) and (h) are added to subsection (4), to read:

415.504 Mandatory reports of child abuse or neglect; mandatory reports of death; central abuse registry and tracking system.—

(2)(a) Each report of known or suspected child abuse or neglect pursuant to this section shall be made immediately to the department's central abuse registry and tracking system on the single statewide toll-free telephone number, and, if the report is of an instance of known or suspected child abuse by a noncaretaker, the call shall be immediately electronically transferred to the appropriate county sheriff's office by the central abuse registry and tracking system ~~it shall also be made immediately to the local law enforcement agency.~~

(4)

(c)1. Upon commencing an investigation, the child protective investigator shall inform any subject of the investigation of the following:

a. The names of the investigators and identifying credentials from the department.

b. The purpose of the investigation.

c. The possible consequences of the investigation.

d. How the information provided by the subject may be used.

e. The description of the risk assessment process and placement of a child.

f. That the child, the child's parent or guardian, the alleged perpetrator named in a proposed confirmed report, and legal counsel for the aforementioned persons have a right to a copy of any proposed confirmed or confirmed report at the conclusion of the investigation.

g. That persons who are entitled to receive a copy of the report also have the right to submit a written comment or rebuttal which may be made a part of the report.

h. That subjects may have additional appeal rights which will be explained in writing when appropriate and necessary at the conclusion of the investigation.

i. That the court will appoint a guardian ad litem to represent the interest of the child should dependency proceedings result from the investigation.

j. The telephone number and name of a department employee available to answer questions.

2. Upon completion of its investigation, the department shall classify reports as "proposed confirmed," ~~"indicated perpetrator undetermined,"~~ or "unfounded," unless the report is closed without classification, and shall give notice of its classification as follows:

a. In the case of an unfounded report, notice of the classification shall be given to the parent or guardian of the child, the child if appropriate, and the alleged perpetrator.

~~b. In the case of an indicated perpetrator undetermined classification, notice shall be given to the parent or guardian of the child, any other person responsible for the child's welfare, the child if appropriate, the alleged perpetrator, and legal counsel for the aforementioned persons.~~

b.e. In the case of a proposed confirmed classification, notice shall be given to the parent or guardian of the child, the child if appropriate, the alleged perpetrator, and legal counsel for the aforementioned persons.

The department shall adopt rules prescribing the content of the notice to be provided and requiring uniformity of content and appearance of each notice of classification issued by the department.

(d)1. The contents of the notice of classification of reports shall be as follows:

a. In the case of unfounded reports, notice shall be provided to the persons specified in sub-subparagraph (c)2.a., may be sent by regular mail, and shall advise the recipient that the report will be expunged in 30 days.

~~b. In the case of an indicated perpetrator undetermined report, notice shall be provided to the persons specified in sub-subparagraph (c)2.b. and shall be sent by regular mail. The notice shall advise the recipient of his right to submit a written statement of explanation or rebuttal with respect to the investigation and to request that such statement be made a part of the record. The department may modify the record based upon an internal review, and shall finalize the report within 15 days of the deadline for submitting written comments.~~

b.e. In the case of a proposed confirmed report, notice shall be provided to the persons specified in sub-subparagraph (c)2.b.(e)2.e. and, in the case of the alleged perpetrator, shall be sent by certified mail with return receipt requested. The notice shall state the facts that are alleged to support the proposed confirmed classification, the nature of the alleged abuse, neglect, or exploitation, and that an alleged perpetrator of a confirmed report may be disqualified from working with children, the developmentally disabled, disabled adults, or aged persons. The notice shall further advise the recipient of his right to request a copy of the report, to submit a written statement of explanation or rebuttal with respect to the report, and to request amendment or expunction of the report. The notice shall clearly advise the person that failure to make such a request within 60 days after receipt of the notice, as evidenced by the date on the return receipt, means that the person agrees not to contest the classification of the report, and shall prevent further proceedings in the matter. If the alleged perpetrator of a proposed confirmed report asks for amendment or expunction, the secretary may amend or expunge the record. If the secretary refuses or does not act within 30 days after receiving such a request, the alleged perpetrator of a proposed confirmed report shall have the right to an administrative hearing pursuant to chapter 120 to contest whether the record of the report should be amended or expunged. A request for an administrative hearing must be submitted in writing to the department within 30 days after notification of the secretary's decision to deny the requested amendment or expunction, or, if the secretary fails to act on the request, within 30 days after the expiration of the 30-day time period within which the secretary may act under the provisions of this sub-subparagraph. The alleged perpetrator may, within 1 year after the classification of the report as confirmed, request the department to set aside a confirmed report where it can be shown that the failure to ask for amendment or expunction was due to excusable neglect or fraud. The standard for excusable neglect or fraud shall be as provided in the Florida Rules of Civil Procedure.

2. The schedule for requesting reports, submitting written comments, and requesting amendment or expunction of reports shall be as follows:

a. A person entitled to request a copy of an investigative report shall do so within 15 days after receipt of the notice as provided in this paragraph. In the case of an unfounded ~~or indicated perpetrator undetermined~~ report, the 15 days shall be counted from the date of mailing of the notice. In the case of a proposed confirmed report, the 15 days shall be counted from the date of delivery of the original notice as evidenced by the return receipt.

~~b. A person entitled to submit a written statement of explanation or rebuttal and have an internal review of the record of the investigation pursuant to sub-subparagraph 1.b. shall make such a request within 45 days after the date of mailing of the original notice. The failure to submit such a statement means the person does not seek an internal review of the record and agrees not to contest the contents of the report. Any person who is named in an indicated perpetrator undetermined report shall not have the right to challenge the department's final classification of the report through an administrative hearing pursuant to chapter 120.~~

b.e. A person entitled to submit a written statement of explanation or rebuttal and to request amendment or expunction of the report pursuant to sub-subparagraph 1.b. 1.e. shall submit the statement or make such a request within 60 days after receipt of the original notice as evidenced by the return receipt. The failure to make a timely request for amendment or expunction of the report means the person agrees not to contest the classification of the report.

3. At a hearing conducted pursuant to the provisions of chapter 120,

the department shall prove by a preponderance of the evidence that the alleged perpetrator committed the abuse, neglect, or exploitation. The department's investigative report shall be considered competent evidence at the hearing, and the technical rules of evidence shall not exclude such report. If the department's classification as proposed confirmed is upheld, the report shall become a confirmed report.

4. The confidentiality of the abuse or neglect report shall, to the extent possible, be maintained during the administrative hearing process. The administrative hearing shall be closed, the administrative files shall be closed and not disclosed to the public under s. 119.07(1), and any identifying information in the recommended or final order shall be deleted prior to publishing pursuant to chapter 120.

(e) All identifying information in the central abuse registry and tracking system or other computer systems or records that is related to unfounded reports shall be expunged 30 days after the case is classified as "unfounded." ~~All identifying information in the central abuse registry and tracking system or other computer systems or records that is related to an indicated perpetrator undetermined report shall be expunged from the central abuse registry and tracking system 7 years after the report is classified as an indicated perpetrator undetermined report concerning any person named in the report.~~ Computer records of a confirmed report shall be retained for 50 years from the date the report is classified. All information, other than identifying information, related to ~~indicated-perpetrator undetermined or~~ unfounded reports at the time of expunction shall be disposed of in a manner deemed appropriate by the department and pursuant to ss. 119.041 and 257.36(7). Unfounded reports shall only be indexed by the name of the child to detect patterns of abuse or neglect. Persons named in unfounded ~~or indicated-perpetrator undetermined~~ reports shall not be identified as perpetrators. All information in the central abuse registry and tracking system or other computer systems or records shall be subject to the confidentiality provisions in s. 415.51.

(f) *Reports closed without classification shall be indexed only by the name of the child, the child's siblings, or other minor household members, and by the institution or facility, if appropriate, to detect patterns of abuse or neglect. Each report shall be maintained by the department for a period of 7 years after the date the report is closed and is subject to the confidentiality provisions in s. 415.51.*

(h) *A person who is the alleged perpetrator in a report that the department has classified as unfounded may request the department to retain the report for 1 year for the purpose of detecting a person who knowingly makes a false report.*

Section 8. Paragraphs (a), (g), (i), and (k) of subsection (1) and paragraphs (a) and (b) of subsection (2) of section 415.505, Florida Statutes, 1990 Supplement, are amended to read:

415.505 Child protective investigations; institutional child abuse or neglect investigations.—

(1)(a) The department shall be capable of receiving and investigating reports of known or suspected child abuse or neglect 24 hours a day, 7 days a week. If it appears that the immediate safety or well-being of a child is endangered, that the family may flee or the child will be unavailable for purposes of conducting a child protective investigation, or that the facts otherwise so warrant, the department shall commence an investigation immediately, regardless of the time of day or night. In all other child abuse or neglect cases, a child protective investigation shall be commenced within 24 hours after receipt of the report. *In an institutional investigation, the alleged perpetrator may be represented by an attorney, at his or her own expense, or accompanied by another person, if the person or the attorney executes an affidavit of understanding with the department and agrees to comply with the confidentiality provisions of s. 415.51. The absence of an attorney or other person does not prevent the department from proceeding with other aspects of the investigation, including interviews with other persons. The alleged perpetrator shall be entitled to legal representation, at his or her expense, during questioning in connection with the investigation, but the absence of counsel shall not prevent the department from proceeding with other aspects of the investigation including interviews with other persons. Legal counsel shall be bound by the confidentiality provisions of s. 415.51.* In institutional child abuse cases where the institution is not operating and the child cannot otherwise be located, the investigation shall commence immediately upon the program resuming operation. If requested by a state attorney or ~~and/or~~ local law enforcement agency, the department shall furnish all investigative reports to ~~that agency these agencies.~~

(g) No later than 30 days after receiving the initial report, the local office of the department shall complete its investigation and classify the report as proposed confirmed, ~~indicated-perpetrator undetermined~~, or unfounded or *close the report without classification and notify the parent or guardian of the child; the child, if appropriate; and the alleged perpetrator.* These findings must be reported to the department's central abuse registry and tracking system. For proposed confirmed reports, after receiving the final administrative order rendered in a hearing requested pursuant to s. 415.504(4)(d) or after the 30-day period during which an alleged perpetrator of a proposed confirmed report may request such a hearing has expired, the department shall classify the report of abuse as confirmed, ~~indicated-perpetrator undetermined~~, or unfounded and shall report its findings to the department's central abuse registry and tracking system, and must do so in accordance with the final order if a hearing was held.

(i) Immediately upon receipt of a report alleging, or immediately upon learning during the course of an investigation, that:

1. A child died as a result of abuse or neglect;
2. A child is a victim of aggravated child abuse as defined in s. 327.03; or
3. A child is a victim of sexual battery or of sexual abuse as defined in s. 415.503,

the department shall orally notify the appropriate state attorney and the appropriate law enforcement agency, which shall immediately conduct a joint criminal investigation, unless independent investigations are more feasible. In all cases, the department shall make a full written report to the state attorney within 3 days after making the oral report. A criminal investigation shall be coordinated, whenever possible, with the child protective investigation of the department. If the department, as a result of its investigation, determines that there is cause to classify the report of the occurrence of an offense described in this paragraph as a proposed confirmed report rather than as an ~~indicated-perpetrator undetermined or~~ unfounded report, the department may recommend that criminal charges be filed against the alleged perpetrator. Any interested person who has information regarding an offense described in this paragraph may forward a statement to the state attorney as to whether prosecution is warranted and appropriate.

(k) If the department, as a result of its investigation, determines that there is cause to classify the report of abuse or neglect as a proposed confirmed report rather than as an ~~indicated-perpetrator undetermined or~~ unfounded report, and the alleged perpetrator has a prior confirmed report of abuse or neglect, then the department shall recommend to the state attorney that he consider whether prosecution is justified and appropriate in view of the nature of the abuse or neglect and in view of the fact that it is a subsequent confirmed report of abuse or neglect by the same perpetrator.

(2)(a) The department shall conduct a child protective investigation of each report of institutional child abuse or neglect. Upon receipt of a report which alleges that an employee or agent of the department, the Department of Education, any district school board, or any other entity or person covered by s. 415.503(10)(~~11~~) or (12)(~~13~~), acting in an official capacity, has committed an act of child abuse or neglect, the department shall immediately initiate a child protective investigation and orally notify the appropriate state attorney and law enforcement agency, which shall immediately conduct a joint criminal investigation, unless independent investigations are more feasible. In all cases, the department shall make a full written report to the state attorney within 3 days after making the oral report. A criminal investigation shall be coordinated, whenever possible, with the child protective investigation of the department. If the department, as a result of its investigation, determines that there is cause to classify the report of abuse or neglect as "proposed confirmed," rather than ~~"indicated-perpetrator undetermined"~~ or "unfounded," the department may recommend that criminal charges be filed against the alleged perpetrator. Any interested person who has information regarding the offenses described in this subsection may forward a statement to the state attorney as to whether prosecution is warranted and appropriate. Within 15 days after the completion of his investigation, the state attorney shall report his findings to the department and shall include in such report a determination of whether or not prosecution is justified and appropriate in view of the circumstances of the specific case.

(b)1. If in the course of the child protective investigation, the department finds that a subject of a report, by continued contact with children

in care, constitutes a threatened harm to the physical health, mental health, or welfare of the children, the department may restrict a subject's access to the children pending the outcome of the investigation and the classification of the report. The department shall employ the least restrictive means necessary to safeguard the physical health, mental health, and welfare of the children in care. This authority shall apply only to child protective investigations in which there is some evidence that child abuse or neglect has occurred but in which the level of evidence necessary to classify the report as "proposed confirmed" has not yet been established. A subject of a report whose access to children in care has been restricted is entitled to petition the circuit court for judicial review. The court shall enter written findings of fact based upon the preponderance of evidence that child abuse or neglect did occur and that the department's restrictive action against a subject of the report was justified in order to safeguard the physical health, mental health, and welfare of the children in care. The restrictive action of the department shall be effective for no more than 90 days without a judicial finding supporting the actions of the department. *If the report is classified as "unfounded," or closed without classification, the restrictive action shall be terminated at the time of classification.*

2. Upon completion of the department's child protective investigation and classification of the report as a proposed confirmed report, and pending such report being uncontested or being upheld pursuant to the procedures provided in s. 415.504, the department may make application to the circuit court for the following if necessary to safeguard the physical health, mental health, and welfare of the children in care:

a. Continued restrictive action of a subject of the report under subparagraph 1. who is named as an alleged perpetrator; and

b. Restrictive action against any other alleged perpetrator named in the proposed confirmed report.

Section 9. Subsections (2), (4), and (6) of section 415.51, Florida Statutes, 1990 Supplement, are amended, present subsections (7) and (8) are redesignated as subsections (9) and (10), respectively, and new subsections (7) and (8) are added to that section, to read:

415.51 Confidentiality of reports and records in cases of child abuse or neglect.—

(2) Access to such records, excluding the name of the reporter which shall be released only as provided in subsection (7), shall depend on the classification of the report, and shall be granted only to the following persons, officials, and agencies. Access to unfounded reports shall be limited to the persons and for the purposes stated in paragraphs (a), (b), (c), (g), and (l). ~~Access to indicated perpetrator undetermined reports shall be limited to the persons and for the purposes stated in paragraphs (a), (b), (e), (f), (g), (h), and (l).~~ Access to proposed confirmed reports shall be limited to the persons and for the purposes stated in paragraphs (a) through (i) and (l). Access to confirmed reports shall be limited to the persons and for the purposes stated in paragraphs (a) through (n). *Access to reports closed without classification shall be limited to the persons and for the purposes stated in paragraphs (a), (b), (c), (e), (f), and (l) (m), as follows:*

(a) Employees or agents of the department responsible for carrying out child or adult protective investigations, ongoing child or adult protective services, or licensure or approval of adoptive homes, foster homes, or other homes used to provide for the care and welfare of children.

(b) A law enforcement agency investigating a report of known or suspected child abuse or neglect.

(c) The state attorney of the judicial circuit in which the child resides or in which the alleged abuse or neglect occurred.

(d) Any child, ~~parent~~, or perpetrator who is the subject of a proposed confirmed or confirmed report or the subject's *parent*, guardian, custodian, ~~guardian ad litem~~, or counsel.

(e) A court, by subpoena, upon its finding that access to such records may be necessary for the determination of an issue before the court; however, such access shall be limited to inspection in camera, unless the court determines that public disclosure of the information contained therein is necessary for the resolution of an issue then pending before it.

(f) A grand jury, by subpoena, upon its determination that access to such records is necessary in the conduct of its official business.

(g) Any appropriate official of the department responsible for:

1. Administration or supervision of the department's program for the prevention, investigation, or treatment of child abuse or neglect when carrying out his official function; or

2. Taking appropriate administrative action concerning an employee of the department alleged to have perpetrated institutional child abuse or neglect.

(h) Any person engaged in bona fide research or audit purposes. However, no information identifying the subjects of the report shall be made available to the researcher.

(i) The Division of Administrative Hearings for purposes of any administrative challenge relating to a proposed confirmed or confirmed report.

(j) The Department of Professional Regulation when taking disciplinary action against a licensee for actions which resulted in a confirmed report of abuse, neglect, or exploitation which has been upheld following a chapter 120 hearing or a waiver of such proceedings.

(k) The Office of Professional Practices Services of the Department of Education for the purpose of assisting the Department of Education in determining whether an individual who is named as the perpetrator in a confirmed report of abuse or neglect which has been upheld following a chapter 120 hearing or which became final without a hearing should obtain or hold a Florida teaching certificate.

(l) Any appropriate official of the human rights advocacy committee investigating a report of known or suspected child abuse or neglect, or the Auditor General for the purpose of conducting preliminary or compliance reviews pursuant to s. 11.45, or the guardian ad litem for the child as defined in s. 415.503 ~~s. 11.51~~.

(m) Employees or agents of an agency of another state that has comparable jurisdiction to the jurisdiction described in paragraph (a).

(n) *The Public Employees Relations Commission for the sole purpose of obtaining evidence for appeals filed pursuant to s. 447.207. Records may be released only after deletion of all information which specifically identifies persons other than the employee.*

(4) The department shall, upon receipt of the applicable fee, search its central abuse registry and tracking system records pursuant to the requirements of ss. 39.076, 110.1127, 242.335, 393.0655, 394.457, 396.0425, 397.0715, 400.478, 400.497, 402.305(1), 402.3055, 402.313, 409.175, 409.176, and 464.008 for the existence of a confirmed report made on the personnel as defined in the foregoing provisions. The search shall also include indicated reports prior to July 1, 1987. Reports prior to 1978 shall not be included. If the search reveals an indicated or closed report prior to July 1, 1987, the department shall review the report to determine whether the indicated report shall be classified as ~~indicated perpetrator undetermined~~ or shall be classified as "proposed confirmed" according to the definitions in s. 415.503. ~~If the report is classified as indicated perpetrator undetermined, the individual may not be disqualified.~~ If the report is classified as "proposed confirmed," the department shall notify the individual according to the provisions of s. 415.504(4)(d)1.b. ~~s. 415.504(4)(d)1.e.~~ The department shall report the existence of any confirmed report of abuse and advise the authorized licensing agency, applicant for license, or other authorized agency or person of the results of the search and the date of the report. In the case of judicial determination of abuse, the department shall report the procedure for inspection of court records as set forth in s. 39.411(3). The department ~~may~~ shall not release any information on unfounded or ~~indicated perpetrator undetermined~~ reports. Prior to a search being conducted, the department or its designee shall notify such person that an inquiry will be made. The department shall notify each person for whom a search is conducted of the results of the search upon request.

(6) Except as provided in subsection (4), the department shall, upon receipt of the applicable fee and with the written consent of a person applying to work with children as a volunteer or as a paid employee for a public or private nonprofit agency, or for an individual family, search its central abuse registry and tracking system for the existence of a confirmed report and shall advise such agency or family of any such report found and the results of the investigation.

(7) *With the written consent of a person applying to work with children as a volunteer guardian ad litem or staff member of the guardian ad litem program, the department shall search its central abuse registry and tracking system for the existence of a confirmed report or proposed confirmed report and advise the requesting office of the guardian ad litem program of any report found.*

(8) *The department may charge a user fee to an employer or the agency in charge of a volunteer, whichever is applicable, for a search of the central abuse registry and tracking system of up to one-third of the actual cost of the screening process. All fees received by the department under this section shall be deposited in an administrative trust fund of the department and may be expended only for the caretaker screening program.*

Section 10. Section 415.513, Florida Statutes, 1990 Supplement, is amended to read:

415.513 ~~Penalties for failing to report or preventing another person from reporting, or disclosing confidential information relating to, a case of child abuse reporting or neglect; penalties for making a false report.—~~

(1) ~~A Any person who is required by s. 415.504 to report known or suspected child abuse or neglect and who knowingly and willfully fails to do so, or who knowingly and willfully prevents another person from doing so, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or, s. 775.083, or s. 775.084.~~

(2) ~~A Any person who knowingly and willfully makes public or discloses any confidential information contained in the central abuse registry and tracking system or in the records of any child abuse or neglect case, except as provided in ss. 415.502-415.514, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or, s. 775.083, or s. 775.084.~~

(3) *The department shall establish procedures for determining whether a false report of child abuse or neglect has been made and for submitting all identifying information relating to such report to the state attorney for prosecution.*

(4)(3) ~~A Any person who knowingly and willfully makes a false report of child abuse or neglect, or any person who advises another to make a false report, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or, s. 775.083, or s. 775.084. Anyone making a report who is acting in good faith is immune from any liability under this subsection.~~

(5)(4) *Each state attorney shall establish procedures to facilitate the prosecution of persons under this section.*

Section 11. Subsection (7) of section 119.07, Florida Statutes, 1990 Supplement, is amended to read:

119.07 *Inspection and examination of records; exemptions.—*

(7)(a) *Notwithstanding the provisions of paragraph (3)(a), any person or organization, including the Department of Health and Rehabilitative Services, may petition the court for an order making public the records of the Department of Health and Rehabilitative Services that pertain to investigations of alleged adult or child abuse, neglect, abandonment, or exploitation. The court shall determine if good cause exists for public access to the records sought or a portion thereof. In making this determination, the court shall balance the best interest of the adult or child who is the focus of the investigation, and in the case of the child, the interest of that child's siblings, together with the privacy right of other persons identified in the reports against the public interest. The public interest in access to such records is reflected in s. 119.01(1), and includes the need for citizens to know of and adequately evaluate the actions of the Department of Health and Rehabilitative Services and the court system in providing aged persons, disabled adults, and children of this state with the protections enumerated in ss. 415.101 and 415.502. However, nothing in this subsection shall contravene the provisions of s. 415.51(9)(7), which protect the name of any person reporting adult or child abuse, neglect, or exploitation.*

(b)1. *In cases involving the death of an aged person or disabled adult as the result of abuse, neglect, or exploitation, there shall be a presumption that the best interest of the aged person or disabled adult and the public interest will be served by full public disclosure of the circumstances of the investigation of the death and any other investigation concerning the aged person or disabled adult.*

2. *In cases involving the death of a child as the result of abuse, neglect, or abandonment, there shall be a presumption that the best interest of the child and the child's siblings and the public interest will be served by full public disclosure of the circumstances of the investigation of the death of the child and any other investigation concerning the child and the child's siblings.*

(c) *When the court determines that good cause for public access exists, the court shall direct that the department redact the name of and other identifying information with respect to any person identified in any unfounded report, ~~indicated perpetrator undetermined report~~, or proposed confirmed report or report closed without classification, or in any report which has not yet been classified pursuant to s. 415.103(3) or s. 415.504(4), until such time as the court finds that there is probable cause to believe that the person identified committed an act of alleged abuse, neglect, or abandonment.*

Section 12. For the purpose of incorporating the amendments to chapter 415, Florida Statutes, in references thereto, subsection (3) of section 27.151, Florida Statutes, 1990 Supplement, is reenacted to read:

27.151 *Confidentiality of specified executive orders; criteria; report to Legislature.—*

(3) *To maintain the confidentiality of the executive order, the state attorney, upon entering the circuit of assignment, shall immediately have the executive order sealed by the court prior to filing it with the clerk of the circuit court. The Governor may make public any executive order issued pursuant to s. 27.14 or s. 27.15 by a subsequent executive order, and at the expiration of a confidential executive order or any extensions thereof, the executive order and all associated orders and reports shall be open to the public pursuant to chapter 119 unless the information contained in the executive order is confidential pursuant to the provisions of chapter 39 or chapter 415.*

Section 13. For the purpose of incorporating the amendments to chapter 415, Florida Statutes, in references thereto, paragraphs (b), (c), and (d) of subsection (3) of section 39.001, Florida Statutes, 1990 Supplement, are reenacted to read:

39.001 *Short title, purposes, and intent.—*

(3) *The Department of Health and Rehabilitative Services may contract with the Federal Government, other state departments and agencies, county and municipal governments and agencies, public and private agencies, and private individuals and corporations in carrying out the purposes of, and the responsibilities established in, this chapter.*

(b) *The department shall establish minimum standards for good moral character, based on screening, for personnel in programs for children or youths. Such minimum standards shall ensure that no personnel have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under any of the following sections of the Florida Statutes or under a similar statute of another jurisdiction:*

1. Section 782.04, relating to murder.
2. Section 782.07, relating to manslaughter.
3. Section 782.071, relating to vehicular homicide.
4. Section 782.09, relating to killing an unborn child by injury to the mother.
5. Section 784.011, relating to assault, if the victim of the offense was a minor.
6. Section 784.021, relating to aggravated assault.
7. Section 784.03, relating to battery, if the victim of the offense was a minor.
8. Section 784.045, relating to aggravated battery.
9. Section 787.01, relating to kidnapping.
10. Section 787.02, relating to false imprisonment.
11. Section 787.04, relating to removing children from the state or concealing children contrary to state agency or court order.
12. Section 794.011, relating to sexual battery.
13. Section 794.041, relating to prohibited acts of persons in familial or custodial authority.
14. Chapter 796, relating to prostitution.
15. Section 798.02, relating to lewd and lascivious behavior.
16. Chapter 800, relating to lewdness and indecent exposure.

17. Section 806.01, relating to arson.
18. Section 812.13, relating to robbery.
19. Section 826.04, relating to incest.
20. Section 827.03, relating to aggravated child abuse.
21. Section 827.04, relating to child abuse.
22. Section 827.05, relating to negligent treatment of children.
23. Section 827.071, relating to sexual performance by a child.
24. Section 415.111, relating to abuse, neglect, or exploitation of aged or disabled persons.
25. Chapter 847, relating to obscene literature.
26. Chapter 893, relating to drug abuse prevention and control, if the offense was a felony or if any other person involved in the offense was a minor.
27. Section 817.563, relating to fraudulent sale of controlled substances, if the offense was a felony.

For the purposes of this section, a finding of delinquency or a plea of nolo contendere or other plea amounting to an admission of guilt to a petition alleging delinquency pursuant to part II, or a similar statute of another jurisdiction for any of the foregoing acts has the same effect as a finding of guilt, regardless of adjudication or disposition.

(c) Standards for screening shall also ensure that the person:

1. Has not been judicially determined to have committed abuse or neglect against a child as defined in s. 39.01(2) and (37);
2. Does not have a confirmed report of abuse, neglect, or exploitation as defined in s. 415.102(5) or s. 415.503(6) which has been uncontested or has been upheld pursuant to the procedures provided in s. 415.103 or s. 415.504; or
3. Has not committed an act which constitutes domestic violence as defined in s. 741.30.

(d) The department may grant to any person who has been convicted of one of the following offenses an exemption from disqualification from working with children:

1. A felony prohibited under any section of the Florida Statutes cited in paragraph (b) or paragraph (c) or under a similar statute of another jurisdiction;
2. Misdemeanors prohibited under any section of the Florida Statutes cited in this section or under a similar statute of another jurisdiction;
3. Offenses which were a felony when committed but are now a misdemeanor;
4. Findings of delinquency as specified in this section;
5. Judicial determinations of abuse or neglect under this chapter;
6. Confirmed reports of abuse, neglect, or exploitation under chapter 415 which have been uncontested or have been upheld pursuant to s. 415.103 or s. 415.504; or
7. Commission of domestic violence.

Section 14. For the purpose of incorporating the amendments to chapter 415, Florida Statutes, in references thereto, paragraph (e) of subsection (7) and paragraph (b) of subsection (8) of section 39.045, Florida Statutes, 1990 Supplement, are reenacted and amended to read:

39.045 Oaths; records; confidential information.—

(7) No court record of proceedings under this chapter is admissible in evidence in any other civil or criminal proceeding, except that:

(e) Records of proceedings under this part may be used to prove disqualification pursuant to ss. 39.076, 110.1127, 393.0655, 394.457, 396.0425, 397.0715, 402.305, 402.313, 409.175, and 409.176, and for proof in a chapter 120 proceeding pursuant to ss. 415.103 and 415.504.

(8)

(b) The destruction of records pertaining to children committed to or supervised by the department pursuant to a court order, which records are retained until a child reaches the age of 19 years or until a serious or habitual delinquent child reaches the age of 21 years, shall be subject to the provisions of chapter 257 267.

Section 15. For the purpose of incorporating the amendments to chapter 415, Florida Statutes, in references thereto, paragraph (x) of subsection (3) and subsections (4) and (5) of section 39.076, Florida Statutes, 1990 Supplement, are reenacted to read:

39.076 Departmental contracting powers.—

(3) The department shall establish minimum standards for good moral character, based on screening, for personnel in delinquency facilities, services, and programs. Such minimum standards shall ensure that no personnel have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under any of the following provisions of the Florida Statutes or under similar laws of other jurisdictions:

(x) Section 415.111, relating to abuse, neglect, or exploitation of aged or disabled persons.

For the purposes of this section, a finding of delinquency or a plea of nolo contendere or other plea amounting to an admission of guilt to a petition alleging delinquency pursuant to this chapter, or any similar law of another jurisdiction, for any of the foregoing acts has the same effect as a finding of guilt, regardless of adjudication or disposition.

(4) Standards for screening shall also ensure that the person:

- (a) Has not been judicially determined to have committed abuse or neglect against a child as defined in s. 39.01;
- (b) Does not have a confirmed report of abuse, neglect, or exploitation as defined in s. 415.102(5) which has been uncontested or has been upheld pursuant to s. 415.504(4)(d);
- (c) Does not have a confirmed report of abuse, neglect, or exploitation as defined in s. 415.102(5) or s. 415.503(6) which has been uncontested or has been upheld pursuant to the procedures provided in s. 415.103 or s. 415.504; or
- (d) Has not committed an act which constitutes domestic violence as defined in s. 741.30.

(5) For the following, the department may grant to any person an exemption from disqualification from working with children:

- (a) Felonies, other than specified felonies, prohibited under any of the foregoing Florida Statutes cited in this section, or any similar law of another jurisdiction, committed more than 3 years previously. For the purposes of this section, "specified felony" means those felonies enumerated in paragraphs (3)(a), (b), (d), (l), (m), (n), (p), (s), (t), (u), (w), (y), (z), and (aa), and under similar laws of other jurisdictions;
- (b) Misdemeanors prohibited under any of the foregoing Florida Statutes cited in this section or under similar laws of other jurisdictions;
- (c) Offenses which were a felony when committed but are now a misdemeanor;
- (d) Findings of delinquency as specified in this section;
- (e) Judicial determinations of abuse or neglect under this chapter;
- (f) Confirmed reports of abuse, neglect, or exploitation under chapter 415; or
- (g) Commission of domestic violence.

Section 16. For the purpose of incorporating the amendments to chapter 415, Florida Statutes, in references thereto, paragraph (d) of subsection (6) of section 39.411, Florida Statutes, 1990 Supplement, is reenacted to read:

39.411 Oaths, records, and confidential information.—

(6) No court record of proceedings under this chapter shall be admissible in evidence in any other civil or criminal proceeding, except that:

(d) Records of proceedings under this part may be used to prove disqualification pursuant to ss. 39.076, 110.1127, 393.0655, 394.457, 396.0425, 397.0715, 402.305, 402.313, 409.175, and 409.176 and for proof in a chapter 120 proceeding pursuant to ss. 415.103 and 415.504.

Section 17. For the purpose of incorporating the amendments to chapter 415, Florida Statutes, in references thereto, paragraphs (a), (b), and (g) of subsection (3) and subsection (4) of section 110.1127, Florida Statutes, 1990 Supplement, are reenacted and amended to read:

110.1127 Employee security checks.—

(3)(a) Within the Department of Health and Rehabilitative Services, all positions in programs providing care to children or the developmentally disabled for 15 hours or more per week are deemed to be positions of special trust or responsibility, and a person shall be disqualified for employment in any such position by reason of:

1. Having been found guilty of, regardless of adjudication, or having entered a plea of nolo contendere or guilty to, any offense prohibited under any of the following provisions of the Florida Statutes or under any similar statute of another jurisdiction:

- a. Section 782.04, relating to murder.
- b. Section 782.07, relating to manslaughter.
- c. Section 782.071, relating to vehicular homicide.
- d. Section 782.09, relating to killing of an unborn child by injury to the mother.
- e. Section 784.011, relating to assault, if the victim of the offense was a minor.
- f. Section 784.021, relating to aggravated assault.
- g. Section 784.03, relating to battery, if the victim of the offense was a minor.
- h. Section 784.045, relating to aggravated battery.
- i. Section 787.01, relating to kidnapping.
- j. Section 787.02, relating to false imprisonment.
- k. Section 787.04, relating to removing children from the state or concealing children contrary to court order.
- l. Section 794.011, relating to sexual battery.
- m. Section 794.041, relating to prohibited acts of persons in familial or custodial authority.
- n. Chapter 796, relating to prostitution.
- o. Section 798.02, relating to lewd and lascivious behavior.
- p. Chapter 800, relating to lewdness and indecent exposure.
- q. Section 806.01, relating to arson.
- r. Section 812.13, relating to robbery.
- s. Section 826.04, relating to incest.
- t. Section 827.03, relating to aggravated child abuse.
- u. Section 827.04, relating to child abuse.
- v. Section 827.05, relating to negligent treatment of children.
- w. Section 827.071, relating to sexual performance by a child.
- x. Section ~~415.111~~ 827.09, relating to abuse, neglect, or exploitation of aged or disabled persons.
- y. Chapter 847, relating to obscene literature.
- z. Chapter 893, relating to drug abuse prevention and control, only if the offense was a felony or if any other person involved in the offense was a minor.
- aa. Section 817.563, relating to fraudulent sale of controlled substances, only if the offense was a felony; or

2. Having had a finding of delinquency or having entered a plea of nolo contendere or a plea amounting to an admission of guilt to a petition alleging delinquency pursuant to part II, chapter 39, or similar statutes of other jurisdictions, for any of the foregoing acts, regardless of adjudication or disposition. For the purposes of this subsection, such a finding or plea has the same effect as a finding of guilt; or

3. Having been judicially determined to have committed abuse or neglect against a child as defined in s. 39.01; or

4. Having a confirmed report of abuse, neglect, or exploitation as defined in s. 415.102(5) or abuse or neglect as defined in s. 415.503(6) which has been uncontested or upheld pursuant to the procedures provided in s. 415.103 or s. 415.504; or

5. Having committed an act which constitutes domestic violence as defined in s. 741.30.

(b)1. For the following, the department may grant to any person an exemption from disqualification from working with children or the developmentally disabled:

a. Felonies, other than specified felonies, prohibited under any of the foregoing Florida Statutes cited in paragraph (a) or under similar statutes of other jurisdictions, committed more than 3 years previously. For the purposes of this sub-subparagraph, "specified felony" means those felonies in the Florida Statutes enumerated in sub-subparagraphs (a)1.a., b., d., l., m., n., p., s., t., u., w., y., z., and aa., or under any similar statute of another jurisdiction;

b. Misdemeanors prohibited under any of the foregoing Florida Statutes cited in this subsection or under similar statutes of another jurisdiction;

c. Offenses which were a felony when committed but are now a misdemeanor;

d. Findings of delinquency as specified in this subsection;

e. Judicial determinations of abuse or neglect under chapter 39;

f. Confirmed reports of abuse, neglect, or exploitation under chapter 415 which have been uncontested or have been upheld pursuant to the procedures provided in s. 415.103 or s. 415.504; or

g. Commissions of domestic violence.

2. In order to grant an exemption to a person, the department must have clear and convincing evidence to support a reasonable belief that the person is of good character as to justify an exemption. The person shall bear the burden of setting forth sufficient evidence of rehabilitation, including, but not limited to, the circumstances surrounding the incident, the time period that has elapsed since the incident, the nature of the harm occasioned to the victim, and the history of the person since the incident, or such other circumstances as that shall by the aforementioned standards indicate that the person will not present a danger to the safety or well-being of children. The decision of the department regarding an exemption may be contested through the hearing procedures set forth in chapter 120.

(g) It is a misdemeanor of the first degree, punishable as provided in s. 775.082 or; s. 775.083, ~~or s. 775.084~~, for any person willfully, knowingly, or intentionally to:

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

2. Use records information for purposes other than screening for employment or release records information to other persons for purposes other than screening for employment. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(4) Within the Department of Health and Rehabilitative Services, all permanent or temporary employees in the central abuse registry and tracking system and all persons working under contract who have access to abuse records shall be screened for recorded reports of abuse, neglect, or exploitation pursuant to ss. 415.101-415.113 and ss. 415.501-415.514. Such employees shall be rescreened annually. A confirmed report shall disqualify an applicant or an employee from employment. The presence of indicated reports prior to July 1, 1987, shall be processed as provided in ss. 415.107(5)(a) and 415.51(4). The exemption procedures provided in subparagraph (3)(b)2. shall be available to persons covered under this subsection.

Section 18. For the purpose of incorporating the amendments to chapter 415, Florida Statutes, in references thereto, paragraph (a) of subsection (8) of section 216.136, Florida Statutes, 1990 Supplement, is reenacted and amended to read:

216.136 Consensus estimating conferences; duties and principals.—

## (8) CHILD WELFARE SYSTEM ESTIMATING CONFERENCE.—

(a) Duties.—The Child Welfare System Estimating Conference shall develop the following information relating to the child welfare system:

1. Estimates and projections of the number of initial and additional reports of child abuse or neglect made to the central abuse registry and tracking system maintained by the Department of Health and Rehabilitative Services as established in s. 415.504(4)(a).

2. Estimates and projections of the number of initial and additional reports of child abuse or neglect made to the central abuse registry and tracking system which are classified by the Department of Health and Rehabilitative Services as confirmed or indicated.

3. Estimates and projections of the number of children who are alleged to be victims of child abuse or neglect and are in need of placement in an emergency shelter.

In addition, the conference shall develop other official information relating to the child welfare system of the state which the conference determines is needed for the state planning and budgeting system. The Department of Health and Rehabilitative Services shall provide information on the child welfare system requested by the Child Welfare System Estimating Conference, or individual conference principals, in a timely manner.

Section 19. For the purpose of incorporating the amendments to chapter 415, Florida Statutes, in references thereto, subsection (4) of section 232.02, Florida Statutes, 1990 Supplement, is reenacted to read:

232.02 Regular school attendance.—Regular attendance is the actual attendance of a pupil during the school day as defined by law and regulations of the state board. Regular attendance within the intent of s. 232.01 may be achieved by attendance in:

(4) A home education program as defined in s. 228.041, and which is in compliance with s. 229.808, provided that no parent or guardian with whom a pupil is residing has been named as a perpetrator in a confirmed report of abuse or neglect of a child pursuant to the provisions of chapter 415 or has been determined by a court of law to have abused or neglected a child and provided that at least one of the following conditions is met:

(a) The parent holds a valid regular Florida certificate to teach the subjects or grades in which instruction is given and complies with any other requirements prescribed by law or rules of the state board; or

(b) The parent does not hold a valid regular Florida certificate to teach and complies with the following requirements:

1. Notifies the superintendent of schools of the county in which the parent resides of his intent to establish and maintain a home education program. The notice shall be in writing, signed by the parent, and shall include the names, addresses, and birthdates of all children who shall be enrolled as students in the home education program. The notice shall be filed in the superintendent's office within 30 days of the establishment of the home education program. A written notice of termination of the home education program shall be filed in the superintendent's office within 30 days of said termination.

2. Maintains a portfolio of records and materials. The portfolio shall consist of a log, made contemporaneously with the instruction, which designates by title the reading materials used and samples of any writings, worksheets, workbooks, and creative materials used or developed by the student. The portfolio shall be preserved by the parent for 2 years and shall be made available for inspection by the superintendent, or his agent, upon 15 days' written notice.

3. Provides for an annual educational evaluation in which is documented the pupil's demonstration of educational progress at a level commensurate with his ability. A copy of the evaluation shall be filed annually with the district school board office in the county in which the pupil resides. The annual educational evaluation shall consist of one of the following:

a. A teacher selected by the parent shall evaluate the pupil's educational progress upon review of the portfolio and discussion with the pupil. Such teacher shall hold a valid regular Florida certificate to teach academic subjects at the elementary or secondary level. The teacher shall submit a written evaluation to the school superintendent;

b. The pupil shall take any nationally normed student achievement test used by the district and administered by a certified teacher. Such test results shall be reported to the school superintendent;

c. The pupil shall take a state student assessment test. Such test results shall be reported to the school superintendent;

d. The pupil shall be evaluated by an individual holding a valid, active license pursuant to the provisions of s. 490.003(3) or s. 490.003(5). Such results shall be reported to the school superintendent; or

e. The pupil shall be evaluated with any other valid measurement tool as mutually agreed upon by the school superintendent of the district in which the pupil resides and the pupil's parent or guardian. Such results shall be reported to the superintendent.

The school superintendent shall review and accept the results of the annual educational evaluation of the pupil in a home education program. If the pupil does not demonstrate educational progress at a level commensurate with his ability, the superintendent shall notify the parent, in writing, that such progress has not been achieved. The parent shall have 1 year from the date of receipt of the written notification to provide remedial instruction to the pupil. At the end of the 1-year probationary period, the pupil shall be reevaluated as specified in this subparagraph. Continuation in a home education program shall be contingent upon the pupil demonstrating educational progress commensurate with his ability at the end of the probationary period.

Section 20. For the purpose of incorporating the amendments to chapter 415, Florida Statutes, in references thereto, paragraphs (a) and (b) of subsection (3) of section 242.335, Florida Statutes, 1990 Supplement, are reenacted and amended to read:

242.335 Personnel screening; Florida School for the Deaf and the Blind.—

(3)(a) An employee or applicant for a position in a program providing care to enrolled students may be terminated from or disqualified for employment in any such position by reason of:

1. Having been found guilty of, regardless of adjudication, or having entered a plea of nolo contendere or guilty to, any offense prohibited under any of the following provisions of the Florida Statutes or under any similar statute of another jurisdiction:

- a. Section 782.04, relating to murder.
- b. Section 782.07, relating to manslaughter.
- c. Section 782.071, relating to vehicular homicide.
- d. Section 782.09, relating to killing of an unborn child by injury to the mother.
- e. Section 784.011, relating to assault, if the victim of the offense was a minor.
- f. Section 784.021, relating to aggravated assault.
- g. Section 784.03, relating to battery, if the victim of the offense was a minor.
- h. Section 784.045, relating to aggravated battery.
- i. Section 787.01, relating to kidnapping.
- j. Section 787.02, relating to false imprisonment.
- k. Section 787.04, relating to removing minors from the state or concealing minors contrary to court order.
- l. Section 794.011, relating to sexual battery.
- m. Section 794.041, relating to prohibited acts of persons in familial or custodial authority.
- n. Chapter 796, relating to prostitution.
- o. Section 798.02, relating to lewd and lascivious behavior.
- p. Chapter 800, relating to lewdness and indecent exposure.
- q. Section 806.01, relating to arson.
- r. Section 812.13, relating to robbery.
- s. Section 826.04, relating to incest.

- t. Section 827.03, relating to aggravated child abuse.
- u. Section 827.04, relating to child abuse.
- v. Section 827.05, relating to negligent treatment of children.
- w. Section 827.071, relating to sexual performance by a child.
- x. Section 415.111 827.09, relating to abuse, neglect, or exploitation of aged or disabled persons.
- y. Chapter 847, relating to obscene literature.
- z. Chapter 893, relating to drug abuse prevention and control, only if the offense was a felony or if any other person involved in the offense was a minor.
- aa. Section 817.563, relating to fraudulent sale of controlled substances, only if the offense was a felony;

2. Having had a finding of delinquency or having entered a plea of nolo contendere or a plea amounting to an admission of guilt to a petition alleging delinquency pursuant to part II of chapter 39, or similar statutes of other jurisdictions, for any of the acts set forth in subparagraph 1., regardless of adjudication or disposition. For the purposes of this subparagraph, such a finding or plea has the same effect as a finding of guilt;

3. Having been judicially determined to have committed abuse or neglect against a child as defined in s. 39.01(2) and (37);

4. Having a confirmed report of abuse, neglect, or exploitation as defined in s. 415.102(5) or abuse or neglect as defined in s. 415.503(6) which has been uncontested or upheld pursuant to the procedures provided in s. 415.103 or s. 415.504; or

5. Having committed an act which constitutes domestic violence as defined in s. 741.30.

(b)1. The Florida School for the Deaf and the Blind may grant to any employee or applicant for a position in a program providing care to enrolled students an exemption from disqualification for the following:

- a. Felonies cited in paragraph (a) of subsection (3) of this section or prohibited under similar statutes of other jurisdictions, committed more than 3 years previously;
- b. Misdemeanors prohibited under this subsection or under similar statutes of another jurisdiction;
- c. Offenses which were a felony when committed but are now a misdemeanor;
- d. Findings of delinquency as specified in this subsection;
- e. Judicial determinations of abuse or neglect under chapter 39;
- f. Confirmed reports of abuse, neglect, or exploitation under chapter 415 which have been uncontested or have been upheld pursuant to the procedures provided in s. 415.103 or s. 415.504; or
- g. Commissions of domestic violence.

2. In order to grant an exemption to a person, the Florida School for the Deaf and the Blind must have clear and convincing evidence to support a reasonable belief that the person is of such good character as to justify an exemption. In considering the request for such an exemption, the school shall conduct, if requested by the applicant or employee, an informal hearing at which the applicant or employee or his representative may present evidence of good moral character and rehabilitation. The person shall bear the burden of setting forth sufficient evidence of rehabilitation, including, but not limited to, the circumstances surrounding the incident, the time period that has elapsed since the incident, the nature of the harm occasioned to the victim, and the history of the person since the incident, or such other circumstances that shall indicate that the person will not present a danger to the safety or well-being of children. The decision of the Florida School for the Deaf and the Blind regarding an exemption may be contested through the hearing procedures set forth in chapter 120.

Section 21. For the purpose of incorporating the amendments to chapter 415, Florida Statutes, in references thereto, paragraph (v) of subsection (1), subsection (2), and paragraph (a) of subsection (3) of section 393.0655, Florida Statutes, 1990 Supplement, are reenacted and amended to read:

393.0655 Screening of caretakers.—

(1) MINIMUM STANDARDS.—The department shall establish minimum standards as to good moral character, based on screening, for caretakers who are unrelated to their clients. Such minimum standards for screening shall ensure that no caretaker unrelated to his client has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under any of the following provisions of the Florida Statutes or under any similar statute of another jurisdiction:

- (h) Section 787.02, relating to false imprisonment.
- (i) Section 787.04, relating to removing children from the state or concealing children contrary to court order.
- (j) Section 794.011, relating to sexual battery.
- (k) Section 794.041, relating to prohibited acts of persons in familial or custodial authority.
- (l) Chapter 796, relating to prostitution.
- (m) Section 798.02, relating to lewd and lascivious behavior.
- (n) Chapter 800, relating to lewdness and indecent exposure.
- (o) Section 806.01, relating to arson.
- (p) Section 812.13, relating to robbery.
- (q) Section 826.04, relating to incest.
- (r) Section 827.03, relating to aggravated child abuse.
- (s) Section 827.04, relating to child abuse.
- (t) Section 827.05, relating to negligent treatment of children.
- (u) Section 827.071, relating to sexual performance by a child.
- (v) Section 415.111 827.09, relating to abuse, neglect, or exploitation of aged or disabled persons.

For the purposes of this section, a finding of delinquency or a plea of nolo contendere or other plea amounting to an admission of guilt to a petition alleging delinquency pursuant to part II, chapter 39, or a similar statute of another jurisdiction, for any of the foregoing acts has the same effect as a finding of guilt, regardless of adjudication or disposition.

(2) SCREENING STANDARDS.—Standards for screening shall also ensure that the person:

- (a) Has not been judicially determined to have committed abuse or neglect against a child as defined in s. 39.01(2) and (37);
- (b) Does not have a confirmed report of abuse, neglect, or exploitation as defined in s. 415.102(5) or abuse or neglect as defined in s. 415.503(6) which has been uncontested or upheld pursuant to the procedures provided in s. 415.103 or s. 415.504; or
- (c) Has not committed an act which constitutes domestic violence as defined in s. 741.30.

(3) EXEMPTIONS FROM DISQUALIFICATION.—

(a) For the following, the department may grant to any person an exemption from disqualification from working with children or the developmentally disabled:

- 1. Felonies, other than specified felonies, prohibited under any of the foregoing Florida Statutes cited in subsection (1) or under similar statutes of other jurisdictions, committed more than 3 years previously. For the purposes of this subparagraph, "specified felony" means those felonies in the Florida Statutes, enumerated in paragraphs (1)(a), (b), (d), (j), (k), (l), (n), (q), (r), (s), (u), (w), (z), and (aa), or under any similar statute of another jurisdiction;
- 2. Misdemeanors prohibited under any of the foregoing Florida Statutes cited in this section or under similar statutes of other jurisdictions;
- 3. Offenses which were a felony when committed but are now a misdemeanor;
- 4. Findings of delinquency as specified in this section;
- 5. Judicial determinations of abuse or neglect under chapter 39;

6. Confirmed reports of abuse, neglect, or exploitation under chapter 415 which have been uncontested or have been upheld pursuant to the procedures provided in s. 415.103 or s. 415.504; or

7. Commissions of domestic violence.

Section 22. For the purpose of incorporating the amendments to chapter 415, Florida Statutes, in references thereto, paragraphs (a), (b), and (c) of subsection (6) of section 394.457, Florida Statutes, 1990 Supplement, are reenacted and amended to read:

394.457 Operation and administration.—

(6) SCREENING OF MENTAL HEALTH PERSONNEL.—

(a) The department shall establish minimum standards as to good moral character, based on screening, for mental health personnel. Such minimum standards for screening shall ensure that no mental health personnel have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under any of the following provisions of the Florida Statutes or under any similar statute of another jurisdiction:

1. Section 782.04, relating to murder.
2. Section 782.07, relating to manslaughter.
3. Section 782.071, relating to vehicular homicide.
4. Section 782.09, relating to killing of an unborn child by injury to the mother.
5. Section 784.021, relating to aggravated assault.
6. Section 784.045, relating to aggravated battery.
7. Section 787.01, relating to kidnapping.
8. Section 787.02, relating to false imprisonment.
9. Section 787.04, relating to removing children from the state or concealing children contrary to court order.
10. Section 794.011, relating to sexual battery.
11. Section 794.041, relating to prohibited acts of persons in familial or custodial authority.
12. Chapter 796, relating to prostitution.
13. Section 798.02, relating to lewd and lascivious behavior.
14. Chapter 800, relating to lewdness and indecent exposure.
15. Section 806.01, relating to arson.
16. Section 812.13, relating to robbery.
17. Section 826.04, relating to incest.
18. Section 827.03, relating to aggravated child abuse.
19. Section 827.04, relating to child abuse.
20. Section 827.05, relating to negligent treatment of children.
21. Section 827.071, relating to sexual performance by a child.
22. Section ~~415.111 827.09~~, relating to abuse, neglect, or exploitation of aged or disabled persons.
23. Chapter 847, relating to obscene literature.
24. Section 784.011, relating to assault, if the victim of the offense was a minor.
25. Section 784.03, relating to battery, if the victim of the offense was a minor.
26. Chapter 893, relating to drug abuse prevention and control, only if the offense was a felony or if any other person involved in the offense was a minor.
27. Section 817.563, relating to fraudulent sale of controlled substances, only if the offense was a felony.

For the purposes of this subsection, a finding of delinquency or a plea of nolo contendere or other plea amounting to an admission of guilt to a

petition alleging delinquency pursuant to part II, chapter 39, or similar statutes of another jurisdiction, for any of the foregoing acts has the same effect as a finding of guilt, regardless of adjudication or disposition.

(b) Standards for screening shall also ensure that the person:

1. Has not been judicially determined to have committed abuse or neglect against a child as defined in s. 39.01(2) and (37); or

2. Does not have a confirmed report of abuse, neglect, or exploitation as defined in s. 415.102(5) or abuse or neglect as defined in s. 415.503(6) which has been uncontested or upheld pursuant to the procedures of s. 415.103 or s. 415.504; or

3. Has not committed an act which constitutes domestic violence as defined in s. 741.30.

(c)1. For the following, the department may grant to any person an exemption from disqualification from working with children or the developmentally disabled:

a. Felonies, other than specified felonies, prohibited under any of the foregoing Florida Statutes cited in paragraph (a) or under similar statutes of other jurisdictions, committed more than 3 years previously. For the purposes of this sub-subparagraph, "specified felony" means those felonies in the Florida Statutes enumerated in subparagraphs (a)1., 2., 4., 10., 11., 12., 14., 17., 18., 19., 21., 23., 26., and 27., or under any similar statute of another jurisdiction;

b. Misdemeanors prohibited under any of the foregoing Florida Statutes cited in this subsection or under similar statutes of other jurisdictions;

c. Offenses which were a felony when committed but are now a misdemeanor;

d. Findings of delinquency as specified in this subsection;

e. Judicial determinations of abuse or neglect under chapter 39;

f. Confirmed reports of abuse, neglect, or exploitation under chapter 415 which have been uncontested or have been upheld pursuant to the procedures provided in s. 415.103 or s. 415.504; or

g. Commissions of domestic violence.

2. In order to grant an exemption to a person, the department must have clear and convincing evidence to support a reasonable belief that the person is of good character so as to justify an exemption. The person shall bear the burden of setting forth sufficient evidence of rehabilitation, including, but not limited to, the circumstances surrounding the incident, the time period that has elapsed since the incident, the nature of the harm occasioned to the victim, and the history of the person since the incident or such other circumstances that shall by the aforementioned standards indicate that the person will not present a danger to the safety or well-being of children. The decision of the department regarding an exemption may be contested through a hearing under chapter 120.

Section 23. For the purpose of incorporating the amendments to chapter 415, Florida Statutes, in references thereto, paragraph (v) of subsection (1), subsection (2), and paragraph (a) of subsection (3) of section 396.0425, Florida Statutes, 1990 Supplement, are reenacted and amended to read:

396.0425 Screening of treatment resource personnel.—

(1) MINIMUM STANDARDS.—The department shall establish minimum standards as to good moral character, based on screening, for treatment resource personnel. Such minimum standards for screening shall ensure that no treatment resource personnel have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under any of the following provisions of the Florida Statutes or under similar statutes of other jurisdictions:

(v) Section ~~415.111 827.09~~, relating to abuse, neglect, or exploitation of aged or disabled persons.

For purposes of this subsection, a finding of delinquency or a plea of nolo contendere or other plea amounting to an admission of guilt to a petition alleging delinquency pursuant to part II, chapter 39, or similar statutes of other jurisdictions for any of the foregoing acts has the same effect as a finding of guilt, regardless of adjudication or disposition.

(2) **SCREENING STANDARDS.**—Standards for screening shall also ensure that the person:

(a) Has not been judicially determined to have committed abuse or neglect against a child as defined in s. 39.01(2) and (37); or

(b) Does not have a confirmed report of abuse, neglect, or exploitation as defined in s. 415.102(5), or abuse or neglect as defined in s. 415.503(6), which has been uncontested or upheld pursuant to the procedures of s. 415.103 or s. 415.504; or

(c) Has not committed an act which constitutes domestic violence as defined in s. 741.30.

(3) **EXEMPTIONS FROM DISQUALIFICATION.**—

(a) For the following, the department may grant to any treatment resource personnel an exemption from disqualification from working with children or the developmentally disabled:

1. Felonies, other than specified felonies, prohibited under any of the foregoing Florida Statutes cited in subsection (1) or under similar statutes of other jurisdictions, committed more than 3 years previously. For the purposes of this subparagraph, "specified felony" means those felonies in the Florida Statutes enumerated in paragraphs (1)(a), (b), (d), (j), (k), (l), (n), (q), (r), (s), (u), (w), (z), and (aa), or under any similar statute of another jurisdiction;

2. Misdemeanors prohibited under any of the foregoing Florida Statutes cited in this section or under similar statutes of other jurisdictions;

3. Offenses which were a felony when committed but are now a misdemeanor;

4. Findings of delinquency as specified in this subsection;

5. Judicial determinations of abuse or neglect under chapter 39;

6. Confirmed reports of abuse, neglect, or exploitation under chapter 415 which have been uncontested or have been upheld pursuant to the procedures provided in s. 415.103 or s. 415.504; or

7. Commissions of domestic violence.

Section 24. For the purpose of incorporating the amendments to chapter 415, Florida Statutes, in references thereto, paragraph (v) of subsection (1), subsection (2), and paragraph (a) of subsection (3) of section 397.0715, Florida Statutes, 1990 Supplement, are reenacted and amended to read:

397.0715 Screening of treatment resource personnel.—

(1) **MINIMUM STANDARDS.**—The department shall establish minimum standards as to good moral character, based on screening, for treatment resource personnel. Such minimum standards for screening shall ensure that no treatment resource personnel have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under any of the following provisions of the Florida Statutes or under similar statutes of other jurisdictions:

(v) Section 415.111 827.09, relating to abuse, neglect, or exploitation of aged or disabled persons.

For purposes of this subsection, a finding of delinquency or a plea of nolo contendere or other plea amounting to an admission of guilt to a petition alleging delinquency pursuant to part II, chapter 39, or similar statutes of other jurisdictions, for any of the foregoing acts, has the same effect as a finding of guilt, regardless of adjudication or disposition.

(2) **SCREENING STANDARDS.**—Standards for screening shall also ensure that the person:

(a) Has not been judicially determined to have committed abuse or neglect against a child as defined in s. 39.01(2) and (37); or

(b) Does not have a confirmed report of abuse, neglect, or exploitation as defined in s. 415.102(5), or abuse or neglect as defined in s. 415.503(6), which has been uncontested or upheld pursuant to the procedures of s. 415.103 or s. 415.504; or

(c) Has not committed an act which constitutes domestic violence as defined in s. 741.30.

(3) **EXEMPTIONS FROM DISQUALIFICATION.**—

(a) For the following, the department may grant to any treatment resource personnel an exemption from disqualification from working with children or the developmentally disabled:

1. Felonies, other than specified felonies, prohibited under any of the foregoing Florida Statutes cited in subsection (1) or under similar statutes of other jurisdictions, committed more than 3 years previously. For the purposes of this subparagraph, "specified felony" means those felonies in the Florida Statutes enumerated in paragraphs (1)(a), (b), (d), (j), (k), (l), (n), (q), (r), (s), (u), (w), (z), and (aa), or under any similar statute of another jurisdiction;

2. Misdemeanors prohibited under any of the foregoing Florida Statutes cited in this section or under similar statutes of other jurisdictions;

3. Offenses which were a felony when committed but are now a misdemeanor;

4. Findings of delinquency as specified in this subsection;

5. Judicial determinations of abuse or neglect under chapter 39;

6. Confirmed reports of abuse, neglect, or exploitation under chapter 415 which have been uncontested or have been upheld pursuant to the procedures provided in s. 415.103 or s. 415.504; or

7. Commissions of domestic violence.

Section 25. For the purpose of incorporating the amendments to chapter 415, Florida Statutes, in references thereto, subsection (7) of section 400.462, Florida Statutes, 1990 Supplement, is reenacted to read:

400.462 Definitions.—When used in this part, unless the context otherwise requires, the term:

(7) "Screening" means the assessment of the background of home health agency personnel and includes employment history checks, checks of references, records checks of the department's central abuse registry under chapter 415, and statewide criminal records correspondence checks through the Department of Law Enforcement. Employment history checks and checks of references shall be assessed by the director for each employee and by the department for all directors.

Section 26. For the purpose of incorporating the amendments to chapter 415, Florida Statutes, in references thereto, paragraphs (a), (b), and (c) of subsection (2) of section 400.497, Florida Statutes, 1990 Supplement, are reenacted to read:

400.497 Rules establishing minimum standards; screening of home health agency personnel.—

(2) The department shall establish minimum standards as to good moral character, based on screening, for home health agency personnel. Effective October 1, 1989, all such standards shall apply to nonlicensed home health agency personnel and licensed home health agency personnel whose licensing requirements do not include, at a minimum, records checks of the department's central abuse registry under chapter 415 and statewide criminal records correspondence checks through the Department of Law Enforcement.

(a) Such minimum standards for screening shall ensure that nonlicensed or applicable licensed home health agency personnel who, at any time, enter the home of a patient in the capacity of their employment have not been found guilty, regardless of adjudication, of any of the following offenses:

8. A violation of chapter 415, relating to protection from abuse, neglect, and exploitation.

(b) Standards for screening shall also ensure that the person:

1. Has not been judicially determined to have committed abuse or neglect against a child as defined in s. 39.01(2) and (37);

2. Does not have a confirmed report of abuse, neglect, or exploitation as defined in s. 415.102(5) or abuse or neglect as defined in s. 415.503(6) which has been uncontested or upheld under the procedures of s. 415.103 or s. 415.504; and

3. Has not committed an act which constitutes domestic violence as defined in s. 741.30.

(c)1. For the following, the department may grant to any person an exemption from disqualification from employment under this section:

a. A felony, other than a specified felony, prohibited under any of the foregoing chapters cited in paragraph (a) committed more than 3 years previously. For the purposes of this sub-subparagraph, "specified felony" means any felony in the chapters enumerated in subparagraphs (a)1., 4., 5., 7., and 8.;

b. Misdemeanors prohibited or referenced under any of the foregoing Florida Statutes cited in this subsection;

c. Offenses which were a felony when committed but are now a misdemeanor;

d. Judicial determinations of abuse or neglect under chapter 39;

e. Confirmed reports of abuse, neglect, or exploitation under chapter 415 which have been uncontested or have been upheld under the procedures provided in s. 415.103 or s. 415.504; or

f. Commissions of domestic violence.

2. In order to grant an exemption to a person, the department must have clear and convincing evidence to support a reasonable belief that the person is of good character so as to justify an exemption. The person shall bear the burden of setting forth sufficient evidence of rehabilitation, including, but not limited to, the circumstances surrounding the incident, the time period that has elapsed since the incident, the nature of the harm occasioned to the victim, and the history of the person since the incident or such other circumstances that shall by the aforementioned standards indicate that the person will not present a danger to the safety or well-being of patients. The decision of the department regarding an exemption may be contested through a hearing under chapter 120.

Section 27. For the purpose of incorporating the amendments to chapter 415, Florida Statutes, in references thereto, subsection (8), of section 400.506, Florida Statutes, 1990 Supplement, is reenacted to read:

400.506 Licensure of nurse registries; requirements; penalties.—

(8) Any duly authorized officer or employee of the department may make such inspections and investigations as are necessary in order to respond to complaints or to determine the state of compliance with this section and the rules adopted pursuant to this section.

(b) If, in responding to a complaint, an agent or employee of the department has reason to believe that abuse, neglect, or exploitation has occurred, according to the definitions in s. 415.102, he shall file a report under the provisions of s. 415.103.

Section 28. For the purpose of incorporating the amendments to chapter 415, Florida Statutes, in references thereto, paragraphs (a), (b), and (c) of subsection (1) of section 402.305, Florida Statutes, 1990 Supplement, are reenacted to read:

402.305 Licensing standards; child care facilities.—The state minimum standards shall be designed to protect the health, sanitation, safety, and well-being of all children under care by ensuring competent personnel, adequate physical surroundings, and healthful food. All standards established under ss. 402.301-402.319 shall be consistent with rules promulgated by the State Fire Marshal for child care facilities. However, if the facility is operated in a public school, the department shall use the public school fire code, as provided in the rules of the Department of Education, as the minimum standard for firesafety. The minimum standards for child care facilities shall include the following areas:

(1) PERSONNEL.—Minimum standards for child care personnel, which shall include minimum requirements as to:

(a) Good moral character based upon screening. Such minimum standards for screening shall ensure that no child care personnel at a child care facility or other child care program have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under any of the following provisions of the Florida Statutes or under a similar statute of another jurisdiction:

1. Section 782.04, relating to murder.
2. Section 782.07, relating to manslaughter.
3. Section 782.071, relating to vehicular homicide.
4. Section 782.09, relating to killing of an unborn child by injury to the mother.
5. Section 784.021, relating to aggravated assault.

6. Section 784.045, relating to aggravated battery.

7. Section 787.01, relating to kidnapping.

8. Section 787.02, relating to false imprisonment.

9. Section 787.04, relating to removing children from the state or concealing children contrary to court order.

10. Section 794.011, relating to sexual battery.

11. Section 794.041, relating to prohibited acts of persons in familial or custodial authority.

12. Chapter 796, relating to prostitution.

13. Section 798.02, relating to lewd and lascivious behavior.

14. Chapter 800, relating to lewdness and indecent exposure.

15. Section 806.01, relating to arson.

16. Section 812.13, relating to robbery.

17. Section 826.04, relating to incest.

18. Section 827.03, relating to aggravated child abuse.

19. Section 827.04, relating to child abuse.

20. Section 827.05, relating to negligent treatment of children.

21. Section 827.071, relating to sexual performance by a child.

22. Section 415.111, relating to abuse, neglect, or exploitation of aged or disabled persons.

23. Chapter 847, relating to obscene literature.

24. Section 784.011, relating to assault, if the victim of the offense was a minor.

25. Section 784.03, relating to battery, if the victim of the offense was a minor.

26. Chapter 893, relating to drug abuse prevention and control, only if the offense was a felony or if any other person involved in the offense was a minor.

27. Section 817.563, relating to fraudulent sale of controlled substances, only if the offense was a felony.

For purposes of this subsection, a finding of delinquency or a plea of nolo contendere or other plea amounting to an admission of guilt to a petition alleging delinquency pursuant to part II of chapter 39 or similar statutes of other jurisdictions, for any of the foregoing acts, has the same effect as a finding of guilt, regardless of adjudication or disposition.

(b) Standards for screening shall also ensure that the person:

1. Has not been judicially determined to have committed abuse or neglect against a child as defined in s. 39.01(2) and (37); or

2. Does not have a confirmed report of abuse, neglect, or exploitation as defined in s. 415.102(5) or abuse or neglect as defined in s. 415.503(6) which has been uncontested or upheld pursuant to the procedures of s. 415.103 or s. 415.504; or

3. Has not committed an act which constitutes domestic violence as defined in s. 741.30.

(c)1. For the following, the department may grant to any person an exemption from disqualification from working with children or the developmentally disabled:

a. Felonies, other than specified felonies, prohibited under any of the foregoing Florida Statutes cited in paragraph (a) or under similar statutes of other jurisdictions, committed more than 3 years previously. For the purposes of this sub-subparagraph, "specified felony" means those felonies in the Florida Statutes enumerated in subparagraphs (a)1., 2., 4., 10., 11., 12., 14., 17., 18., 19., 21., 23., 26., and 27., or under any similar statute of another jurisdiction;

b. Misdemeanors prohibited under any of the Florida Statutes cited in this subsection or under similar statutes of other jurisdictions;

- c. Offenses which were a felony when committed but are now a misdemeanor;
- d. Findings of delinquency as specified in this subsection;
- e. Judicial determinations of abuse or neglect under chapter 39;
- f. Confirmed reports of abuse, neglect, or exploitation under chapter 415 which have been uncontested or have been upheld pursuant to the procedures provided in s. 415.103 or s. 415.504; or
- g. Commissions of domestic violence.

2. In order to grant an exemption to a person, the department must have clear and convincing evidence to support a reasonable belief that the person is of good character so as to justify an exemption. The person shall bear the burden of setting forth sufficient evidence of rehabilitation, including, but not limited to, the circumstances surrounding the incident, the time period that has elapsed since the incident, the nature of the harm occasioned to the victim, and the history of the person since the incident, or such other circumstances that shall by the aforementioned standards indicate that the person will not present a danger to the safety or well-being of children. The decision of the department regarding an exemption may be contested through the hearing procedures set forth in chapter 120. The decision of the local licensing board may be contested through the hearing procedures in s. 402.3055.

Section 29. For the purpose of incorporating the amendments to chapter 415, Florida Statutes, in references thereto, paragraph (a) of subsection (4) of section 409.175, Florida Statutes, 1990 Supplement, is reenacted and amended to read:

409.175 Licensure of family foster homes, residential child-caring agencies, and child-placing agencies.—

(4)(a) The department shall adopt and amend licensing rules for family foster homes, residential child-caring agencies, and child-placing agencies. The department may also adopt rules relating to the screening requirements for summer day camps and summer 24-hour camps. The requirements for licensure and operation of family foster homes, residential child-caring agencies, and child-placing agencies shall include:

1. The operation, conduct, and maintenance of these homes and agencies and the responsibility which they assume for children served and the evidence of need for that service.
2. The provision of food, clothing, educational opportunities, services, equipment, and individual supplies to assure the healthy physical, emotional, and mental development of the children served.
3. The appropriateness, safety, cleanliness, and general adequacy of the premises, including fire prevention and health standards, to provide for the physical comfort, care, and well-being of the children served.
4. The ratio of staff to children required to provide adequate care and supervision of the children served and, in the case of foster homes, the maximum number of children in the home.
5. The education, training, and experience requirements of persons responsible for the care and well-being of the children served.
6. The good moral character based upon screening, education, training, and experience requirements for personnel. At a minimum, screening shall ensure that no personnel at a child-placing agency, family foster home, residential child-caring agency, summer day camp, or summer 24-hour camp providing care for children have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under any of the following provisions of the Florida Statutes or under any similar statute of another jurisdiction:
  - a. Section 782.04, relating to murder.
  - b. Section 782.07, relating to manslaughter.
  - c. Section 782.071, relating to vehicular homicide.
  - d. Section 782.09, relating to killing of an unborn child by injury to the mother.
  - e. Section 784.011, relating to assault, if the victim of the offense was a minor.
  - f. Section 784.021, relating to aggravated assault.

- g. Section 784.03, relating to battery, if the victim of the offense was a minor.
- h. Section 784.045, relating to aggravated battery.
- i. Section 787.01, relating to kidnapping.
- j. Section 787.02, relating to false imprisonment.
- k. Section 787.04, relating to removing children from the state or concealing children contrary to court order.
- l. Section 794.011, relating to sexual battery.
- m. Section 794.041, relating to prohibited acts of persons in familial or custodial authority.
- n. Chapter 796, relating to prostitution.
- o. Section 798.02, relating to lewd and lascivious behavior.
- p. Chapter 800, relating to lewdness and indecent exposure.
- q. Section 806.01, relating to arson.
- r. Section 812.13, relating to robbery.
- s. Section 826.04, relating to incest.
- t. Section 827.03, relating to aggravated child abuse.
- u. Section 827.04, relating to child abuse.
- v. Section 827.05, relating to negligent treatment of children.
- w. Section 827.071, relating to sexual performance by a child.
- x. Section 415.111 ~~827.09~~, relating to abuse, neglect, or exploitation of aged or disabled persons.
- y. Chapter 847, relating to obscene literature.
- z. Chapter 893, relating to drug abuse prevention and control, only if the offense was a felony or if any other person involved in the offense was a minor.
- aa. Section 817.563, relating to fraudulent sale of controlled substances, only if the offense was a felony.

For the purposes of this subparagraph, a finding of delinquency or a plea of nolo contendere or other plea amounting to an admission of guilt to a petition alleging delinquency pursuant to part II, chapter 39, or a similar statute of another jurisdiction, for any of the foregoing acts has the same effect as a finding of guilt, regardless of adjudication or disposition.

7. Standards for screening shall also ensure that the person:
  - a. Has not been judicially determined to have committed abuse or neglect against a child as defined in s. 39.01(2) and (37); or
  - b. Does not have a confirmed report of abuse, neglect, or exploitation as defined in s. 415.102(5) or abuse or neglect as defined in s. 415.503(6) which has been uncontested or upheld pursuant to the procedures of s. 415.103 or s. 415.504; or
  - c. Has not committed an act which constitutes domestic violence as defined in s. 741.30.

8.a. For the following, the department may grant to any person an exemption from disqualification from working with children or the developmentally disabled:

(I) Felonies, other than specified felonies, prohibited under any of the foregoing Florida Statutes cited in subparagraph 6. 5. or under similar statutes of other jurisdictions, committed more than 3 years previously. For the purposes of this sub-sub-subparagraph, "specified felony" means those felonies in the Florida Statutes enumerated in sub-subparagraphs 6. 5. a., b., d., l., m., n., p., s., t., u., w., y., z., and aa., or under similar statutes of another jurisdiction;

(II) Misdemeanors prohibited under any of the foregoing Florida Statutes cited in this paragraph or under similar statutes of other jurisdictions;

(III) Offenses which were a felony when committed but are now a misdemeanor;

(IV) Findings of delinquency as specified in this subsection;

(V) Judicial determinations of abuse or neglect under chapter 39;

(VI) Confirmed reports of abuse, neglect, or exploitation under chapter 415 which have been uncontested or have been upheld pursuant to the procedures provided in s. 415.103 or s. 415.504; or

(VII) Commissions of domestic violence.

b. In order to grant an exemption to a person, the department shall have clear and convincing evidence to support a reasonable belief that the person is of good character so as to justify an exemption. The person shall bear the burden of setting forth sufficient evidence of rehabilitation, including, but not limited to, the circumstances surrounding the incident, the time period that has elapsed since the incident, the nature of the harm occasioned to the victim, and the history of the person since the incident or such other circumstances that shall by the aforementioned standards indicate that the person will not present a danger to the safety or well-being of children. The decision of the department regarding an exemption may be contested through the hearing procedures set forth in chapter 120.

c. The disqualification from employment provided in subparagraph 6. shall not be removed from any person found guilty of, regardless of adjudication, or having entered a plea of nolo contendere or guilty to, any felony covered by subparagraph 6. solely by reason of any pardon, executive clemency, or restoration of civil rights.

9. The provision of preservice and inservice training for all foster parents and agency staff.

10. Satisfactory evidence of financial ability to provide care for the children in compliance with licensing requirements.

11. The maintenance by the agency of records pertaining to admission, progress, health, and discharge of children served, including written case plans and reports to the department.

12. The provision for parental involvement to encourage preservation and strengthening of a child's relationship with his family.

13. The transportation safety of children served.

14. The provisions for safeguarding the cultural, religious, and ethnic values of a child.

15. Provisions to safeguard the legal rights of children served.

Section 30. For the purpose of incorporating the amendments to chapter 415, Florida Statutes, in references thereto, subsection (8) and paragraph (c) of subsection (9) of section 409.176, Florida Statutes, are reenacted to read:

409.176 Registration of residential child-caring agencies.—

(8) The provisions of chapter 827 and chapter 415 regarding child abuse and neglect and the provisions of s. 409.175 regarding screening apply to any facility registered under this section.

(9) The department may deny, suspend, or revoke the registration of a Type II facility which:

(c) Violates the provisions of chapter 827 or chapter 415 regarding child abuse and neglect or the provisions of s. 409.175 regarding screening.

Section 31. For the purpose of incorporating the amendments to chapter 415, Florida Statutes, in references thereto, subsection (1) of section 447.208, Florida Statutes, is reenacted to read:

447.208 Procedure with respect to certain appeals under s. 447.207.—

(1) Any person filing an appeal pursuant to subsection (8) or subsection (9) of s. 447.207 shall be entitled to a hearing pursuant to subsections (4) and (5) of s. 447.503 and in accordance with chapter 120; however, the hearing shall be conducted within 30 days of the filing of an appeal with the commission, unless an extension of time is requested by the person and granted by the commission and unless the basis for the appeal is an allegation of abuse or neglect under s. 415.103 or s. 415.504, in which case the hearing by the Public Employees Relations Commission may not be held until the confirmed report of abuse or neglect has been upheld pursuant to the procedures for appeal in ss. 415.103 and 415.504. Discovery may be granted only upon a showing of extraordinary circumstances. A party requesting discovery shall demonstrate a substantial need for the

information requested and an inability to obtain relevant information by other means. To the extent that chapter 120 is inconsistent with these provisions, the procedures contained in this section shall govern.

Section 32. For the purpose of incorporating the amendments to chapter 415, Florida Statutes, in references thereto, section 447.401, Florida Statutes, is reenacted to read:

447.401 Grievance procedures.—Each public employer and bargaining agent shall negotiate a grievance procedure to be used for the settlement of disputes between employer and employee, or group of employees, involving the interpretation or application of a collective bargaining agreement. Such grievance procedure shall have as its terminal step a final and binding disposition by an impartial neutral, mutually selected by the parties; however, when the issue under appeal is an allegation of abuse or neglect by an employee under s. 415.103 or s. 415.504, the grievance may not be decided until the confirmed report of abuse or neglect has been upheld pursuant to the procedures for appeal in ss. 415.103 and 415.504. However, an arbitrator or other neutral shall not have the power to add to, subtract from, modify, or alter the terms of a collective bargaining agreement. If an employee organization is certified as the bargaining agent of a unit, the grievance procedure then in existence may be the subject of collective bargaining, and any agreement which is reached shall supersede the previously existing procedure. All public employees shall have the right to a fair and equitable grievance procedure administered without regard to membership or nonmembership in any organization, except that certified employee organizations shall not be required to process grievances for employees who are not members of the organization. A career service employee shall have the option of utilizing the civil service appeal procedure, an unfair labor practice procedure, or a grievance procedure established under this section, but such employee is precluded from availing himself to more than one of these procedures.

Section 33. For the purpose of incorporating the amendments to chapter 415, Florida Statutes, in references thereto, paragraphs (d) and (e) of subsection (1) of section 464.018, Florida Statutes, are reenacted to read:

464.018 Disciplinary actions.—

(1) The following acts shall be grounds for disciplinary action set forth in this section:

(d) Being found guilty, regardless of adjudication, of any of the following offenses:

1. A forcible felony as defined in chapter 776.
2. A violation of chapter 812, relating to theft, robbery, and related crimes.
3. A violation of chapter 817, relating to fraudulent practices.
4. A violation of chapter 800, relating to lewdness and indecent exposure.
5. A violation of chapter 784, relating to assault, battery, and culpable negligence.
6. A violation of chapter 827, relating to child abuse.
7. A violation of chapter 415, relating to protection from abuse, neglect, and exploitation.

(e) Having been judicially determined to have committed abuse or neglect against a child as defined in s. 39.01(2) and (37); or having a confirmed report of abuse, neglect, or exploitation as defined in s. 415.102(5) or abuse or neglect as defined in s. 415.503(6) which has been uncontested or upheld under the procedures of s. 415.103 or s. 415.504; or having committed an act which constitutes domestic violence as defined in s. 741.30.

Section 34. For the purpose of incorporating the amendments to chapter 415, Florida Statutes, in references thereto, paragraph (e) of subsection (6) of section 943.058, Florida Statutes, 1990 Supplement, is reenacted to read:

943.058 Criminal history record expunction or sealing.—

(6) The effect of expunction or sealing of criminal history records under this section or other provisions of law, including former ss. 893.14 and 901.33, shall be that when all criminal history records have been sealed or expunged, the subject of such records may lawfully deny or fail to acknowledge the events covered by the expunged or sealed records, except in the following circumstances:

(e) When the person who is the subject of the record is seeking to be employed or licensed by or to contract with the Department of Health and Rehabilitative Services or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children or the developmentally disabled or the aged or elderly as provided in s. 39.076, s. 110.1127(3), s. 393.063(3), s. 394.455(20), s. 396.032(8), s. 397.021(8), s. 402.302(8), s. 402.313(3), s. 409.175(2)(h), s. 415.102(4), s. 415.103, or chapter 400, or to be employed or licensed by the Office of Teacher Education, Certification, Staff Development, and Professional Practices of the Department of Education, any district school board, or any local governmental entity licensing child care facilities.

The courts or the Department of Law Enforcement may refer to and disseminate information contained in sealed records in any of these circumstances. Subject to the exceptions stated herein, no person as to whom an expunction or sealing has been accomplished shall be held thereafter under any provision of law of this state to be guilty of perjury or to be otherwise liable for giving a false statement by reason of such person's failure to recite or acknowledge expunged or sealed criminal history records.

Section 35. Within 1 year after the effective date of this act, the classification of all existing indicated reports or indicated-perpetrator undetermined reports shall be removed. However, the department may retain the information in such reports in a closed report pursuant to sections 415.104(2) and 415.505(1)(g), Florida Statutes. The Department of Health and Rehabilitative Services may reclassify an indicated report or report closed without classification as a proposed confirmed report in accordance with section 415.107(5)(a) or section 415.51(4), Florida Statutes. However, after the effective date of this act, all information relating to an indicated or indicated-perpetrator undetermined report may not be used by any person or for any reason other than those specified in sections 415.107(2)(a), (b), (c), (e), (f), and (g) and 415.51(2)(a), (b), (c), (e), (f), and (l), Florida Statutes.

Section 36. The offices of Aging and Adult Services and Licensure and Certification of the Department of Health and Rehabilitative Services, in cooperation with the Long-Term Care Ombudsman Council and the Human Rights Advocacy Council, shall develop a plan to ensure coordination of activities and elimination of duplication regarding investigations of abuse, neglect, and exploitation in adult facilities. This plan must be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of relevant substantive committees of both houses of the Legislature by January 1, 1992.

Section 37. This act shall take effect upon becoming a law.

**Amendment 2**—In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to protection of persons from abuse, neglect, and exploitation; repealing s. 415.102(11), F.S.; excluding certain officers and employees from the definition of "care-giver"; deleting the definition of the term "indicated-perpetrator undetermined report" for purposes of provisions relating to the abuse, neglect, or exploitation of aged persons; amending s. 415.103, F.S.; deleting provisions relating to classifying such reports in the central abuse registry and tracking system within the Department of Health and Rehabilitative Services; amending s. 415.104, F.S.; providing requirements for persons representing alleged perpetrators in investigations of abuse, neglect, or exploitation; providing for indexing, retention, and confidentiality of closed unclassified reports; providing for reports to be closed without classification; allowing a longer retention period for certain unfounded reports; deleting terminology made obsolete by the act; amending s. 415.107, F.S.; deleting provisions relating to the confidentiality of reports classified as "indicated-perpetrator undetermined"; adding provisions relating to the confidentiality of unclassified reports; authorizing the Public Employees Relations Commission access to proposed confirmed reports for specified purposes; authorizing the department to charge a fee for searching reports in the central abuse registry and tracking system; amending s. 415.111, F.S.; providing procedures relating to repeated unfounded reports; providing for submission of information to the State Attorney; repealing s. 415.503(10), F.S.; deleting the definition of the term "indicated-perpetrator undetermined report" for purposes of provisions relating to child abuse or neglect; amending s. 415.503, F.S.; revising the definition of the term "guardian ad litem"; specifying persons responsible for a child's welfare; amending s. 415.504, F.S.; requiring the department to transfer certain reports to local law enforcement agencies; deleting provisions pertaining to classifying such reports in the central abuse registry and tracking system within the department; providing for indexing, retention, and confidentiality of closed unclassified reports; allowing

a longer retention period for certain unfounded reports; amending s. 415.505, F.S.; providing requirements for persons representing alleged perpetrators in certain child protective investigations; deleting terminology made obsolete by the act; providing for a report to be closed without classification; providing for the termination of certain restrictive actions upon a finding that a report of child abuse or neglect is unfounded or closed without classification; amending s. 415.51, F.S.; deleting provisions relating to confidentiality of reports of child abuse or neglect which are classified as "indicated-perpetrator undetermined"; adding provisions relating to the confidentiality of unclassified reports; authorizing guardian ad litem and the Public Employees Relations Commission access to proposed confirmed reports for specified purposes; providing screening requirements for persons applying to work in the guardian ad litem program; authorizing the department to charge a fee for searching reports in the central abuse registry and tracking system; amending s. 415.513, F.S.; providing procedures relating to repeated unfounded reports; providing for submission of information to the State Attorney; amending s. 119.07, F.S., to conform; reenacting ss. 27.151(3), 39.001(3)(b), (c), and (d), 39.045(7)(e) and (8)(b), 39.076(3)(x), (4), and (5)(f), 39.411(6)(d), 110.1127(3)(a), (b), (g), and (4), 216.136(8)(a), 232.02(4), 242.335(3)(a) and (b), 393.0655(1)(v), (2)(b), and (3)(a), 394.457(6)(a), (b), and (c), 396.0425(1)(v), (2), and (3)(a), 397.0715(1)(v), (2), and (3)(a), 400.462(7), 400.497(2), 400.506(8)(b), 402.305(1)(a), (b), and (c), 409.175(4)(a), 409.176(8) and (9)(c), 447.208(1), 447.401, 464.018(1)(d) and (e), and 943.058(6)(e), F.S., relating to confidentiality of executive orders, juvenile justice program screening, confidential records, and department contracting powers, records of juvenile proceedings, state employee background screening, inspection of records, child welfare estimating conferences, regular school attendance, personnel screening for the Florida School for the Deaf and the Blind, for developmental disabilities caretakers, for mental health personnel, for alcohol treatment resource personnel, for drug treatment resource personnel, for child care facility personnel, and for family foster home and residential child-caring and child-placing personnel, public employee appeals and grievance procedures, disciplinary actions against nurses, and home health agencies, nurse registries, residential child-caring agencies, and criminal history record expunction, to incorporate the amendments to chapter 415, F.S., in references thereto; requiring the department to remove the classification of all existing indicated reports or indicated-perpetrator undetermined reports prior to a specified date; allowing the department to retain such information; authorizing the department to reclassify such reports; prohibiting use of information other than for specified purposes; requiring the development of a plan to ensure coordination of activities and elimination of duplication regarding abuse investigations in adult facilities; providing an effective date.

#### SB 702

The Committee on Natural Resources and Conservation recommended the following amendments which were moved by Senator Brown and adopted:

**Amendment 1**—On page 5, line 31, after the period (.) insert: *A resident who is age 65 or older who has obtained a permanent hunting and fishing license issued pursuant to s. 372.561(5)(a) shall not be required to purchase the license provided in paragraph (2)(i).*

**Amendment 2**—In title, on page 1, line 18, after the semicolon (;) insert: *exempting persons older than 65 years who have obtained permanent licenses from purchasing licenses to take fur-bearing animals;*

**Amendment 3**—On page 8, between lines 6 and 7, insert:

Section 4. Section 372.5717, Florida Statutes, is amended to read:

372.5717 Hunter safety course; requirements; penalty.—

(1) This section may be cited as the Senator Joe Carlucci Hunter Safety Act.

(2) On or after June 1, 1991, it is unlawful for any person born on or after June 1, 1975, to take wild animal life with the use of a firearm, *gun, bow, or crossbow* in this state without having first successfully completed a hunter safety course as provided in this section, and without having in his personal possession a hunter safety certification card, as provided in this section, at all times while so taking wild animal life with the use of a firearm, *gun, bow, or crossbow*.

(3) The Game and Fresh Water Fish Commission shall institute and coordinate a statewide hunter safety course which shall be offered in

every county and consist of not less than 12 hours nor more than 16 hours of instruction which shall include, but not be limited to, instruction in the competent and safe handling of firearms, conservation, and hunting ethics.

(4) The commission shall issue a permanent hunter safety certification card to each person who successfully completes the required hunter safety course. The commission shall maintain permanent records of hunter safety certification cards issued and shall establish procedures for replacing lost or destroyed cards.

(5) A hunter safety certification card issued by a wildlife agency of another state, or any Canadian province, which shows that the holder of the card has successfully completed a hunter safety course approved by the commission is an acceptable substitute for the hunter safety certification card issued by the commission.

(6) On or after June 1, 1991, all persons subject to the requirements of subsection (2) shall have in their personal possession, proof of compliance with this section, while taking or attempting to take wildlife with the use of a firearm, gun, bow, or crossbow. Such persons shall display a valid hunter safety certification card to county tax collectors or their sub-agents in order to purchase a Florida hunting license. After the issuance of such license, the license itself shall serve as proof of compliance herewith. In the case of individuals exempted from purchasing a hunting license but born on or after June 1, 1975, the possession of the hunter safety certification card while hunting will be required as proof of meeting the requirements of this section.

(7) This section does not apply to any person hunting in his county of residence on his homestead or the homestead of his spouse or minor child, or to any minor child hunting on the homestead of his or her parent.

(8) A person who violates this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(Renumber subsequent section.)

**Amendment 4**—In title, on page 1, line 21, after “act;” insert: amending s. 372.5717, F.S.; revising language regarding the Hunter Safety Program;

#### CS for SB 904

Senator Grant moved the following amendments which were adopted:

**Amendment 1**—On page 4, between lines 4 and 5, insert:

Section 2. Paragraph (g) of subsection (6) of section 947.146, Florida Statutes, 1990 Supplement, is redesignated as paragraph (h) of that subsection, and a new paragraph (g) is added to that subsection to read:

947.146 Control Release Authority.—

(6) The authority shall have the power and duty to:

(g) Determine the amount and manner of reparations or restitution to be paid by an inmate to each victim or aggrieved party for damage or loss resulting from the offense for which the inmate is convicted.

(h)(g) Adopt such rules as the authority deems necessary for implementation of the provisions of this section.

(Renumber subsequent sections.)

**Amendment 2**—In title, on page 1, line 15, after the semicolon (;) insert: amending s. 947.146, F.S.; requiring the Control Release Authority to determine the amount and manner of restitution prison inmates are to pay to their victims or other aggrieved parties;

#### SB 1180

The Committee on Natural Resources and Conservation recommended the following amendment which was moved by Senator Thurman and adopted:

**Amendment 1**—On page 2, line 25, strike “correct the permitted activity” and insert: undertake the corrective action

#### CS for SB 1336

Senator Jenne moved the following amendments which were adopted:

**Amendment 1**—On page 2, strike all of lines 1 and 2 and insert: renovation of a professional sports franchise facility or a motorsport racing or testing facility, or construction of tourist-oriented capital facilities for sports, recreation, or cultural activities in the unincorporated areas of the county. The provision of

**Amendment 2**—In title, on page 1, line 10, before the semicolon (;) insert: or for construction of tourist-oriented capital facilities

Senator Bruner moved the following amendment which failed:

**Amendment 3**—On page 2, between lines 14 and 15, insert:

(5) AUTHORIZED USES OF REVENUE.—

(a) All tax revenues received pursuant to this section by a county imposing the tourist development tax shall be used by that county for the following purposes only:

1. To acquire, construct, extend, enlarge, remodel, repair, improve, maintain, operate, or promote one or more publicly owned and operated convention centers, sports stadiums, sports arenas, coliseums, or auditoriums within the boundaries of the county or subcounty special taxing district in which the tax is levied. However, these purposes may be implemented through service contracts and leases with persons who maintain and operate adequate existing facilities;

2. To promote and advertise tourism in the State of Florida and nationally and internationally;

3. To fund convention bureaus, tourist bureaus, tourist information centers, and news bureaus as county agencies or by contract with the chambers of commerce or similar associations in the county; or

4. To finance beach improvement, maintenance, renourishment, restoration, and erosion control, including shoreline protection, enhancement, cleanup, or restoration of inland lakes and rivers to which there is public access; or

5. To finance the beach or shoreline construction, maintenance, and improvement of lifeguard stations, sanitary facilities, picnic facilities, and fishing piers.

(b) Tax revenues received pursuant to this section by a county of less than 500,000 population imposing a tourist development tax may only be used by that county for the following purposes in addition to those purposes allowed pursuant to paragraph (a): to acquire, construct, extend, enlarge, remodel, repair, improve, maintain, operate, or promote one or more museums, zoological parks, fishing piers or nature centers which are publicly owned and operated or owned and operated by not-for-profit organizations and open to the public. All population figures relating to this subsection shall be based on the most recent population estimates prepared pursuant to the provisions of s. 186.901. These population estimates shall be those in effect on July 1 of each year.

(c) The revenues to be derived from the tourist development tax may be pledged to secure and liquidate revenue bonds issued by the county for the purposes set forth in subparagraphs (a)1. and (a)4. or for the purpose of refunding bonds previously issued for such purposes, or both; however, no more than 50 percent of the revenues from the tourist development tax may be pledged to secure and liquidate revenue bonds or revenue refunding bonds issued for the purposes set forth in subparagraph (a)4. Such revenue bonds and revenue refunding bonds may be authorized and issued in such principal amounts, with such interest rates and maturity dates, and subject to such other terms, conditions, and covenants as the governing board of the county shall provide. The Legislature intends that this paragraph shall be full and complete authority for accomplishing such purposes, but such authority shall be supplemental and additional to, and not in derogation of, any powers now existing or later conferred under law.

#### SB 1634

Senator Jenne moved the following amendments which were adopted:

**Amendment 1**—On page 2, between lines 7 and 8, insert:

Section 2. Subsections (3), (4), and (5) of section 316.650, Florida Statutes, are amended to read:

316.650 Traffic citations.—

(3) Every traffic enforcement officer, upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this state or of any traffic ordinance of any city or town, shall deposit the original and one copy of such traffic citation or, in the case of a traffic enforcement agency which has an automated citation issuance system, shall provide an electronic facsimile with a court having jurisdiction over the alleged offense or with its traffic violations bureau within 5 days after issuance to the violator.

(4) The chief administrative officer of every traffic enforcement agency shall require the return to him of the department record copy of every traffic citation issued by an officer under his supervision to an alleged violator of any traffic law or ordinance and of all copies of every traffic citation which has been spoiled or upon which any entry has been made and not issued to an alleged violator. In the case of a traffic enforcement agency which has an automated citation issuance system, the chief administrative officer shall require the return of all electronic traffic citation records.

(5) Upon the deposit of the original and one copy of such traffic citation or upon deposit of an electronic facsimile of the traffic citation with respect to traffic enforcement agencies which have an automated citation issuance system with a court having jurisdiction over the alleged offense or with its traffic violations bureau as aforesaid, the original, facsimile, or copy of such traffic citation may be disposed of only by trial in the court or other official action by a judge of the court, including forfeiture of the bail, or by the deposit of sufficient bail with, or payment of a fine to, the traffic violations bureau by the person to whom such traffic citation has been issued by the traffic enforcement officer.

(Renumber subsequent sections.)

**Amendment 2**—In title, on page 1, line 9, after the semicolon (;) insert: amending s. 316.650, F.S.; requiring a traffic enforcement agency which has an automated citation issuance system to deposit an electronic facsimile of a traffic citation to a court or traffic violations bureau having jurisdiction over the alleged offense;

#### CS for SB 1702

The Committee on Finance, Taxation and Claims recommended the following amendments which were moved by Senator Crenshaw and adopted:

**Amendment 1**—On page 5, strike all of lines 12-20 and renumber subsequent sections.

**Amendment 2**—In title, on page 1, strike all of lines 14 and 15 and insert: the driver's body; amending s.

Senator Crenshaw moved the following amendments which were adopted:

**Amendment 3**—On page 7, between lines 26 and 27, insert:

Section 10. Effective January 1, 1992, subsections (2), (4), and (8) of section 322.18, Florida Statutes, are amended to read:

322.18 Original applications, licenses, and renewals; expiration of licenses; delinquent licenses.—

(2) Each applicant who is entitled to the issuance of a driver's license, as provided in this section, shall be issued a driver's license, as follows:

(a) An applicant applying for an original issuance shall be issued a driver's license which expires at midnight on the licensee's birthday which next occurs on or after the sixth anniversary of the date of issue.

(b) An applicant applying for a renewal issuance or renewal extension shall be issued a driver's license or renewal extension sticker which expires at midnight on the licensee's birthday which next occurs 4 years after the month of expiration of the license being renewed, except that a driver whose driving record reflects no convictions for the preceding 3 years shall be issued a driver's license or renewal extension sticker which expires at midnight on the licensee's birthday which next occurs 6 years after the month of expiration of the license being renewed.

(4) Except as otherwise provided in this chapter, all licenses shall be renewable every 4 years or 6 years, depending upon the terms of issuance and shall be issued or extended upon application, payment of the fees required by s. 322.21, and successful passage of any required examination, unless the department has reason to believe that the licensee is no longer qualified to receive a license.

(a) It has reason to believe the licensee is no longer qualified to receive a license.

(b) Its records reflect that the applicant's driving privilege is under suspension or revocation.

(8) The department shall issue 4-year and 6-year license extensions by mail, electronic, or telephonic means without reexamination at alternating license expirations.

(a) If the department determines from its records that the holder of a license about to expire is eligible for renewal, the department shall mail a renewal notice to the licensee at his last known address, not less than 30 days prior to the licensee's birthday. The renewal notice shall direct the licensee to appear at a driver license office for in-person renewal or to transmit the completed renewal notice and the fees required by s. 322.21 to the department by mail, electronically, or telephonically within the 30 days preceding the licensee's birthday for a license extension. License extensions shall not be available to drivers directed to appear for in-person renewal.

(b) Upon receipt of a properly completed renewal notice, payment of the required fees, and upon determining that the licensee is still eligible for renewal, the department shall send a license extension sticker to the licensee to affix to the expiring license as evidence that the license term has been extended.

(c) The department shall issue license extensions at alternating license expirations only. Upon expiration of a license extension period, in-person renewal with reexamination as provided in s. 322.121 shall be required.

(d) In-person renewal at a driver license office shall not be available to drivers whose records indicate they were directed to apply for a license extension.

(e) Any person who knowingly possesses any forged, stolen, fictitious, counterfeit, or unlawfully issued license extension sticker, unless possession by such person has been duly authorized by the department, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(f) The department shall develop a plan for the equitable distribution of license extensions and renewals and the orderly implementation of this section.

To implement a 6-year license term for licensees whose driving record reflects no convictions for the preceding 3 years, the department may issue a one-time 4-year license extension by mail, without reexamination, for licensees which expire between November 1, 1985, and October 31, 1989.

(a) If the department determines from its records that the holder of a license about to expire has no convictions for the preceding 3 years, the department shall mail a certificate of eligibility to the licensee at his last known address, not less than 30 days prior to the licensee's birthday. The licensee shall have the option of obtaining a 4-year license extension by mail or a 6-year license renewal at a driver license examining station.

(b) Upon receipt of a properly completed certificate of eligibility form and payment of a service fee of \$15, the department shall mail a license extension sticker to the licensee to affix to the expiring license as evidence that the license term has been extended for 4 years.

(c) The department shall not issue more than one license extension to a licensee. Upon expiration of the license extension period, renewal with reexamination as provided in s. 322.121 shall be required.

(d) A renewal applicant whose driving record reflects no convictions for the preceding 3 years shall be issued a 6-year renewal license upon payment of the fees required by s. 322.21 and passing the required examinations if application is made at a driver license examining station.

(e) Any person who knowingly possesses any forged, stolen, fictitious, counterfeit, or unlawfully issued license extension sticker, unless possession by such person has been duly authorized by the department, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(f) The provisions of paragraphs (a), (b), (c), and (d) shall expire on October 31, 1989, and paragraph (e) shall expire on October 31, 1993.

Section 11. Subsection (1) of section 322.21, Florida Statutes, as amended by chapter 89-282, Laws of Florida, is amended to read:

322.21 License fees; procedure for handling and collecting fees.—

(1) Except as otherwise provided herein, the fee for:

(a) An original or renewal commercial driver's license is \$50, which shall include the fee for driver education provided by s. 233.063; however, if an applicant has completed training and is applying for employment or is currently employed in a public or nonpublic school system that requires the commercial license, the fee shall be the same as for a Class E driver's license.

(b) An original Class D or Class E driver's license is \$20, which shall include the fee for driver's education provided by s. 233.063; however, if an applicant has completed training and is applying for employment or is currently employed in a public or nonpublic school system that requires a commercial driver license, the fee shall be the same as for a Class E license.

(c) The renewal or extension of a Class D or Class E driver's license or of a license restricted to motorcycle use only is \$15, except that a delinquent fee of \$1 shall be added for a renewal or extension made not more than 12 months after the license expiration date, unless the applicant elects to take and passes the written examination. The fee provided in this paragraph shall include the fee for driver's education provided by s. 233.063.

(d) An original driver's license restricted to motorcycle use only is \$20, which shall include the fee for driver's education provided by s. 233.063.

(e) Each endorsement required by s. 322.57 is \$5.

(Renumber subsequent section.)

**Amendment 4**—In title, on page 1, line 29, after the semicolon (;) insert: amending s. 322.18, F.S.; providing for renewal extensions and extension stickers; providing that extensions may be issued by mail under certain conditions; prohibiting the knowing possession of a forged, stolen, fictitious, or unlawfully issued license extension sticker; providing penalties; requiring a plan for equitably distributing license extensions and renewals and for implementing this section; amending s. 322.21, F.S.; conforming that section to the amendment to s. 322.18, F.S.;

**AMENDMENTS TO HOUSE BILLS**

**CS for HB 211**

Senator Souto moved the following amendment which was adopted:

**Amendment 1**—On page 3, line 17, before the period (.) insert: *or unless the registrant is in an approved postgraduate training program as defined by the board by rule*

Senator Langley moved the following amendment which was adopted:

**Amendment 2**—On page 6, line 28, strike "on July 1, 1990." and insert: *or was licensed or certified in any state in the United States as a physician assistant on July 1, 1990.*

**HB 1879**

Senator Jenne moved the following amendment:

**Amendment 1**—Strike everything after the enacting clause and insert:

Section 1. Section 119.041, Florida Statutes, is amended to read:

119.041 Destruction of records regulated.—

(1) Every public official shall systematically dispose of records no longer needed, subject to the consent of the records and information management program of the Division of Library and Information Services of the Department of State in accordance with s. 257.36.

(2) *Agency orders that comprise final agency action and that must be indexed or listed pursuant to s. 120.53(2) have continuing legal significance; therefore, notwithstanding any other provision of this chapter or any provision of chapter 257, each agency shall permanently maintain records of such orders pursuant to the applicable rules and guidelines of the Department of State.*

Section 2. Subsections (2) and (4) of section 120.53, Florida Statutes, 1990 Supplement, are amended to read:

120.53 Adoption of rules of procedure and public inspection.—

(2)(a) Each agency shall make available for public inspection and copying, at no more than cost:

1.(a) All rules formulated, adopted, or used by the agency in the discharge of its functions.

2.(b) All agency orders.

3.(e) A current subject-matter index, identifying for the public any rule or order as specified in this subparagraph issued or adopted after January 1, 1975. The agency orders that must be indexed, unless excluded under paragraph (c) or paragraph (d), include:

a. Each final agency order resulting from a proceeding under s. 120.57(1) or (2);

b. Each final agency order rendered pursuant to s. 120.57(3) which contains a statement of agency policy that may be the basis of future agency decisions or that may otherwise contain a statement of precedential value;

c. Each declaratory statement issued by an agency; and

d. Each final order resulting from a proceeding under s. 120.54(4) or s. 120.56.

4. A list of all final orders rendered pursuant to s. 120.57(3) which have been excluded from the indexing requirement of this section, with the approval of the Department of State, because they do not contain statements of agency policy or statements of precedential value. The list must include the name of the parties to the proceeding and the number assigned to the final order.

5. All orders listed pursuant to subparagraph 4.

(b) A rule ~~All rules~~ adopted pursuant to this act must ~~shall~~ be indexed within 90 days after the rule is filed. An agency order that must be indexed or listed pursuant to paragraph (a) must be indexed or listed within 120 days after the order is rendered. The Department of State shall by rule establish uniform indexing procedures for indexing rules and orders, and procedures of agencies for indexing orders must be approved by the department.

(c) Each agency must receive approval in writing from the Department of State for:

1. The specific types and categories of agency orders that may be excluded from the indexing and public inspection requirements, as determined by the department pursuant to paragraph (d);

2. The method for maintaining indexes, lists, and orders that must be indexed or listed and made available to the public;

3. The method by which the public may inspect or obtain copies of indexes, lists, and orders;

4. A numbering system to be used in identifying agency orders that must be indexed or listed pursuant to paragraph (a); and

5. Proposed rules for implementing the requirements of this section for indexing and making orders available for public inspection.

(d) In determining which orders may be excluded from the indexing and public inspection requirements, the Department of State may consider all factors specified by an agency, including precedential value, legal significance, and purpose. Only agency orders that are of limited or no precedential value, that are of limited or no legal significance, or that are ministerial in nature may be excluded.

(e) Each agency shall specify by rule the specific types or categories of agency orders that are excluded from the indexing and public inspection requirements.

(f) Each agency shall specify by rule the location or locations where agency indexes and lists, and orders that are required to be indexed or listed, are maintained and shall specify the method or procedure by which the public may inspect or obtain copies of indexes, lists, and orders.

(g) Each agency shall specify by rule all systems in use by the agency to search and locate agency orders that are required to be indexed or listed, including, but not limited to, any automated system. An agency shall make the search capabilities employed by the agency available to the public subject to reasonable terms and conditions, including a reasonable charge, as provided in s. 119.07. The agency shall specify by rule how assistance and information pertaining to orders may be obtained.

(h) Each agency shall specify by rule the numbering system used to identify agency orders.

(4)(a) An agency may comply with subparagraphs (2)(a)2. ~~paragraphs (2)(b) and 3.(e)~~ by designating by rule an official reporter to publish ~~which publishes and index indexes~~ by subject matter each agency order that must be indexed and made available to the public ~~rendered after a proceeding which affects substantial interests has been held~~. An agency is in compliance with subparagraph (2)(a)4. if it publishes in its designated reporter a list of each agency order that must be listed and preserves each listed order and makes it available for public inspection and copying.

(b) An agency may publish its official reporter or may contract with a publishing firm to publish its official reporter; however, if an agency contracts with a publishing firm to publish its reporter, the agency is responsible for the quality, timeliness, and usefulness of the reporter. The Department of State may publish an official reporter for an agency or may contract with a publishing firm to publish the reporter for the agency; however, if the department contracts for publication of the reporter, the department is responsible for the quality, timeliness, and usefulness of the reporter. A reporter that is designated by an agency as its official reporter and approved by the Department of State constitutes the official compilation of the administrative orders for that agency.

(c) A reporter that is published by the Department of State may be made available by annual subscription, and each agency that designates an official reporter published by the Department of State may be charged a space rate payable to the department. The subscription rate and the space rate must be equitably apportioned to cover the costs of publishing the reporter.

(d) An agency that designates an official reporter need not publish the full text of a final agency order that is rendered pursuant to s. 120.57(3) and that must be indexed pursuant to paragraph (2)(a), if the order is preserved by the agency and made available for public inspection and copying and the official reporter indexes the order and includes a synopsis of the order. A synopsis must include the names of the parties to the order; any rule, statute, or constitutional provision pertinent to the order; a summary of the facts, if included in the order, which are pertinent to the final disposition; and a summary of the final disposition.

Section 3. Section 120.535, Florida Statutes, is created to read:

120.535 Rulemaking required.—

(1) Rulemaking is not a matter of agency discretion. Each agency statement defined as a rule under s. 120.52(16) shall be adopted by the rulemaking procedure provided by s. 120.54 as soon as feasible and practicable. Rulemaking shall be presumed feasible and practicable to the extent provided by this subsection unless one of the factors provided by this subsection is applicable.

(a) Rulemaking shall be presumed feasible unless the agency proves that:

1. The agency has not had sufficient time to acquire the knowledge and experience reasonably necessary to address a statement by rulemaking; or
2. Related matters are not sufficiently resolved to enable the agency to address a statement by rulemaking; or
3. The agency is currently using the rulemaking procedure expeditiously and in good faith to adopt rules which address the statement.

(b) Rulemaking shall be presumed practicable to the extent necessary to provide fair notice to affected persons of relevant agency procedures and applicable principles, criteria, or standards for agency decisions unless the agency proves that:

1. Detail or precision in the establishment of principles, criteria, or standards for agency decisions is not reasonable under the circumstances; or

2. The particular questions addressed are of such a narrow scope that more specific resolution of the matter is impractical outside of an adjudication to determine the substantial interests of a party based on individual circumstances.

(2)(a) Any person substantially affected by an agency statement may seek an administrative determination that the statement violates subsection (1). A petition for an administrative determination of an agency statement shall be in writing and shall state with particularity facts sufficient to show:

1. That the person is substantially affected by the statement.
2. That the statement constitutes a rule under s. 120.52(16), in which case the petition shall include the text of the statement or a description of the statement.
3. That the agency has not adopted the statement by the rulemaking procedure provided in s. 120.54.

(b) The petition shall be filed with the division which shall, immediately upon receipt, forward copies to the agency whose statement is challenged, to the Department of State, and to the committee. The Department of State shall publish notice of a petition which shall include the text or a description of each statement challenged in the first available issue of the Florida Administrative Weekly pursuant to s. 120.55(1)(b). Within 10 days after receiving the petition, the division director shall, if the petition complies with the above requirements, assign a hearing officer who shall conduct a hearing within 30 days thereafter, unless the petition is withdrawn. The hearing officer may extend the hearing date for good cause. If a hearing is held and the petitioner proves the allegations of the petition, the agency shall have the burden of proving that rulemaking is not feasible and practicable under subsection (1).

(3) Within 30 days after the hearing, the hearing officer shall render a decision and state the reasons for the decision in writing. The hearing officer may determine whether all or part of a statement violates subsection (1). The decision of the hearing officer shall constitute a final order. The division shall transmit a copy of the final order to the Department of State and the committee. The Department of State shall publish notice of the final order in the first available issue of the Florida Administrative Weekly.

(4) When a hearing officer determines that all or part of an agency statement violates subsection (1), the agency shall immediately discontinue all reliance upon the statement or any substantially similar statement as a basis for agency action.

(5) Subsequent to a determination that an agency statement violates subsection (1), if an agency publishes, pursuant to s. 120.54(1), proposed rules which address the statement and proceeds expeditiously and in good faith to adopt rules which address the statement, the agency shall be permitted to rely upon the statement or a substantially similar statement as a basis for agency action. If an agency fails to adopt rules which address the statement within 180 days of publishing proposed rules, for purposes of this subsection, a presumption is created that the agency is not acting expeditiously and in good faith to adopt rules. If the agency's proposed rules are challenged pursuant to s. 120.54(4), the 180-day period for adoption of rules is tolled until a final order is entered in that proceeding.

(6) Subsequent to a determination that an agency statement violates subsection (1), if an agency relies upon the statement or any substantially similar statement as the basis for agency action, and the substantial interests of a person are determined by the agency action, that person is entitled to payment by the agency of reasonable costs and attorney's fees incurred by the person, if the person successfully demonstrates that the agency is not permitted to rely upon the statement as a basis for agency action under subsection (4) or subsection (5). If an agency publishes proposed rules and proceeds expeditiously and in good faith to adopt such rules under subsection (5), the agency shall not be required to pay costs and attorney's fees pursuant to this subsection. An action to recover costs and attorney's fees may be brought pursuant to s. 120.57(1) or this section. Notwithstanding the provisions of chapter 284, an award shall be paid from the budget entity of the secretary, executive director, or equivalent administrative officer of the agency, and the agency shall not be entitled to payment of an award or reimbursement for payment of an award under any provision of law.

(7) Hearings held under this section shall be conducted in the same manner as provided in s. 120.57, except that the hearing officer's order shall be final agency action.

(8) All proceedings to determine a violation of subsection (1) shall be brought pursuant to this section. A proceeding pursuant to this section may be brought in conjunction with a proceeding under any other section of this chapter, or consolidated with such a proceeding.

(9) Prisoners as defined in s. 944.02(5) are not eligible to seek an administrative determination of an agency statement under this section.

Section 4. Paragraph (b) of subsection (1) of section 120.57, Florida Statutes, 1990 Supplement, is amended to read:

120.57 Decisions which affect substantial interests.—The provisions of this section apply in all proceedings in which the substantial interests of a party are determined by an agency, unless such proceedings are exempt pursuant to subsection (5). Unless waived by all parties, subsection (1) applies whenever the proceeding involves a disputed issue of material fact. Unless otherwise agreed, subsection (2) applies in all other cases.

(1) FORMAL PROCEEDINGS.—

(b) In any case to which this subsection is applicable, the following procedures apply:

1. A request for a hearing shall be granted or denied within 15 days of receipt.

2. All parties shall be afforded an opportunity for a hearing after reasonable notice of not less than 14 days; however, the 14-day notice requirement may be waived with the consent of all parties. In a preliminary hearing for the revocation of parole, no less than 7 days' notice shall be given. In a hearing involving a student disciplinary suspension or expulsion conducted by an educational unit, the 14-day notice requirement may be waived by the agency head or the hearing officer without the consent of the parties. The notice shall include:

- a. A statement of the time, place, and nature of the hearing.
- b. A statement of the legal authority and jurisdiction under which the hearing is to be held.
- c. A reference to the particular sections of the statutes and rules involved.

d. Except for any hearing before an unemployment compensation appeals referee, a short and plain statement of the matters asserted by the agency and by all parties of record at the time notice is given. If the agency or any party is unable to state the matters in sufficient detail at the time initial notice is given, the notice may be limited to a statement of the issues involved, and thereafter, upon timely written application, a more definite and detailed statement shall be furnished not less than 3 days prior to the date set for the hearing.

3. Except for any proceeding conducted as prescribed in s. 120.54(4), s. 120.56, or s. 120.575(1)(b), a petition or request for a hearing under this section shall be filed with the agency. If the agency elects to request a hearing officer from the division, it shall so notify the division within 15 days of receipt of the petition or request. When the Florida Land and Water Adjudicatory Commission receives a notice of appeal pursuant to s. 380.07, the commission shall notify the division within 60 days of receipt of the notice of appeal if the commission elects to request the assignment of a hearing officer. On the request of any agency, the division shall assign a hearing officer with due regard to the expertise required for the particular matter. The referring agency shall take no further action with respect to the formal proceeding, except as a party litigant, as long as the division has jurisdiction over the formal proceeding. Any party may request the disqualification of the hearing officer by filing an affidavit with the division prior to the taking of evidence at a hearing, stating the grounds with particularity.

4. All parties shall have an opportunity to respond, to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of facts and orders, to file exceptions to any order or hearing officer's recommended order, and to be represented by counsel. When appropriate, the general public may be given an opportunity to present oral or written communications. If the agency proposes to consider such material, then all parties shall be given an opportunity to cross-examine or challenge or rebut it.

5. All pleadings, motions, or other papers filed in the proceeding must be signed by a party, the party's attorney, or the party's qualified representative. The signature of a party, a party's attorney, or a party's qualified representative constitutes a certificate that he has read the pleading, motion, or other paper and that, to the best of his knowledge, information, and belief formed after reasonable inquiry, it is not interposed for any improper purposes, such as to harass or to cause unnecessary delay or for frivolous purpose or needless increase in the cost of litigation. If a pleading, motion, or other paper is signed in violation of these requirements, the hearing officer, upon motion or his own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including a reasonable attorney's fee.

6. The record in a case governed by this subsection shall consist only of:

- a. All notices, pleadings, motions, and intermediate rulings;
- b. Evidence received or considered;
- c. A statement of matters officially recognized;
- d. Questions and proffers of proof and objections and rulings thereon;
- e. Proposed findings and exceptions;
- f. Any decision, opinion, proposed or recommended order, or report by the officer presiding at the hearing;

g. All staff memoranda or data submitted to the hearing officer during the hearing or prior to its disposition, after notice of the submission to all parties, except communications by advisory staff as permitted under s. 120.66(1), if such communications are public records;

h. All matters placed on the record after an ex parte communication pursuant to s. 120.66(2); and

i. The official transcript.

7. The agency shall accurately and completely preserve all testimony in the proceeding, and, on the request of any party, it shall make a full or partial transcript available at no more than actual cost. In any proceeding before a hearing officer initiated by a consumptive use permit applicant pursuant to subparagraph 14., the applicant shall bear the cost of accurately and completely preserving all testimony and providing full or partial transcripts to the water management district. At the request of any other party, full or partial transcripts shall be provided at no more than cost.

8. Findings of fact shall be based exclusively on the evidence of record and on matters officially recognized.

9. Except as provided in subparagraph 13., the hearing officer shall complete and submit to the agency and all parties a recommended order consisting of his findings of fact, conclusions of law, interpretation of administrative rules, and recommended penalty, if applicable, and any other information required by law or agency rule to be contained in the final order. The agency shall allow each party at least 10 days in which to submit written exceptions to the recommended order.

10. The agency may adopt the recommended order as the final order of the agency. The agency in its final order may reject or modify the conclusions of law and interpretation of administrative rules in the recommended order. *The agency, but* may not reject or modify the findings of fact, *including findings of fact that form the basis for an agency statement*, unless the agency first determines from a review of the complete record, and states with particularity in the order, that the findings of fact were not based upon competent substantial evidence or that the proceedings on which the findings were based did not comply with essential requirements of law. The agency may accept the recommended penalty in a recommended order, but may not reduce or increase it without a review of the complete record and without stating with particularity its reasons therefor in the order, by citing to the record in justifying the action. When there is an appeal, the court in its discretion may award reasonable attorney's fees and costs to the prevailing party if the court finds that the appeal was frivolous, meritless, or an abuse of the appellate process or that the agency action which precipitated the appeal was a gross abuse of the agency's discretion.

11. If the hearing officer assigned to a hearing becomes unavailable, the division shall assign another hearing officer who shall use any existing record and receive any additional evidence or argument, if any, which the new hearing officer finds necessary.

12. A hearing officer who is a member of an agency head may participate in the formulation of the final order of the agency, provided he has completed all his duties as hearing officer.

13. In any application for a license or merger pursuant to title XXX-VIII which is referred by the agency to the division for hearing pursuant to this section, the hearing officer shall complete and submit to the agency and to all parties a written report consisting of findings of fact and rulings on evidentiary matters. The agency shall allow each party at least 10 days in which to submit written exceptions to the report.

14. In any application for a consumptive use permit pursuant to part II of chapter 373, the water management district on its own motion may, or, at the request of the applicant for the permit, shall, refer the matter to the division for the appointment of a hearing officer to conduct a hearing under this section.

15. *Each agency statement defined as a rule under s. 120.52 and not adopted by the rulemaking procedure provided by s. 120.54 which is relied upon by an agency to determine the substantial interests of a party shall be subject to de novo review by a hearing officer. A statement shall not enlarge, modify, or contravene the specific provision of law implemented or otherwise exceed delegated legislative authority. The statement applied as a result of a proceeding pursuant to this subsection shall be demonstrated to be within the scope of delegated legislative authority. Recommended and final orders pursuant to this subsection shall provide an explanation of the statement that includes the evidentiary basis which supports the statement applied and a general discussion of the justification for the statement applied.*

Section 5. Subsections (1) and (2) of section 120.59, Florida Statutes, are amended to read:

120.59 Orders.—

(1)(a) The final order in a proceeding which affects substantial interests ~~must shall~~ be in writing ~~or stated in the record~~ and include findings of fact and conclusions of law separately stated, and it ~~must shall~~ be rendered within 90 days:

- 1.(a) After the hearing is concluded, if conducted by the agency,
- 2.(b) After a recommended order is submitted to the agency and mailed to all parties, if the hearing is conducted by a hearing officer, or
- 3.(c) After the agency has received the written and oral material it has authorized to be submitted, if there has been no hearing.

The 90-day period may be waived or extended with the consent of all parties.

(b) *Each final order that must be indexed or listed pursuant to s. 120.53 must have attached a copy of the complete text of any materials incorporated by reference; however, if the quantity of the materials incorporated makes attachment of the complete text of the materials impractical, the order may contain a statement of the location of such materials and the manner in which the public may inspect or obtain copies of the materials incorporated by reference.*

(c) *Each agency order that must be indexed or listed pursuant to s. 120.53 must be sequentially numbered by the agency in the order rendered, according to a numbering system approved by the Department of State pursuant to s. 120.53.*

(2) Findings of fact, if set forth in a manner which is no more than mere tracking of the statutory language, ~~must shall~~ be accompanied by a concise and explicit statement of the underlying facts of record which support the findings. If, in accordance with agency rules, a party submitted proposed findings of fact or filed any written application or other request in connection with the proceeding, the order ~~must shall~~ include a ruling upon each proposed finding and a brief statement of the grounds for denying the application or request.

Section 6. Subsection (3) of section 120.68, Florida Statutes, is amended to read:

120.68 Judicial review.—

(3)(a) The filing of the petition does not itself stay enforcement of the agency decision, but if the agency decision has the effect of suspending or revoking a license, supersedeas shall be granted as a matter of right upon such conditions as are reasonable, unless the court, upon petition of the agency, determines that a supersedeas would constitute a probable danger to the health, safety, or welfare of the state. The agency may also grant a stay upon appropriate terms, but, whether or not the action has the effect of suspending or revoking a license, a petition to the agency for a stay is not a prerequisite to a petition to the court for supersedeas. In any event, the order shall specify the conditions, if any, upon which the stay or supersedeas is granted.

(b) *The filing of a petition appealing an order issued by a hearing officer under s. 120.535, whether filed by the agency or any other party, does not stay enforcement of the hearing officer's order, unless the court, upon petition of the agency or other party, determines that a stay is necessary to avoid a probable danger to the public health, safety, or welfare. A stay order shall specify the conditions, if any, upon which the stay is granted.*

Section 7. The Division of Administrative Hearings shall direct a study and pilot project to implement a full text retrieval system to provide access to recommended orders, final orders, and declaratory statements.

Section 8. Agency orders and indexes, preservation.—Agency orders that must be indexed or listed pursuant to section 120.53, Florida Statutes, are documents of continuing legal value and must be permanently preserved and made available to the public. Each agency to which chapter 120, Florida Statutes, applies, shall provide, under the direction of the Department of State, for the preservation of orders as required by that chapter and for maintaining an index to those orders.

Section 9. Indexing and availability of agency orders.—

(1) Beginning July 1, 1992, the Department of State shall:

(a) Administer the coordination of the indexing, management, preservation, and availability of agency orders that must be indexed or listed pursuant to section 120.53(2), Florida Statutes.

(b) Provide, by rule, guidelines for the indexing of agency orders. More than one system for indexing may be approved by the Department of State, including systems or methods in use, or proposed for use, by an agency. More than one system may be approved for use by a single agency as best serves the needs of that agency and the public.

(c) Provide, by rule, for storage and retrieval systems to be maintained by agencies for indexing, and making available, agency orders by subject matter. The Department of State may approve more than one system, including systems in use, or proposed for use, by an agency. Storage and retrieval systems that may be used by an agency include, without limitation, a designated reporter or reporters, a microfilming system, and an automated system or any other system considered appropriate by the Department of State.

(d) Determine which final orders must be indexed for each agency, including all final orders that are not excluded from indexing requirements by the Department of State pursuant to paragraphs 120.53(2)(c) and (d), Florida Statutes.

(e) Require each agency, before adopting proposed rules, to report to the department concerning which types or categories of agency orders establish precedent for each agency. Each final order that establishes precedent for an agency and that has not been approved by the department for exclusion pursuant to paragraphs 120.53(2)(c) and (d), Florida Statutes, must be indexed.

(f) Require each agency to provide by rule:

1. Procedures for indexing all final orders that are required to be indexed by section 120.53(2), Florida Statutes;

2. A procedure for sequentially numbering agency orders; and

3. Procedures for permanently preserving agency orders required to be indexed and for making such orders available to the public. Means of preservation and public availability may include, but are not limited to, publication of agency orders in an official reporter.

(g) Develop, monitor, and ensure compliance with procedures and standards established for the indexing, management, preservation, and availability of agency orders.

(h) Coordinate and provide for a training program designed to serve the technical and managerial needs of agencies in indexing, managing, preserving, and making agency orders available to the public.

(i) Provide technical and managerial assistance relating to agency orders upon request by an agency.

(j) Adopt rules to administer its duties under this act.

(2) The Department of State may procure assistance and information necessary to administer its duties under this act from any officer or agency of the state. Such officers and agencies shall give the department all relevant information and reasonable assistance on any matters concerning the indexing and public inspection of agency orders.

Section 10. On or before January 1, 1992, each agency shall submit to the Department of State for approval a plan for publishing or otherwise making agency orders available to the public, for sequentially numbering agency orders, for coordinating and establishing procedures for the compilation of subject-matter indexes and lists of agency orders, and for publishing such indexes and lists or providing alternative means of making such indexes and lists available to the public.

Section 11. This act shall take effect October 1, 1991, and applies to actions instituted on or after that date.

Senator Jenne moved the following amendment to Amendment 1 which was adopted:

Amendment 1A—On page 20, strike all of lines 30 and 31 and insert:

Section 11. This act applies to actions instituted on or after January 1, 1992.

Section 12. This act shall take effect January 1, 1992, except that this section and section 10 shall take effect upon this act becoming a law.

Amendment 1 as amended was adopted.

Senator Jenne moved the following amendment which was adopted:

Amendment 2—In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to administrative procedures; amending s. 119.041, F.S.; prohibiting state agencies from disposing of records of certain agency orders; requiring each state agency to permanently maintain those records pursuant to rules of the Department of State; amending s. 120.53, F.S.; specifying the types of state agency orders that the agency must include in a subject-matter index that the agency must make available for public inspection and copying; specifying other information that each state agency must make available for public inspection and copying; requiring the department to establish procedures for state agencies to follow in indexing rules and orders; requiring approval of the department of state agency procedures for indexing rules and orders and making information available to the public; revising requirements for the preservation of records of agency orders; providing for the publication of such orders in a designated reporter approved by or published by the department; authorizing the department to make such reporter available by annual subscription and to charge an agency a space rate to pay the cost of publishing the reporter; creating s. 120.535, F.S.; requiring that certain agency statements be adopted as rules; providing for challenges to statements not adopted by rule; providing for award of costs and attorney's fees; amending s. 120.57, F.S.; providing for review of agency statements relied on in proceedings affecting substantial interests; providing that an agency may not reject or modify certain findings by a hearing officer; providing for de novo review of agency statements not adopted by rule; providing application and effect of statements; amending s. 120.59, F.S.; providing that certain final orders of state agencies must have the complete text of materials incorporated by reference attached to the order or must include a statement that specifies the location of such materials; requiring state agencies to number certain final orders in a certain manner; amending s. 120.68, F.S.; providing for a stay of a hearing officer's order under certain circumstances; requiring the Division of Administrative Hearings to study and develop a pilot project to establish a text retrieval system for certain orders; amending s. 120.68, F.S.; providing for a stay of a hearing officer's order under certain circumstances; requiring the Division of Administrative Hearings to study and develop a pilot project to establish a text retrieval system for certain orders; requiring state agencies to permanently preserve, pursuant to rules of the department, certain agency orders, subject-matter indexes, and lists that must be made available to the public; requiring the department to adopt rules to coordinate the indexing, listing, and preser-

vation of orders and other information of state agencies that must be made available for public inspection and copying; requiring the department to provide by rule for storage and retrieval systems for state agencies to index and preserve agency orders; requiring the department to determine which of the final orders of each state agency must be included in a subject-matter index that must be made available to the public; authorizing the department to obtain assistance and information from public officers and state agencies to coordinate and administer the indexing, listing, and publication of agency orders; requiring each state agency by a specified date to submit to the department for approval its plans for coordinating and establishing procedures for indexing, listing, and publishing agency orders; providing an effective date.

HB 2087

Senator Walker moved the following amendments which were adopted:

Amendment 1—On page 2, lines 22 and 23, strike "five" and insert: seven five

Amendment 2—On page 7, line 20, strike "October" and insert: July

ROLL CALLS ON SENATE BILLS

CS for SB 356

Yeas—33

Madam President	Diaz-Balart	Kiser	Thurman
Bankhead	Dudley	Kurth	Walker
Beard	Gardner	Malchon	Weinstein
Brown	Girardeau	McKay	Weinstock
Casas	Grant	Meek	Wexler
Childers	Grizzle	Myers	Yancey
Crotty	Jenne	Plummer	
Dantzler	Jennings	Souto	
Davis	Johnson	Thomas	

Nays—3

Bruner	Gordon	Langley	
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Vote after roll call:

Yea to Nay—Kiser

CS for SB 410

Yeas—36

Bankhead	Diaz-Balart	Jennings	Plummer
Beard	Dudley	Johnson	Souto
Brown	Forman	Kiser	Thomas
Bruner	Gardner	Kurth	Thurman
Casas	Girardeau	Langley	Walker
Childers	Gordon	Malchon	Weinstein
Crotty	Grant	McKay	Weinstock
Dantzler	Grizzle	Meek	Wexler
Davis	Jenne	Myers	Yancey

Nays—None

CS for SB 554

Yeas—36

Madam President	Diaz-Balart	Jennings	Plummer
Bankhead	Dudley	Johnson	Scott
Beard	Forman	Kiser	Souto
Brown	Gardner	Kurth	Thurman
Bruner	Girardeau	Langley	Walker
Childers	Gordon	Malchon	Weinstein
Crenshaw	Grant	McKay	Weinstock
Crotty	Grizzle	Meek	Wexler
Dantzler	Jenne	Myers	Yancey

Nays—None

Vote after roll call:

Yea—Thomas

**SB 558**

Yeas—37

Madam President	Davis	Johnson	Souto
Bankhead	Diaz-Balart	Kiser	Thomas
Beard	Dudley	Kurth	Walker
Brown	Forman	Langley	Weinstein
Bruner	Girardeau	Malchon	Weinstock
Casas	Gordon	McKay	Wexler
Childers	Grant	Meek	Yancey
Crenshaw	Grizzle	Myers	
Crotty	Jenne	Plummer	
Dantzler	Jennings	Scott	

Nays—None

**CS for CS for SB 582—Amendment 19**

Yeas—15

Madam President	Gordon	Thomas	Weinstock
Childers	Kurth	Thurman	Wexler
Dantzler	Malchon	Walker	Yancey
Gardner	Plummer	Weinstein	

Nays—22

Bankhead	Davis	Grizzle	Meek
Beard	Diaz-Balart	Jenne	Myers
Brown	Dudley	Jennings	Scott
Casas	Forman	Johnson	Souto
Crenshaw	Girardeau	Kiser	
Crotty	Grant	Langley	

Vote after roll call:

Yea—Bruner

**CS for CS for SB 582**

Yeas—37

Madam President	Diaz-Balart	Kiser	Thomas
Bankhead	Dudley	Kurth	Thurman
Beard	Forman	Langley	Walker
Brown	Gardner	Malchon	Weinstein
Casas	Girardeau	McKay	Weinstock
Childers	Grant	Meek	Wexler
Crenshaw	Grizzle	Myers	Yancey
Crotty	Jenne	Plummer	
Dantzler	Jennings	Scott	
Davis	Johnson	Souto	

Nays—2

Bruner Gordon

Vote after roll call:

Yea to Nay—Thurman

**CS for SB 586**

Yeas—37

Madam President	Dudley	Kiser	Thomas
Bankhead	Forman	Kurth	Thurman
Brown	Gardner	Langley	Walker
Casas	Girardeau	Malchon	Weinstein
Childers	Gordon	McKay	Weinstock
Crenshaw	Grant	Meek	Wexler
Crotty	Grizzle	Myers	Yancey
Dantzler	Jenne	Plummer	
Davis	Jennings	Scott	
Diaz-Balart	Johnson	Souto	

Nays—1

Bruner

**SB 594**

Yeas—39

Madam President	Davis	Jennings	Scott
Bankhead	Diaz-Balart	Johnson	Souto
Beard	Dudley	Kiser	Thomas
Brown	Forman	Kurth	Thurman
Bruner	Gardner	Langley	Walker
Casas	Girardeau	Malchon	Weinstein
Childers	Gordon	McKay	Weinstock
Crenshaw	Grant	Meek	Wexler
Crotty	Grizzle	Myers	Yancey
Dantzler	Jenne	Plummer	

Nays—None

**CS for SB 598**

Yeas—36

Madam President	Dantzler	Jennings	Plummer
Bankhead	Davis	Johnson	Souto
Beard	Diaz-Balart	Kiser	Thomas
Brown	Dudley	Kurth	Thurman
Bruner	Forman	Langley	Walker
Casas	Girardeau	Malchon	Weinstein
Childers	Grant	McKay	Weinstock
Crenshaw	Grizzle	Meek	Wexler
Crotty	Jenne	Myers	Yancey

Nays—1

Gardner

**CS for SB 602**

Yeas—35

Madam President	Forman	Kiser	Souto
Bankhead	Gardner	Kurth	Thomas
Brown	Girardeau	Langley	Thurman
Bruner	Gordon	Malchon	Walker
Casas	Grant	McKay	Weinstein
Crotty	Grizzle	Meek	Weinstock
Davis	Jenne	Myers	Wexler
Diaz-Balart	Jennings	Plummer	Yancey
Dudley	Johnson	Scott	

Nays—None

Vote after roll call:

Yea—Childers

**CS for SB 632**

Yeas—38

Madam President	Diaz-Balart	Johnson	Souto
Bankhead	Dudley	Kiser	Thomas
Beard	Forman	Kurth	Thurman
Brown	Gardner	Langley	Walker
Bruner	Girardeau	Malchon	Weinstein
Casas	Gordon	McKay	Weinstock
Childers	Grant	Meek	Wexler
Crotty	Grizzle	Myers	Yancey
Dantzler	Jenne	Plummer	
Davis	Jennings	Scott	

Nays—None

**CS for SB 632—After Reconsideration**

Yeas—36

Bankhead	Davis	Johnson	Scott
Beard	Dudley	Kiser	Souto
Brown	Gardner	Kurth	Thomas
Bruner	Girardeau	Langley	Thurman
Casas	Gordon	Malchon	Walker
Childers	Grant	McKay	Weinstein
Crenshaw	Grizzle	Meek	Weinstock
Crotty	Jenne	Myers	Wexler
Dantzler	Jennings	Plummer	Yancey

Nays—None

CS for SB 670

Yeas—35

Madam President	Dantzler	Jenne
Bankhead	Davis	Jennings
Beard	Diaz-Balart	Kiser
Brown	Dudley	Kurth
Bruner	Forman	Langley
Casas	Girardeau	Malchon
Childers	Gordon	McKay
Crenshaw	Grant	Meek
Crotty	Grizzle	Myers

Nays—1

Johnson

SB 702

Yeas—33

Madam President	Davis	Jennings
Bankhead	Diaz-Balart	Johnson
Beard	Dudley	Kiser
Brown	Forman	Kurth
Casas	Gardner	Langley
Childers	Gordon	Malchon
Crenshaw	Grant	McKay
Crotty	Grizzle	Myers
Dantzler	Jenne	Scott

Nays—None

SB 710

Yeas—36

Madam President	Davis	Jenne	Plummer
Bankhead	Diaz-Balart	Jennings	Souto
Beard	Dudley	Johnson	Thomas
Brown	Forman	Kiser	Thurman
Bruner	Gardner	Kurth	Walker
Casas	Girardeau	Langley	Weinstein
Crenshaw	Gordon	Malchon	Weinstock
Crotty	Grant	Meek	Wexler
Dantzler	Grizzle	Myers	Yancey

Nays—None

Vote after roll call:

Yea—Childers

SB 900

Yeas—35

Madam President	Davis	Jennings	Scott
Bankhead	Diaz-Balart	Johnson	Souto
Beard	Dudley	Kiser	Thomas
Brown	Forman	Kurth	Thurman
Casas	Gardner	Langley	Weinstein
Childers	Gordon	Malchon	Weinstock
Crenshaw	Grant	McKay	Wexler
Crotty	Grizzle	Myers	Yancey
Dantzler	Jenne	Plummer	

Nays—1

Bruner

CS for SB 904

Yeas—34

Madam President	Davis	Jennings	Thomas
Bankhead	Diaz-Balart	Johnson	Thurman
Beard	Forman	Kiser	Walker
Brown	Gardner	Kurth	Weinstein
Bruner	Girardeau	Langley	Weinstock
Childers	Gordon	McKay	Wexler
Crenshaw	Grant	Myers	Yancey
Crotty	Grizzle	Scott	
Dantzler	Jenne	Souto	

Nays—None

Vote after roll call:

Yea—Malchon, Plummer

CS for SB 906

Yeas—37

Madam President	Diaz-Balart	Johnson	Thomas
Beard	Dudley	Kiser	Thurman
Brown	Forman	Kurth	Walker
Bruner	Gardner	Langley	Weinstein
Casas	Girardeau	Malchon	Weinstock
Childers	Gordon	McKay	Wexler
Crenshaw	Grant	Myers	Yancey
Crotty	Grizzle	Plummer	
Dantzler	Jenne	Scott	
Davis	Jennings	Souto	

Nays—None

SB 954

Yeas—36

Madam President	Davis	Jenne	Plummer
Bankhead	Diaz-Balart	Jennings	Souto
Beard	Dudley	Johnson	Thomas
Bruner	Forman	Kiser	Thurman
Casas	Gardner	Kurth	Walker
Childers	Girardeau	Langley	Weinstein
Crenshaw	Gordon	Malchon	Weinstock
Crotty	Grant	McKay	Wexler
Dantzler	Grizzle	Myers	Yancey

Nays—None

CS for SB 976

Yeas—38

Madam President	Diaz-Balart	Johnson	Souto
Bankhead	Dudley	Kiser	Thomas
Beard	Forman	Kurth	Thurman
Brown	Gardner	Langley	Walker
Bruner	Girardeau	Malchon	Weinstein
Casas	Gordon	McKay	Weinstock
Crenshaw	Grant	Meek	Wexler
Crotty	Grizzle	Myers	Yancey
Dantzler	Jenne	Plummer	
Davis	Jennings	Scott	

Nays—None

Vote after roll call:

Yea—Childers

SB 1138

Yeas—36

Bankhead	Diaz-Balart	Jennings	Scott
Beard	Dudley	Johnson	Souto
Brown	Forman	Kiser	Thomas
Bruner	Gardner	Kurth	Thurman
Casas	Girardeau	Langley	Walker
Childers	Gordon	Malchon	Weinstein
Crenshaw	Grant	McKay	Weinstock
Dantzler	Grizzle	Myers	Wexler
Davis	Jenne	Plummer	Yancey

Nays—None

SB 1180

Yeas—36

Madam President	Brown	Dantzler	Dudley
Bankhead	Bruner	Davis	Forman
Beard	Crotty	Diaz-Balart	Gardner

Girardeau	Johnson	Meek
Gordon	Kiser	Myers
Grant	Kurth	Plummer
Grizzle	Langley	Scott
Jenne	Malchon	Souto
Jennings	McKay	Thomas

Nays—None

Vote after roll call:

Yea—Childers

**CS for SB 1282**

Yeas—35

Madam President	Davis	Jenne
Bankhead	Diaz-Balart	Jennings
Beard	Dudley	Johnson
Brown	Forman	Kiser
Bruner	Gardner	Kurth
Casas	Girardeau	Langley
Childers	Gordon	Malchon
Crenshaw	Grant	McKay
Crotty	Grizzle	Myers

Nays—None

**CS for SB 1336**

Yeas—30

Madam President	Dantzler	Grizzle	Souto
Bankhead	Davis	Jenne	Thomas
Beard	Diaz-Balart	Kiser	Thurman
Brown	Dudley	Kurth	Walker
Bruner	Forman	Malchon	Weinstein
Casas	Gardner	McKay	Yancey
Crenshaw	Girardeau	Meek	
Crotty	Grant	Scott	

Nays—7

Gordon	Johnson	Myers	Weinstock
Jennings	Langley	Plummer	

Vote after roll call:

Yea—Childers

Yea to Nay—Beard

**SB 1568**

Yeas—38

Madam President	Davis	Johnson	Souto
Bankhead	Diaz-Balart	Kiser	Thomas
Beard	Dudley	Kurth	Thurman
Brown	Forman	Langley	Walker
Bruner	Gardner	Malchon	Weinstein
Casas	Gordon	McKay	Weinstock
Childers	Grant	Meek	Wexler
Crenshaw	Grizzle	Myers	Yancey
Crotty	Jenne	Plummer	
Dantzler	Jennings	Scott	

Nays—None

Vote after roll call:

Yea—Girardeau

**SB 1634**

Yeas—35

Madam President	Casas	Dudley	Grizzle
Bankhead	Crenshaw	Forman	Jenne
Beard	Dantzler	Gardner	Jennings
Brown	Davis	Girardeau	Johnson
Bruner	Diaz-Balart	Gordon	Kiser

Thurman
Walker
Weinstein
Weinstock
Wexler
Yancey

Kurth	Meek
Langley	Myers
Malchon	Plummer
McKay	Scott

Nays—None

Vote after roll call:

Yea—Childers, Crotty, Grant

**SB 1658**

Yeas—34

Madam President	Davis	Jenne	Thomas
Bankhead	Diaz-Balart	Jennings	Thurman
Beard	Dudley	Johnson	Walker
Brown	Forman	Kurth	Weinstein
Bruner	Gardner	Langley	Weinstock
Casas	Girardeau	Malchon	Wexler
Childers	Gordon	McKay	Yancey
Crenshaw	Grant	Myers	
Crotty	Grizzle	Scott	

Nays—None

Vote after roll call:

Yea—Souto

**SB 1664**

Yeas—35

Madam President	Dantzler	Jenne	Souto
Bankhead	Davis	Jennings	Thomas
Beard	Diaz-Balart	Johnson	Thurman
Brown	Dudley	Kiser	Walker
Bruner	Forman	Kurth	Weinstein
Casas	Gardner	Langley	Weinstock
Childers	Girardeau	McKay	Wexler
Crenshaw	Gordon	Myers	Yancey
Crotty	Grant	Scott	

Nays—None

**CS for SB 1702**

Yeas—35

Madam President	Dantzler	Jenne	Scott
Bankhead	Davis	Jennings	Souto
Beard	Diaz-Balart	Johnson	Thomas
Brown	Dudley	Kiser	Walker
Bruner	Forman	Kurth	Weinstein
Casas	Girardeau	Langley	Weinstock
Childers	Gordon	Malchon	Wexler
Crenshaw	Grant	McKay	Yancey
Crotty	Grizzle	Myers	

Nays—None

**CS for SB 1704**

Yeas—36

Madam President	Davis	Jennings	Plummer
Bankhead	Diaz-Balart	Johnson	Scott
Beard	Dudley	Kiser	Souto
Brown	Forman	Kurth	Thurman
Bruner	Girardeau	Langley	Walker
Casas	Gordon	Malchon	Weinstein
Crenshaw	Grant	McKay	Weinstock
Crotty	Grizzle	Meek	Wexler
Dantzler	Jenne	Myers	Yancey

Nays—None

Vote after roll call:

Yea—Childers

**SB 1802**

Yeas—35

Madam President	Diaz-Balart	Kiser
Bankhead	Dudley	Kurth
Beard	Forman	Langley
Brown	Girardeau	Malchon
Bruner	Grant	McKay
Crenshaw	Grizzle	Meek
Crotty	Jenne	Myers
Dantzler	Jennings	Plummer
Davis	Johnson	Scott

Nays—None

Vote after roll call:

Yea—Childers

**SB 2026**

Yeas—35

Madam President	Davis	Jenne	Plummer
Bankhead	Diaz-Balart	Jennings	Souto
Beard	Dudley	Johnson	Thurman
Brown	Forman	Kiser	Walker
Bruner	Gardner	Kurth	Weinstein
Casas	Girardeau	Langley	Weinstock
Crenshaw	Gordon	Malchon	Wexler
Crotty	Grant	McKay	Yancey
Dantzler	Grizzle	Myers	

Nays—None

Vote after roll call:

Yea—Childers, Thomas

**ROLL CALLS ON HOUSE BILLS**

**CS for HB 211**

Yeas—33

Madam President	Diaz-Balart	Johnson	Thomas
Beard	Dudley	Kiser	Thurman
Brown	Forman	Kurth	Walker
Bruner	Gardner	Malchon	Weinstock
Casas	Gordon	McKay	Wexler
Crenshaw	Grant	Meek	Yancey
Crotty	Grizzle	Myers	
Dantzler	Jenne	Scott	
Davis	Jennings	Souto	

Nays—None

Vote after roll call:

Yea—Girardeau, Langley

**HB 569**

Yeas—38

Madam President	Davis	Jennings	Scott
Bankhead	Diaz-Balart	Johnson	Souto
Beard	Dudley	Kiser	Thurman
Brown	Forman	Kurth	Walker
Bruner	Gardner	Langley	Weinstein
Casas	Girardeau	Malchon	Weinstock
Childers	Gordon	McKay	Wexler
Crenshaw	Grant	Meek	Yancey
Crotty	Grizzle	Myers	
Dantzler	Jenne	Plummer	

Nays—None

Vote after roll call:

Yea—Thomas

**HB 1263**

Yeas—38

Madam President	Davis	Johnson	Souto
Bankhead	Diaz-Balart	Kiser	Thomas
Beard	Dudley	Kurth	Thurman
Brown	Forman	Langley	Walker
Bruner	Gardner	Malchon	Weinstein
Casas	Gordon	McKay	Weinstock
Childers	Grant	Meek	Wexler
Crenshaw	Grizzle	Myers	Yancey
Crotty	Jenne	Plummer	
Dantzler	Jennings	Scott	

Nays—None

**HB 1341**

Yeas—37

Bankhead	Dudley	Kiser	Thomas
Beard	Forman	Kurth	Thurman
Brown	Gardner	Langley	Weinstein
Bruner	Girardeau	Malchon	Walker
Casas	Gordon	McKay	Weinstock
Childers	Grant	Meek	Wexler
Crotty	Grizzle	Myers	Yancey
Dantzler	Jenne	Plummer	
Davis	Jennings	Scott	
Diaz-Balart	Johnson	Souto	

Nays—None

**HB 1879**

Yeas—35

Madam President	Davis	Jennings	Scott
Bankhead	Diaz-Balart	Johnson	Souto
Beard	Dudley	Kiser	Thomas
Brown	Forman	Kurth	Thurman
Bruner	Gardner	Langley	Weinstein
Casas	Gordon	Malchon	Weinstock
Childers	Grant	McKay	Wexler
Crotty	Grizzle	Myers	Yancey
Dantzler	Jenne	Plummer	

Nays—None

Vote after roll call:

Yea—Girardeau

**HB 2087**

Yeas—37

Madam President	Davis	Jennings	Souto
Bankhead	Diaz-Balart	Johnson	Thurman
Beard	Dudley	Kiser	Walker
Brown	Forman	Kurth	Weinstein
Bruner	Gardner	Langley	Weinstock
Casas	Girardeau	Malchon	Wexler
Childers	Gordon	McKay	Yancey
Crenshaw	Grant	Myers	
Crotty	Grizzle	Plummer	
Dantzler	Jenne	Scott	

Nays—None

**ENROLLING REPORTS**

SB 380 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 5, 1991.

SB 1266 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 9, 1991.

*Joe Brown, Secretary*

**CORRECTION AND APPROVAL OF JOURNAL**

The Journal of April 4 was corrected and approved.

**CO-SPONSORS**

Senators Forman, Grant, Thurman and Wexler—CS for SB 962

**RECESS**

On motion by Senator Thomas, the Senate recessed at 11:30 a.m. to reconvene at 10:00 a.m., Wednesday, April 10, or upon call of the President.

**SENATE PAGES**

April 8-12

Anthony J. Austin, Tallahassee; Heather Bader, Davie; London Bolden, Fort Lauderdale; Rhonda M. Butler, Delray Beach; John F. Cerra, Miami; Jayme Chamberlain, Fort Lauderdale; Jeremy Chamberlain, Fort Lauderdale; Marc Eisenson, Miami; Monica Yalenda Floyd, St. Augustine; Robyn J. Greenstein, Sunrise; Leslie Arnell Jones, Monticello; Whitney Luzzo, Fort Lauderdale; Christopher Brian Mason, Tallahassee; Frita Nicole McRae, St. Petersburg; April Millsaps, Wilton Manors; Marcus L. Robinson, Tallahassee; Lynette Sager, Lake Placid; Fred Wolf, Englewood